

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

In the matter of )  
Sherice Muhammad, Circulator )

Administrative Order #25-002

**MEMORANDUM OPINION AND ORDER**

**Introduction**

This matter came before the District of Columbia Board of Elections (“the Board”) at a hearing convened on March 3, 2025. It is an enforcement proceeding with respect to two signatures entered on a nominating petition submitted by Sherice Muhammad in support of her candidacy in the November 5, 2024 General Election (“the General Election”) for the office of Ward 7 Member of the State Board of Education (“SBE”). Ms. Muhammad was also the circulator of the sheet where the two signatures appeared. Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The Board’s General Counsel, Ms. Muhammad, Rondell Jordan (counsel for Ms. Muhammad), and the voter who entered the signatures at issue were also present.

**Background**

On June 14, 2024, Ms. Muhammad submitted at the Board’s offices her declaration of candidacy for the office of Ward 7 SBE Member. At that time, she signed a “Receipt of Ballot Access Documents” form whereby she acknowledged that she was provided with nominating petition sheets for gathering signatures from voters in support of her candidacy, instructions on circulating and filing petitions, pertinent regulations, and other ballot access-related documents.<sup>1</sup>

---

<sup>1</sup> Ms. Muhammad was also an experienced candidate who would have received these forms in connection with her bids for Advisory Neighbor Commission offices in prior election cycles.

Each petition sheet provided to Ms. Muhammad consisted of a Board-issued form that had on the top half fields for the names, addresses, and signatures of ten petition signers and for the date of the signatures to be entered. The lower half of the petition forms had instructions for, and an affidavit to be completed by, the individual (the “circulator”) who gathered the signatures. The circulator instructions on those forms stated: “[Y]ou must personally witness the signing of each signature that appears on this petition[.]” The affidavit portion required the circulator to “swear or affirm” that the circulator “personally witnessed the signing of each signature hereon; and ... personally inquired of each signer whether the signer is a duly registered voter in the District of Columbia.” Over a line for the circulator’s signature, the affidavit section includes the following language: “WARNING: READ THE ABOVE AFFIDAVIT AND MAKE SURE IT IS TRUE BEFORE YOU SIGN BELOW. IF YOU ARE CONVICTED OF MAKING A FALSE STATEMENT, YOU CAN BE FINED UP TO \$1,000 AND/OR JAILED UP TO 180 DAYS[.]” (Emphasis in original.)

The instructions on circulating and filing petitions that were provided to Ms. Muhammad stated that circulators must “[p]ersonally witness the signing of each signature on each petition sheet for which they sign a circulator’s affidavit [and] [i]nquire whether each signer is a registered voter in the District of Columbia and, if applicable, whether each signer is a registered voter in the same .... ward or single-member district as the candidate[.]” The instructions also advised that signatures would not be accepted if they were forgeries. They also cautioned that knowingly and willingly violating the petition circulation requirements is a criminal offense.

The regulations provided to Ms. Muhammad stated:

The petition shall contain the following information: ...

A circulator's affidavit, providing space for the circulator of a nominating petition to record their name and address. By signing the affidavit, the circulator swears under oath or affirms that they:

- (1) Are a qualified petition circulator;
- (2) Personally circulated the petition sheet;
- (3) Personally witnessed the signing of each signature on the petition sheet; and
- (4) Inquired whether each signer is a registered voter in the District of Columbia, and where applicable, that the signer is a registered voter in the same political party and/or ward or single-member district as the candidate seeking nomination.

3 DCMR 1602.2.

On July 15, 2024, Ms. Muhammad submitted her nominating petition ("the Petition"). As a condition to having her name printed on the ballot, the Petition had to contain 200 valid signatures.

After the Petition was accepted by the Board's staff and posted as required by law, a D.C. voter submitted a timely challenge to the Petition's signatures. As a result, the Board's Registrar of Voters reviewed the challenged signatures and issued a report of her findings. In that report, the Registrar found, among other things, that Petition sheet number 6 (dated August 7, 2024) contained signatures that were made in the same hand.

The Registrar's report was emailed to Ms. Muhammad on August 23, 2024. The following day, the Office of General Counsel ("OGC") attorney assigned to the challenge matter sent an email to Ms. Muhammad regarding, *inter alia*, the report findings with respect to sheet 6. That email stated:

Given the report findings, you are reminded that, pursuant to D.C. Code § 1-1001.08(b)(3), circulators are required to "[p]ersonally witness[] each person sign the petition". D.C. Code § 1-1001.08(b)(4) provides:

Any circulator who knowingly and willfully violates any provisions of this section, or any regulations promulgated pursuant to this section, shall upon conviction be subject to a fine of not more than \$10,000, or imprisonment for not more than 6 months, or both. Each occurrence of a violation of this section shall constitute a separate offense. Violations of this section shall be prosecuted in the name of the District of Columbia by the Attorney General of the District of Columbia.

