

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of)	
Earlene Washington)	Administrative
)	Order #26-024

AMENDED MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on March 4, April 1, and May 6, 2026. It concerns an enforcement action brought by the Board’s General Counsel with respect to election misconduct by Earlene Washington. Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearings. The Board’s General Counsel, Terri Stroud, was 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 a voter with the last name Washington in the D.C. 2024 General Election (“GE”) and in the 2024 GE in Maryland.¹ In light of the ERIC report findings, Board staff reviewed the signatures on the ballot return envelope for the D.C. mail ballot cast in Washington’s name against the signature provided by Maryland for the ballot cast in person in that jurisdiction. While the D.C. mail ballot return envelope had a hand-written name that was reasonably decipherable as the name of the voter to whom it was issued, the Board’s staff concluded that the 2024 GE signatures did not match.

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

Accordingly, OGC commenced an investigation of other voters claiming the same D.C. address as the address shown on the D.C. mail ballot return envelope. That effort revealed that the handwriting on the 2024 D.C. GE mail ballot return envelope matched the handwriting of Earlene Washington. In addition, Earlene Washington's voter file showed that she cast a D.C. ballot in her own name in the 2024 GE.

Based on this evidence, OGC opened an investigation targeted at Ms. Washington. OGC scheduled a prehearing conference and attempted to notify Ms. Washington of that proceeding via the email address that was in her voter file. While the email to Ms. Washington did not bounce back, Ms. Washington did not appear at the prehearing conference. OGC then sent notice to Ms. Washington via email and certified mail that her case would be presented to the Board during the Board's regular meeting in March.²

At the Board's March meeting, Ms. Washington's case was called but she did not appear. Accordingly, the General Counsel advised the Board that her office would seek referral of this matter to the D.C. Office of Attorney General ("OAG") at the Board's next regular meeting.

At the Board's regular meeting on April 1, 2026, Ms. Washington's case was presented and again she did not come forward. The Board heard the matter and adopted a recommendation made by the General Counsel that Ms. Washington's case be referred to the OAG for further investigation and possible prosecution, provided however that OGC would delay referral to give Ms. Washington an opportunity to seek reconsideration. The Board Chair made a motion to accept the General Counsel's recommendation. The motion was duly seconded and passed unanimously.

Following the April 1, 2026 Board meeting, the Board issued a written order memorializing its referral decision. The order was sent to Ms. Washington by first class mail and email.

² According to USPS tracking information, the letter to Ms. Washington was unclaimed.

On April 22, 2026, Ms. Washington called OGC and spoke with the attorney assigned to her case. She expressed to the OGC attorney that she wished to seek reconsideration of the Board order referring her case to the D.C. Attorney General. She agreed to participate in a prehearing conference with OGC on April 28, 2026.³ Due to the press of other business, OGC was not able to instruct Ms. Washington on how to submit a written request for reconsideration and for leave to file that request until the prehearing conference.

Ms. Washington fully cooperated in the OGC's investigation of the matter and entered into a stipulated agreement whereby she acknowledged that she unintentionally voted the mail ballot that was issued to another with the same surname and sent to her home. Ms. Washington also provided OGC with a written request for reconsideration of the Board's referral order along with a request that the Board waive the 10-day deadline for seeking reconsideration and consider her request.

OGC sent notice to Ms. Washington via her alternative email address that her case would be heard at the Board's May 6, 2026 meeting. Ms. Washington confirmed receipt of that email.⁴

At the May 6, 2026 hearing, OGC presented the factual background of the case. The General Counsel recommended that the Board grant Ms. Washington's request for an extension of time to seek reconsideration and her request for reconsideration of its prior referral order and that it also reverse the decision to refer her case to the D.C. Office of Attorney General for criminal

³ Ms. Washington confirmed that her voter file email address was active and therefore OGC sent notice of the rescheduled prehearing conference to the voter file email address that OGC had used previously. Subsequently, Ms. Washington advised that the notice was not appearing in her email in-box for that account. She provided an alternative email and OGC was able to successfully communicate with Ms. Washington via that email address. These later efforts to provide notice to Ms. Washington indicated that OGC's earlier emails were not being received.

