

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of Ballots)	
Cast in the Name of)	Administrative
Vanessa Rubio)	Order #23-008
)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 6, 2023. It concerns the Board’s General Counsel’s recommendation 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, BOE staff, and Vanessa Rubio 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 Vanessa E. Rubio in the D.C. 2020 General Election (“GE”) and that a ballot was cast in the name of Vanessa Elizabeth Rubio in the 2020 GE in Maryland. This evidence suggested a violation of D.C. Code §1-1001.09(g)(1) (“No person shall vote more than once in any election[.]”). Such a violation would fall under the Board’s

authority to impose, upon recommendation of the General Counsel, civil fines of up to \$2,000 for each violation of “any provision” of the elections laws.¹

In response to this information, OGC investigated the casting of 2020 GE ballots in the name of Vanessa Rubio. As part of its investigation, OGC reviewed voter file materials from D.C. and the Maryland Board of Elections that indicated that an individual named Vanessa Rubio may have cast ballots in D.C. and in Maryland during the 2020 GE. The signatures contained on the documents reviewed, all of which were associated with an individual named Vanessa Rubio, appeared to be consistent with one another and with other signatures associated with the voter in the Board’s records. After reviewing these materials, OGC conducted a prehearing conference with Ms. Rubio on August 31, 2023. At the prehearing conference, Ms. Rubio stated that she did vote in person in DC in the 2020 GE, but that she did not recall voting in MD during that election. After being presented with the image of a Maryland Voter Authority Card (“MD VAC”)² from the 2020 Presidential General Election that bore a signature, Ms. Rubio acknowledged that the signature was hers, albeit a “sloppier” version thereof. She further acknowledged that she owned the property indicated on the MD VAC. She further stated that it “is possible” that she voted in MD in the 2020 GE, though she “d[id] not recall doing so.” She also acknowledged that she has voted in MD in the past, although she maintains that she does not recall voting there in the 2020 GE. Finally, Ms. Rubio stated that it was “never really stated that you are not able to vote in more than one state”, and that she thought that if one attempted to do so, the “system” would block one from doing so.

¹ See D.C. Code §1-1001.18(a)-(b) (civil penalty authority and procedures).

² The Maryland Voter Authority Card is an official document that Maryland voters signed when they checked in to vote in person in Maryland during the 2020 GE.

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. Rubio was duly notified of the hearing, and she appeared. At the hearing, the General Counsel requested admission into the record of the voter file materials from D.C. and the Maryland Board of Elections which had been presented to Ms. Rubio at the prehearing conference.³ The evidence showed that an individual named Vanessa Rubio voted in person in Maryland on November 1, 2020 and in person in D.C. on November 3, 2020.⁴

On the record at the hearing, Ms. Rubio acknowledged voting twice, but reiterated her understanding that it was permissible to vote in D.C., as it was not a state, and then vote in a state election.

After hearing the evidence and testimony from Ms. Rubio, the Board recessed and went into executive session. When the Board reconvened on the record, the members unanimously voted in favor of imposing a \$500 civil fine on Ms. Rubio

Discussion

D.C. Code § 1–1001.18(b) authorizes the Board to impose civil penalties for violations of D.C.’s elections laws.⁵ Our task is to determine whether there is reliable, probative, and substantial evidence to support a finding of a violation of the prohibition on voting twice in any election. In

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, the General Counsel 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.

⁵ 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 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 to Vanessa Rubio in the 2020 GE in Maryland, that a ballot was issued by the D.C. Board of Elections to Vanessa Rubio in the 2020 GE, and that the intended recipient of those ballots was the same person. The signatures associated with the voter, including those on documents related to the ballots cast by the voter in D.C. and Maryland, were consistent with one another. The evidence further shows that those two ballots were indeed cast. Ms. Rubio did not deny the evidence but instead asserted a mistake of law.

With regard to Ms. Rubio's defense, we also take judicial notice of the fact that Ms. Rubio is an elected official.⁶ Accordingly, we see fit to hold her to a higher standard than other voters.

Conclusion

Based on the evidence regarding the casting of ballots in the District of Columbia 2020 GE in the name of Vanessa Rubio and in Maryland's 2020 GE in the name of Vanessa Rubio, we find sufficient record evidence of Ms. Rubio voting twice in the 2020 GE. Accordingly, it is hereby:

ORDERED that Vanessa Rubio pay a \$500 fine by no later than January 8, 2024.⁷

Date: December 15, 2023



Gary Thompson
Chairman
Board of Elections

⁶ Rubio serves in the District of Columbia as an Advisory Neighborhood Commissioner.

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.