In addition, a false statement on the circulator affidavits that you executed could trigger liability under D.C. Code § 22-2405(b) (willfully making false statements to D.C. government entities) and a penalty of a fine of up to \$1,000 and imprisonment of not more than 180 days, or both.

Finally, the Board is authorized to impose civil penalties of up to \$2,000 for each violation of the election laws. D.C. Code §1-1001.18(a)-(b).

You are hereby reminded that you may, at the prehearing conference or in any other proceedings on this matter, assert your right against self-incrimination. Should you choose to speak at the prehearing conference, anything you say may be used against you in the event of a future enforcement proceeding.

Ms. Muhammad responded to the above email: “Received. Duly noted.” She continued to contest the challenge to her Petition and the Registrar’s findings. During the challenge litigation, the Registrar updated her findings in response to claims by Ms. Muhammad, including by preparing a spreadsheet of signatures that, after having considered the challenge and the Registrar’s report, Ms. Muhammad continued to assert were valid. The final spreadsheet was provided to the parties and the Board for purposes of a Board hearing on the challenge. On that spreadsheet, the Registrar included a note for each of the three signatures at issue on sheet 6 that stated that each signature “d[id not] match images in Board records,” but that the “Candidate shared [that the] voter signed in her presence.” At the end of the day, and for reasons not dependent on the disposition of the suspected forgeries, Ms. Muhammad was seven signatures short of the required 200 valid

signatures. Therefore, the Board found that her name could not appear on the 2024 General Election ballot.<sup>2</sup>

Following the resolution of the challenge and the conclusion of the 2024 election cycle, OGC launched an investigation into the suspect signatures. As a result of that investigation, one of the suspect signers on Petition sheet 6, Ms. Lloyd-Lee, executed a stipulation whereby she acknowledged that she entered the signatures of two of her children, as well as her own signature, on the Petition. In the course of the investigation proceedings, Ms. Muhammad acknowledged that she did not personally witness Ms. Lloyd-Lee's children enter the two signatures and that she did not notice that Ms. Lloyd-Lee had signed for others when gathering signatures.

During a regular meeting of the Board on March 3, 2025, the parties appeared before the Board. The OGC attorney assigned to the matter presented the procedural background and facts to the Board. Ms. Lloyd-Lee spoke and apologized for signing for her two children, and her stipulation was accepted by the Board.

The Board Chair gave Ms. Muhammad's counsel, Mr. Jordan, an opportunity to speak. Counsel Jordan argued that the matter against Ms. Muhammad should be dismissed because the statute requires that her actions be knowing and willful and that standard was not met. When OGC responded that Ms. Muhammad knowingly and willfully failed to witness personally the signatures

---

<sup>2</sup> The facts and disposition of Ms. Muhammad's ballot access are described in *Harnett v. Muhammad*, Board Order No. 24-028 (issued September 6, 2024) posted here: <https://www.dcboe.org/administrativeorderslisting/index?page=1&itemsPerPage=10> . While Ms. Muhammad appealed the Board's decision denying her ballot access, the D.C. Court of Appeals affirmed the Board's decision. See order issued in *Muhammad v. Board of Elections*, DCCA Case No. 24-AA-0181 (Sept. 12, 2024). Meanwhile, however, Ms. Muhammad ran for the Ward 7 SBE office on a write-in basis. The winner of the contest earned 23,743 votes and the two other candidates whose names appeared on the ballot earned 6,439 and 2,545 votes. 366 votes were cast for write-in candidates.

at issue, Mr. Jordan claimed that because Ms. Muhammad “reasonably believed” that Ms. Lloyd-Lee’s children had signed the petition, her conduct was not knowing and willful.

The Board Chair asked the OGC attorney about the applicable standard. She noted that the criminal standard is knowing and willful, that the Board’s civil fine authority is not subject to that standard, and that civil penalties are subject to a lesser standard of intent. Counsel Jordan claimed a due process issue with applying a lesser standard of intent to civil prosecution, arguing that requiring circulators to “stand over” petition signers would have a chilling effect on the election process.

Ms. Muhammad was invited to speak and she stated that she continued to maintain that she believed the signatures to be authentic. While she claimed that the requirement that signatures be personally witnessed was somehow a “slippery slope,” she also acknowledged under oath and on the record that she did not personally witness the signing of the petition with respect to the two signatures at issue.

