

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of Ballots)	
Cast in the Name of)	Administrative
Margaretta Sibert-Dean)	Order #23-013
)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 6, 2023. It concerns a recommendation by the Board’s General Counsel, pursuant to D.C. Code § 1–1001.18(a), that the Board take enforcement action in the above-captioned matter. Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. The Board’s General Counsel and Office of General Counsel and BOE staff 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 a ballot was cast in the name of Margaretta Sibert-Dean in the D.C. 2020 General Election (“GE”) and that a ballot was cast in the name of Margaret Sibert-Dean in the 2020 GE in Maryland. This evidence suggested a violation of prohibitions on voting twice.¹ Such a violation would fall under the Board’s authority to refer election law violations to a prosecutorial

¹ See e.g. D.C. Code §1-1001.09(g)(1) (“No person shall vote more than once in any election[.]”).

authority and/or impose, upon recommendation of the General Counsel, civil fines of up to \$2,000 for each violation of “any provision” of the elections laws.²

In response to this information, OGC investigated the casting of 2020 GE ballots in the name of Margaretta or Margaret Sibert-Dean. After completing its investigation, the General Counsel notified the Board that this matter should be set for a hearing before the Board.

The hearing was set for December 6, 2023. Ms. Sibert-Dean was duly notified of the hearing but did not appear.

At the December 6, 2023 hearing, the OGC attorney who investigated the matter appeared. That attorney requested admission into the record of voter file materials from D.C. and the Maryland Board of Elections.³ The evidence showed that an individual using Sibert-Dean’s name voted by mail in Maryland on October 9, 2020, and in person in D.C. on November 2, 2020.⁴ The investigating attorney further advised the Board that Sibert-Dean responded to the notice of prehearing conference. While expressing uncertainty about whether she voted, Sibert-Dean acknowledged to the investigating attorney that she likely voted in Maryland in 2020 but denied voting in person in D.C., noting, *inter alia*, that she had not lived in D.C. for several years and that she had mobility issues that would have made it difficult for her to visit a D.C. vote center.

² See D.C. Code §1–1001.18(a)-(b).

³ The voter records offered at hearing by the General Counsel’s staff contained confidential information (partial SSNs, DOBs, and signatures) and therefore were offered for the Board’s review *in camera*.

⁴ To authenticate this evidence, OGC’s attorney presented an affidavit whereby Mohammed Maeruf, Supervisory Information Technology Specialist, averred that the documentation described above consisted of business records obtained from the Board’s voter files and from the Maryland Board of Elections. Mr. Maeruf was available at the hearing to answer any questions by the parties.

At the Board hearing, OGC’s investigating attorney noted that the signature on the Maryland ballot return envelope matched closely the signature on the D.C. vote center check-in record. That attorney further stated that, during the investigation, she was unable to conclusively confirm any evidence of impossibility or alibi, mistake or other innocent explanation. Based on the facts and evidence, she stated that the General Counsel was recommending that the Board take enforcement action.⁵

After hearing the evidence, the Board recessed and went into executive session. When the Board reconvened on the record, the members unanimously voted in favor of imposing a \$100 civil fine on Sibert-Dean.

Discussion

D.C. Code § 1–1001.18(b) authorizes the Board to impose civil penalties for violations of D.C.’s elections laws.⁶ Our task is to determine whether there is reliable, probative, and substantial evidence to support a finding of a violation of the election laws, including D.C. Code 1-1001.9(g)(1)’s prohibition on voting twice in “any election.” In that regard, we take judicial notice of the fact that ballots cast in the 2020 GE in each of the relevant jurisdictions covered the election for U.S. President.

The evidence shows that a ballot was issued by Maryland in the 2020 GE in Maryland to Margaret Sibert-Dean and that a ballot was issued by the D.C. Board of Elections in the 2020 GE to Margareta Sibert-Dean and that the intended recipient of those ballots was the same person.

⁵ D.C. Code §1–1001.18(a) requires that the Board act upon recommendation of the General Counsel. Here, while the General Counsel recommended that the Board consider referral to the U.S. Attorney for investigation of a violation of 52 (“Voting and Elections”) U.S. Code § 10307 (“Prohibited Acts”), the Board has exercised its discretion to resolve these matters through civil enforcement.

⁶ *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”).

The evidence further shows that those two ballots were indeed cast. Crediting Sibert-Dean's claims of difficulty voting in D.C. does not eliminate the prospect that she voted curbside. We find that, given that the signature on the Maryland ballot return envelope matches the D.C. vote center check-in signature for the Sibert-Dean, the weight of the evidence shows that Sibert-Dean voted in Maryland and in D.C. in the 2020 GE.

Conclusion

Based on the evidence regarding the casting of ballots in the District of Columbia 2020 GE in the name of Margareta Sibert-Dean and in Maryland's 2020 GE in the name of Margaret Sibert-Dean, we find sufficient record evidence of Sibert-Dean voting twice in the 2020 GE. Accordingly, based on the record before us of a violation of the elections laws, we impose a \$100 fine on Sibert-Dean. It is therefore hereby:

ORDERED that Margareta Sibert-Dean pay a \$100 fine by no later than January 8, 2024.⁷

Date: December 15, 2023



Gary Thompson
Chairman
Board of Elections

⁷ The fine may be paid by check made out to the D.C. Treasurer and remitted to the Board's Office of General Counsel.