⁴ Though aware of the meeting, Ms. Washington indicated that she might exercise her option to not appear and she could not be located on the video conferencing technology at the time of the hearing.

investigation. The General Counsel further recommended that, based on the stipulated agreement, Ms. Washington be subject to a civil fine of \$150.00.

The Board Chair made a motion that the General Counsel's recommendation be adopted. The motion was duly seconded and passed unanimously.

Discussion

We first address the procedural question with respect to reconsideration of our referral order. Our regulations (3 D.C.M.R. § 429) provide that a party to a matter can seek reconsideration of a Board order within ten days after the order issues. While Ms. Washington missed that deadline, the record supports the conclusion that she was not able to see OGC's email notice of the Board's order and that she informed the agency of her desire to have her case reheard as soon as she received the Board order in the mail. She made reasonable efforts to submit the reconsideration request and properly moved for a waiver of the ten-day deadline for such requests. Since the April order deferred referral for the express purpose of allowing Ms. Washington another opportunity to come forward and assist OGC in resolving this matter, we grant her motion for leave and her request for reconsideration.

With respect to the appropriate remedy for the misconduct at issue, as stated in the April 2, 2026 order, 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.⁵ In addition, voting twice in the same election can trigger prosecution for violating a number of election laws.⁶ The

⁵ 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.

⁶ See 52 U.S. Code § 10307(e) (prohibiting double voting) and D.C. Official Code §1-1001.09(g)(1) (providing that no person shall vote twice in an election) and D.C. Official Code §1-1001.14(a) (penalties for violating D.C. Official Code §1-1001.09(g)(1)). See also, with respect to the oath voters take at the time of voting whereby they affirm that

Board's enforcement powers with respect to criminal election law matters include referral to the While the Board's enforcement powers include imposing civil fines for election law violations (*see* D.C. Code § 1–1001.18(a)-(b)), we were unable to entertain that option without Ms. Washington's cooperation. As Ms. Washington has now been contacted and come forward, exercise of our referral enforcement power is unnecessary.

While it is clear based on the evidence before us that Ms. Washington failed to comply with voting requirements, Ms. Washington has credibly stated that her actions were inadvertent and that she did not intend to vote both her ballot and the ballot of another with her same last surname that was mailed to her address. Under these circumstances, we cannot say that there is substantial evidence that Ms. Washington had the level of intent required for criminal prosecution. Accordingly, we agree that Ms. Washington should face no more than a civil fine. We also conclude that the \$150.00 fine amount recommended by the General Counsel is appropriate.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that reconsideration of the Board's prior decision to refer Ms. Washington to the D.C. Office of Attorney General is hereby **GRANTED**; it is further

ORDERED that the revised recommendation of the General Counsel presented at the Board's May 6, 2026 meeting is **ACCEPTED**, and that the Board's Office of General Counsel **shall not** refer Earlene Washington to the D.C. Office of Attorney General for further investigation and possible prosecution; it is further

they satisfy the qualifications for being a registered voter, including residency requirements, D.C. Code § 1–1001.14(a) (criminalizing “make any false representations as to the person’s qualifications for . . . voting”) and § 1–1001.14(a-1)(1)(D) (criminalizing fraudulently cast a ballot) and 52 U.S. Code § 10307(c) (prohibiting knowingly or willfully giving false residency information for the purpose of establishing eligibility to register or vote in elections to fill federal offices).

ORDERED that Earlene Washington shall pay a \$150.00 civil fine for election law misconduct by no later than June 30, 2026.⁷

The Board issues this AMENDED written order today, which is consistent with its oral ruling rendered on May 6, 2026.

Date: May 7, 2026



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.