After hearing from the parties, the Board Chair asked the General Counsel for her recommendation. The General Counsel recommended that the Board impose civil fines of \$150.00 on Ms. Muhammad. The Board Chair made a motion that the General Counsel’s recommendation be accepted. The motion was duly seconded and passed unanimously.

### **Discussion**

In reviewing Ms. Muhammad’s actions as a circulator of the Petition, we are mindful of the importance the circulator’s role. As the D.C. Court of Appeals has instructed:

Defects either in circulation or signatures deal with matters of form and procedure, but the filing of a false affidavit by a circulator is a much more serious matter involving more than a technicality. The Legislature has sought to protect the process by providing for some safeguards in the way nomination signatures are

obtained and verified. Fraud in the certification destroys the safeguards unless there are strong sanctions for such conduct[.]

*Williams v. D.C. Board of Elections and Ethics*, 804 A.2d 316, 319 (D.C. 2002) (citation omitted).

While Ms. Muhammad has admitted under oath and on the recorded record in this matter that she did not witness the signing of two signatures on the Petition in plain violation of the law, her counsel argues that the case against her should be dismissed.

The section of the election laws concerning candidate ballot access (*i.e.*, D.C. Official Code §1-1001.08) sets forth the requirements for petition circulation and a criminal penalty provision.

Specifically, it states:

(b)(3) All signatures on a petition shall be made by the person whose signature it purports to be and not by any other person. Each petition shall contain an affidavit, made under penalty of perjury, in a form to be determined by the Board and signed by the circulator of that petition which shall state that the circulator is a qualified petition circulator and has:

(A) Personally circulated the petition;

(B) Personally witnessed each person sign the petition; and

(C) Inquired from each signer whether the signer is a registered voter in the same party as the candidate and, where applicable, whether the signer is registered in and a resident of the ward from which the candidate seeks election.

(b)(4) Any circulator who knowingly and willfully violates any provisions of this section [*i.e.*, D.C. Official Code §1-1001.08 regarding ballot access], or any regulations promulgated pursuant to this section, shall upon conviction be subject to a fine of not more than \$10,000, or imprisonment for not more than 6 months, or both. Each occurrence of a violation of this section shall constitute a separate offense. ...

In addition, there is another, separate general enforcement section of the elections laws (*i.e.*, D.C. Code § 1–1001.18) entitled “Enforcement of subchapter; penalties” that states:

Any person who violates any provision of this subchapter [which includes D.C. Official Code § 1–1001.08 above] may be assessed a civil penalty for each violation of not more than \$2,000 by the Board[.]

D.C. Official Code § 1–1001.18(b). The general enforcement section goes on to state at subsection (e):

For the purposes of this subchapter, actions of an agent acting for a candidate shall be imputed to the candidate; provided, that the actions of the agent may not be imputed to the candidate in the presence of a provision of law requiring a willful and knowing violation of this subchapter, unless the agency relationship to engage in the act is shown by clear and convincing evidence.

In other words, subsection (e) plainly conveys that civil liability attaches to unknowing conduct *unless* (1) the accused is a candidate; (2) the misconduct was carried out by an agent of the accused candidate; and (3) the law establishing the applicable misconduct of the agent has a knowing and willful element.

Even though the Board’s civil fine authority is not in the section of the election laws that covers criminal liability for circulator misconduct and the provision setting forth the Board’s civil fine authority mentions knowing and willful conduct only with respect to imposing liability on candidates for the actions of their agents, counsel Jordan, without citing legal authority, claims that the intent element in the criminal provision should be read into the civil penalty provision. His theory is that his client’s failure to observe the signing of her petition by two individuals, while admittedly at least negligent, was not knowing and willful and, therefore, not only is she excused from criminal liability, she also cannot be civilly fined for failing to observe the signatures while swearing under oath that she had. Counsel claims that holding Ms. Muhammad civilly liable for conduct that was not knowing and willful implicates “due process” and would be “really, really troubling.” These arguments are without merit for a number of reasons.



First, counsel’s arguments that the Board’s civil fine authority in one section of the election laws is subject to the same knowing and willful intent standard as applies to the criminal liability in a different section of the statute is legally unsound. As a matter of fundamental rules of statutory interpretation, it is assumed that where provisions contain different language, that different treatment is intentional.<sup>3</sup> The omission of D.C. Official Code § 1–1001.08(b)(4)’s knowing and willful language from the civil penalty provision at § 1–1001.18(b) must necessarily be construed to mean that there is no knowing and willful requirement with respect to civil penalties. Indeed, as Judge (and later Justice) Ruth Bader Ginsburg observed:

It is not unusual for [the legislature] to provide for both criminal and administrative penalties in the same statute and to permit the imposition of civil sanctions without proof of the violator’s knowledge.

