

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of Ballots)	
Cast in the Name of)	Administrative
Eddie Bishop)	Order #23-012
)	

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, 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, Office of General Counsel and BOE staff, and Eddie Bishop 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 Eddie Bishop in the D.C. 2020 General Election (“GE”) and that a ballot was cast in the name of Eddie Bishop 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, upon recommendation of the General Counsel, to refer the matter to

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

a prosecutorial authority or to impose 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 Eddie Bishop. 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. Mr. Bishop was duly notified of the hearing.

At the December 6, 2023 hearing, the OGC staff member who investigated this matter appeared and presented the General Counsel’s case. 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 Bishop’s name voted by mail in Maryland on September 29, 2020 and by mail in D.C. on October 20, 2020.⁴

The OGC attorney further advised the Board that Bishop appeared at a September 15, 2023 prehearing conference. She stated that, at the prehearing conference, Bishop acknowledged that he would have voted in Maryland in 2020 but denied voting in D.C., noting, *inter alia*, that he had moved from D.C. to Maryland in 2018.

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 representative 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, the OGC representative also pointed out that the signature on the Maryland ballot return envelope closely matched the signature on the D.C. ballot return envelope. Mr. Bishop declined, during the Board hearing, to comment on the evidence against him.

The attorney for OGC 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 explained that the General Counsel was recommending that the Board take enforcement action.⁵

After hearing the evidence, the Board recessed to executive session. When the Board reconvened on the record, the members unanimously voted in favor of imposing a \$100 civil fine on Bishop.

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 election laws, including D.C. Code §1-1001.09(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 to Eddie Bishop and that a ballot was issued by the D.C. Board of Elections in the 2020 GE to Eddie Bishop, and

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 this matter 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”).

that the intended recipient of those ballots was the same person. The evidence further shows that those two ballots were indeed cast. Crediting Bishop's claim that he moved to Maryland in 2018 does not eliminate the prospect that he had access to the ballot issued to him in D.C. We find that, given that the signatures on the two ballot return envelopes are a match and Bishop has not disputed the signature match, the weight of the evidence supports a finding that both ballots were cast by Bishop.

Conclusion

Based on the evidence regarding the casting of ballots in the District of Columbia 2020 GE in the name of Eddie Bishop and in Maryland's 2020 GE in the name of Eddie Bishop, we find sufficient record evidence of Bishop 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 Bishop. It is therefore hereby:

ORDERED that Eddie Bishop 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.