

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

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| In the Matter of |) | |
| Gary Lockhart |) | Administrative |
| |) | Order #25-021 |

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 3, 2025. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Gary Lockhart based on evidence that he voted a mail ballot issued to another voter and also voted in-person in his own name in the 2024 D.C. General Election (“GE”). Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. Mr. Lockhart, his counsel, Antoinette Harper, and the Board’s General Counsel, Terri Stroud, were also present.

Background

As a result of a Voter Participation Project report issued by the Election Registration Information Center (“ERIC report”), the Board’s Office of General Counsel (“OGC”) became aware of evidence that ballots were cast in the same voter’s name in the D.C. 2024 GE and in the 2024 GE in Maryland.¹ Based on the ERIC report findings, Board staff checked the ballot return envelope for the mail ballot that had been cast in D.C. on October 15, 2024 and saw that the signature on that envelope did not match other signatures on file for the voter. Accordingly, the matter was turned over to OGC for possible enforcement action for illegal voting.

¹ Such evidence of voting twice presented the prospect of, *inter alia*, violations of 52 (“Voting and Elections”) U.S. Code § 10307 (“Prohibited Acts”).

Based on this information, OGC launched an investigation into the 2024 D.C. GE ballot that was cast by someone other than the voter to whom it was issued. OGC was able to identify another voter, Gary Lockhart, whose name was interestingly similar to the name of the voter who was issued the mail ballot and whose signature matched the 2024 DC GE ballot return envelope signature. OGC sent Gary Lockhart notice of a pre-hearing conference in the matter. Mr. Lockhart appeared at the November 18, 2025 pre-hearing conference. During that pre-hearing conference, Mr. Lockhart acknowledged that the address for the mail ballot at issue was the address of a close family relative. He maintained, however, that he would not have had access to that ballot and he claimed no recollection of voting it. He offered no further defense or explanation for the match of the signature on the 2024 GE ballot to other signatures on file for him. Subsequent further investigation revealed that Mr. Lockhart also voted in-person in D.C. in the 2024 GE on election day.

Mr. Lockhart was duly notified that this matter would be presented to the Board at a hearing on December 3, 2025. Subsequently, he authorized Attorney Harper to represent him. At the hearing, the OGC attorney assigned to the matter presented a chronology of the case and the evidence gathered by OGC. The Board Chair granted admission of the evidence into the record.

Attorney Harper responded and argued that the signature samples for Mr. Lockhart were not a match for the signature on the 2024 D.C. GE mail ballot return envelope. She represented that Mr. Lockhart did not sign the D.C. mail ballot and that he would not have access to the mail delivered to the address on that ballot.

The Board attorney assigned to the matter noted that, while in her view the signature on the 2024 D.C. GE mail ballot were sufficiently similar to other signatures on file for Mr. Lockhart, Office of General Counsel had limited investigatory resources that made it impossible to follow

up on Mr. Lockhart’s claims. Accordingly, she advised that the intended enforcement action recommendation to the Board was that the matter be referred to the D.C. Office of Attorney General (“OAG”) so that Mr. Lockhart’s claims could be investigated. She noted, however, that that referral could result in criminal prosecution of Mr. Lockhart. Attorney Harper inquired as to when a referral might be resolved by the OAG. The Board Chair advised that the Board could not say and OGC attorney pointed out that the statute of limitations is several years. The OGC attorney also pointed out that, even if the signature on the 2024 D.C. GE ballot return envelope was not in fact Mr. Lockhart’s, it clearly was not the signature of the voter to whom it was issued and that, therefore, there was a violation of law that would support referral to law enforcement.

The Chair then requested that the General Counsel provide the Board with her recommendation as to the enforcement action to be taken in this matter. The General Counsel recommended that the matter be referred to the D.C. Office of Attorney General for possible criminal prosecution.

After hearing from the parties, the Board Chair made a motion that the case be referred to the D.C. Office of Attorney General. The motion was duly seconded and passed unanimously.

Discussion

The election laws provide that it is a crime to “make any false representations as to the person’s qualifications for . . . voting” or to fraudulently cast a ballot.² As noted above, it is also a crime to vote twice in the same election.³ The Board can, upon the General Counsel’s

² See D.C. Code § 1–1001.14(a) and § 1–1001.14(a-1)(1)(D), respectively. The penalty for violating either of those provisions is a fine up to a \$10,000 and/or a term of incarceration of up to 5 years. In addition, D.C. Official Code § 22-2405(b) criminalizes willfully making false statements to D.C. government entities. The penalty for that violation is a fine of up to \$1,000 and imprisonment of not more than 180 days, or both.

³ See 52 U.S. Code § 10307. See also D.C. Code § 1–1001.09(g) (prohibiting voting more than once without specifying a penalty) and D.C. Code § 1–1001.18(a) (allowing civil penalties for any violation of the election laws).

recommendation, initiate enforcement with respect to criminal matters by referral to the U.S. Department of Justice and/or to the Attorney General for the District of Columbia.⁴ We may also impose civil fines of up to \$2,000 for each election law violation upon the recommendation of the General Counsel.⁵ Our task, therefore, is to determine whether there is sufficient proof of an attempt to vote falsely or fraudulently and/or to vote twice in violation of the election laws and, if so, to determine the appropriate enforcement action.

In this matter, the signature on the 2024 GE mail ballot return envelope at issue does not match the signature of the voter to whom it was issued, the signature is reasonably decipherable as “Gary Lockhart,” and the address to which the ballot was sent was the address at the time of a close family relative of Mr. Lockhart. On the one hand, Mr. Lockhart maintains, that the signature on the mail ballot is not a sufficient match to his own and that he did not have access to that ballot. On the other, he did not produce the relative who resided at the property where the ballot was sent to affirm that Mr. Lockhart had no access to mail received at that property.

While the facts arguably present minimally sufficient evidence from which we may reasonably infer that Mr. Lockhart cast a mail ballot issued to another and illegally voted twice, we are not inclined to discredit Mr. Lockhart without a thorough investigation. Based on the record before us, we agree that it is appropriate to refer this to the D.C. Office of Attorney General for possible further investigation and potential criminal enforcement.

Conclusion

For the reasons indicated above, it is hereby:

⁴ See D.C. Code § 1–1001.18(a)-(b). Civil penalties for voter fraud may be imposed in addition to criminal ones. See D.C. Code § 1–1001.14 (c) (“The provisions of this section shall be supplemental to, and not in derogation of, any penalties under other laws of the District of Columbia.”).

⁵ *Id.* (authorizing such civil penalty for a violation of “any provision” of the election laws). See also D.C. Code § 1–1001.05(a)(16) (authorizing the Board to “[p]erform such other duties as are imposed upon it by this subchapter”).

ORDERED that the recommendation of the General Counsel is **ACCEPTED**, and that the Office of General Counsel refer this matter to the D.C. Attorney General for possible criminal investigation. The Board issues this written order today, which is consistent with its oral ruling rendered on December 3, 2025.

Date: December 4, 2025



Gary Thompson
Chairman
Board of Elections