*Iran Air v. Kugelman*, 996 F.2d 1253, 1258 (D.C. Cir. 1993).<sup>4</sup>

Second, counsel’s position violates the rule against reading statutory language as superfluous insofar as it would render D.C. Official Code § 1–1001.18(e)’s exception for imputing

---

<sup>3</sup> It is well-settled that, when the drafters used different words in the same statute, courts should presume that different meanings and effects were intended. *See Sosa v. Alvarez–Machain*, 542 U.S. 692, 711 n. 9 (2004) (noting that the use of different words in a single statute presumably means that Congress intended that the different words had different meanings and effects); *Vonage Holdings Corp. v. FCC*, 489 F.3d 1232, 1240 (D.C.Cir.2007) (“[W]e have repeatedly held that where different terms are used in a single piece of legislation, the court must presume that Congress intended the terms to have different meanings.” (internal quotation marks and citations omitted)); *Pulsifer v. United States*, 601 U.S. 124, 149 (2024) (citing A. Scalia & B. Garner, *Reading Law* 170–171 (2012)).

<sup>4</sup> In that case, *Iran Air* “unwittingly” violated the Export Administration Act. The company argued, along the same lines argued by Ms. Muhammad’s counsel here, that the imposition of criminal liability under section 2410(a)-(b) of that Act which expressly imposed a knowing element meant that it could not be liable for civil penalties under 2410(c) of that Act unless its actions were knowing. As is the case here with D.C. Code § 1–1001.18(b) which lacks any mention of the level of intent required for civil liability, section 2410(c)’s civil penalty language lacked any express scienter element. The D.C. Circuit declined to read a knowing element into the civil penalty language and, in fact, concluded that the agency had the power to impose civil liability where the accused lacked any knowledge that their actions violated the law.

liability to a candidate as unnecessary if, as counsel’s position necessarily suggests, all liability for violations of election laws must be premised on knowing conduct.<sup>5</sup> Ms. Muhammad is not charged here because of misconduct by her agent and she does not fall into D.C. Official Code § 1–1001.18(e)’s narrow protection of candidates from civil liability for the actions of their agents. Rather, she is subject to enforcement based on her direct conduct as a circulator and her failure to comply with circulator requirements. Unlike the case of the civil liability of candidates for the actions of their agents, the statute does not extend the heightened intent needed to prove criminal misconduct to civil penalties for circulator misconduct.

Third, insofar as D.C. Official Code § 1–1001.18(b)’s civil fine authority applies to the violation of “any provision” of the election laws, not just circulator misconduct, and many election law requirements are silent as to intent, counsel Jordan’s position necessarily presumes the legislature intended illogical and uneven enforcement of the election laws. For example, D.C. Official Code § 1–1001.12 provides: “No one shall interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law.” As there is no specific penalty set forth for violating this prohibition on interfering with registration and voting, it would appear, under counsel Jordan’s approach, that some intent standard other than knowing and willfully must apply.

Fourth, counsel’s theory that the law allows circulators to gather signatures based on a “reasonable belief” that a signer signed a petition is contrary to the plain language of the statute. The plain language of the law is that the circulator must “[p]ersonally witness[.]” and “inquire[.] from each signer” as to their voter status. If the legislature intended to authorize circulators to

---

<sup>5</sup> A basic principle of statutory interpretation is that “[a] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant[.]” *Hibbs v. Winn*, 542 U.S. 88, 101 (2004) (internal citations omitted).

collect signatures based on a reasonable belief that each voter signed instead of actually witnessing the signing, the legislature could have written the statute using such “reasonable belief” language. While counsel argues that requiring circulators to “stand over” petition signers would have chilling effect on the election process, the law requires that circulators stand close enough to personally witness the signing of the petition. This basic rule cannot be ignored.

