

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

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| In the Matter of |) | |
| Samantha Lyew |) | Administrative |
| |) | Order #25-009 |

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on March 3, 2025. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Samantha Lyew based on stipulated facts concerning Ms. Lyew’s erroneously voting a mail ballot issued to another voter. Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The Board’s General Counsel and Ms. Lyew 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 name of Benjamin Goehring in both the D.C. 2022 General Election (“GE”) and the 2022 GE in Michigan. This evidence suggested a violation of the prohibitions on voting twice.¹ Based on the ERIC report findings, Board staff checked the ballot return envelope for the ballot cast in D.C. and saw that the signature on that envelope was not for a person named Benjamin Goehring.

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

In response to this information, OGC launched an investigation into the 2022 D.C. GE ballot cast in the name of Benjamin Goehring. OGC was able to ascertain that an individual named Samantha R. Lyew had signed the ballot return envelope on the signature line that appeared immediately over the pre-printed name and former D.C. address for Mr. Goehring. In addition, OGC's review of pertinent voter records indicated that, during the 2022 GE, both Mr. Goehring and Ms. Lyew were registered at 2701 Connecticut Avenue, NW, with Mr. Goehring registered in Apartment 105, and Ms. Lyew registered in Apartment 202.

On July 24, 2024, OGC convened a prehearing conference with Ms. Lyew. Ms. Lyew testified that she mistakenly signed and submitted a ballot intended for another individual, believing it to be her own. She testified that she has rented Apartment 202 at 2701 Connecticut Avenue, NW since January 2022² and that, since moving into the apartment, she has received mail addressed to various previous tenants, including Mr. Benjamin Goehring. Ms. Lyew further testified that she did not intend to commit voter fraud and that her actions were the result of a careless mistake. She referenced her upstanding character, including her status as an attorney in good standing with the State Bar of Georgia and her extensive pro bono work (Lyew's Exhibits J through L).

At the March 3, 2025 Board meeting, the OGC attorney who investigated the matter briefly stated the facts of the case and explained that the stipulation had been offered for entry into the record and that the matter was being submitted to the Board for enforcement, subject to the recommendation of the General Counsel. Before hearing from the General Counsel, the Board

² Ms. Lyew presented utility bills for October and November 2022, as well as for June and July 2024. (Lyew's Exhibits A through F).

Chair invited Ms. Lyew to speak. Ms. Lyew admitted to carelessly voting someone else's ballot.³ The General Counsel noted that, while Ms. Lyew did not intend to vote the ballot of another voter, some action should be taken. Accordingly, she recommended that a \$100.00 civil penalty be imposed.

After hearing from the General Counsel and Ms. Lyew, the Board Chair made a motion to accept the stipulated agreement, subject to Ms. Lyew's request regarding the redaction of her name, which would be determined after the hearing and that a civil fine of \$100.00 be imposed on Ms. Lyew for her attempting to vote another person's ballot. 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.⁴ The Board can, upon the General Counsel's 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.⁵ We may also, again upon the recommendation of the General Counsel, impose civil

³ Ms. Lyew has requested that the administrative order in this matter be published with her name redacted or replaced with initials or another anonymous identifier. She expressed concern about the indefinite online posting of her full name, given its uniqueness, and the potential for it to be traced back to her for what she described as a serious but unintentional mistake. Ms. Lyew has provided supplemental briefing on the issue. Ms. Lyew's request is essentially a "reverse [Freedom of Information Act] FOIA" that is arguably not appropriate for disposition in the context of an enforcement proceeding. Rather, insofar as FOIA requests are made in the first instance to the Board's Office of General Counsel (*see* 3 DCMR Chapter 20), the General Counsel will consider Ms. Lyew's request made on the record as a formal request and advise Ms. Lyew in due course whether information in this order will be redacted.

⁴ *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.

⁵ *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.").

finer of up to \$2,000 for each election law violation.⁶ Our task, therefore, is to determine whether there is sufficient proof of an attempt to vote falsely or fraudulently in violation of the election laws and, if so, to determine the appropriate enforcement action.

In this matter, the facts are undisputed. Ms. Lyew has admitted that, contrary to the qualifications for voting specified in the instructions provided with the ballot, she signed a name on the ballot return envelope signature line that was not the “[s]ignature of voter to whom this ballot was sent[.]” She has acknowledged facts showing that she voted a ballot issued to another party.

That said, Ms. Lyew has stipulated that her conduct was erroneous and that she did not intend to attempt to vote a ballot that was issued to another voter. Ms. Lyew’s claim is supported by the fact that she did not sign the name of the intended recipient of the ballot or otherwise attempt to forge the name of the voter. Instead, the ballot return envelope evidence shows a hand-written signature that is clearly decipherable as “Samantha R. Lyew” immediately over an entirely different type-printed voter name, which reasonably suggests that Ms. Lyew attempted to vote another’s ballot by mistake. Because Ms. Lyew did not vote in her own name in the 2022 General Election GE, her actions did not result in her casting more than one ballot. Thus, there is no evidence of anything nefarious here. Rather, the evidence is that, because Ms. Lyew did not exercise care and caution in voting the ballot, she unintentionally completed and returned another voter’s ballot to the Board.

Based on the record before us, we decline to find that Ms. Lyew had the level of intent required for a criminal referral or conviction. That said, the General Counsel has recommended

⁶ *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”).

that a civil penalty be imposed. We concur that Ms. Lyew's conduct should have consequences. Under the circumstances, we believe that a fine of \$100.00 is appropriate.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the recommendation of the General Counsel is **ACCEPTED**, and that Ms. Lyew is directed to pay a civil fine of \$100.00 by no later than April 30, 2025.⁷

Date: March 10, 2025



Gary Thompson
Chairman
Board of Elections

⁷ **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.