Fifth, there is no plausible legal theory for concluding that there is any due process violation here.<sup>6</sup> To the extent that counsel intended to suggest a substantive due process issue, his vague allusions, without any supporting authority, are inadequate. That said, our decisions provide sufficient notice that election law violators may be civilly liable for conduct that is unintentional. In connection with a past case of circulator misconduct, we imposed \$622,880 in civil fines under the predecessor of D.C. Official Code § 1–1001.18(b) for unintentional yet grossly negligent and negligent conduct.<sup>7</sup> Recently, we issued an opinion likewise imposing a civil fine for unintentional

---

<sup>6</sup> While counsel was vague about the nature of his due process argument, we doubt that he was making a procedural due process claim. Procedural due process consists of notice and an opportunity to be heard. As a matter of routine practice, the OGC sends the parties to challenge and enforcement proceedings notice of their right to representation and to call witnesses and present evidence and such notices were sent to Ms. Muhammad here. Further, as soon as OGC was alerted through the Registrar’s report to possible circulator misconduct by Ms. Muhammad, OGC warned in writing Ms. Muhammad of her exposure to possible criminal *and* civil action and of her right against self-incrimination and she was subsequently warned again of that right during the challenge proceeding and this enforcement proceeding. Finally, Ms. Muhammad was provided with an opportunity to be heard and was indeed heard during the Board hearings in the challenge matter and in this enforcement matter. Accordingly, Ms. Muhammad has been extended more than sufficient procedural due process.

<sup>7</sup> *Drake et al. v. The Citizens Committee for the D.C. Lottery Terminal Initiative of 2024, et al.*, BOE Admin. Order #05-002 at pp. 4, 40 and 42 (issued 07/29/2005) (citing former D.C. Official Code § 1-1103.05 (“[a]ny person who violates any provision of [the Election Act] may be assessed a civil penalty by [the Board] ... of not more than \$200 ... for each such violation.”)). When the subjects of the fines in *Drake* did not pay, the Board sought an order of enforcement from the D.C. Superior Court which the subjects of the Board’s fine opposed. *See D.C. Board of Elections v. The Citizens Committee For The D.C. Video Lottery Terminal Initiative of 2004, et al.*, D.C. Sup. Ct. Case No. 2005-CA-007439. While the defendants in that action raised several issues with the Board’s fine, they notably did not argue that the Board lacked authority to impose civil fines on

conduct.<sup>8</sup> Indeed, our cases signal that civil fines for election law violations may be imposed on a strict liability theory.<sup>9</sup>

Along those lines and with respect to counsel's suggestion that we cannot hold Ms. Muhammad civilly liable for negligent misconduct, we disagree. In *Iran Air, supra*, the court concluded that the agency at issue, based on statutory language similar to that used here, had the power to impose civil penalties on a *strict liability* basis. In light of that, imposing civil liability under a negligence standard is legally sound.

In any event, we do not have to decide in this case whether our authority to impose civil penalties can be imposed on a strict liability basis because the evidence here demonstrates that Ms. Muhammad knowingly and willfully failed to inquire of two signers as to their voter registration status and knowingly and willfully failed to personally witness two signatures entered on her petition. This record is sufficient for imposition of a relatively minor fine of \$150.00. In that regard, the Board took into account Ms. Muhammad's testimony about the circumstances of her presence in the household in deciding to be lenient and impose a much lower civil fine than could have been imposed.

---

circulators where their conduct was less than knowing and willful. Although not relevant to Ms. Muhammad's position here, the court ultimately never addressed the merits of the dispute because the parties entered into a settlement.

<sup>8</sup> See *In the Matter of Kersey Manliclic*, BOE Admin. Order #24-010 (imposing civil fine for unintentional conduct) (issued 6/12/2024). During an initial prehearing conference, OGC directed attorney Jordan's attention to the *Manliclic* case.

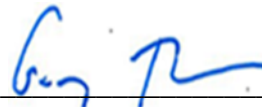
<sup>9</sup> *In the Matter of Ballots Cast in the Name of Hannah Brown*, BOE Admin. Order No. 23-015 (issued 12/15/2023) (indicating that a voter might be strictly liable for civil penalties for double voting, but declining to impose that standard where the voter was told that her first ballot had been lost); *In the Matter of Ballots Cast in the Name of Barbara Duncan*, BOE Administrative Order No. 24-017 at p. 6 (issued 8/2/2024) (same, citing *Brown*).

**Conclusion**

In light of the General Counsel's recommendation in this matter, it is hereby:

**ORDERED** that the General Counsel's recommendation is **ACCEPTED**. Ms. Muhammad is directed to pay a civil fine of \$150.00 by no later than April 30, 2025.<sup>10</sup>

Date: March 7, 2025

  
\_\_\_\_\_  
Gary Thompson  
Chairman  
Board of Elections

---

<sup>10</sup> **Payment must be made by check or money order made out to the "D.C. Treasurer."** It may be mailed to the attention of the General Counsel at the Board's offices (1015 Half Street, Suite 750, S.E., Washington, D.C. 20003) or hand delivered at that address.