

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	
Lisa Rice, Adam Eiding, and	)	Administrative
Nikolas Schiller, and	)	Order #25-010
Kristin Furnish	)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on April 9, 2025. It concerns a recommendation by the Board’s General Counsel that the Board take enforcement action against Lisa Rice, Adam Eiding, Nikolas Schiller, and Kristin Furnish (collectively, the “I83 Circulators”) for their multiple violations of the prohibition against “mak[ing] a false statement as to [a petition signer’s] residency on any [ballot Measure] petition”.¹ Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The Board’s General Counsel and counsel for the parties were also present.

Background

On June 16, 2023, Lisa Rice filed a proposed initiative measure entitled, “Make All Votes Count Act of 2024” or Initiative Measure No. 83 (“Measure”).² The filing of the Measure triggered a multi-step ballot access process that included that Rice, as the Measure’s proposer, file with the Board a petition in support of placing it on the ballot. The law requires that a petition in support of a Measure contain the valid signatures of at least five percent of the District’s voters citywide

¹ See D.C. Official Code §§ 1-1001.14(b)(1).

² The Measure, the title of which was subsequently changed to the “Ranked Choice Voting and Open the Primary Elections to Independent Voters Act of 2024,” consisted of legislation that would change the method of determining the winner of elections from a highest-vote-earner method to a ranked-choice method and would make it easier for voters to affiliate with a major party for purposes of participating in primary elections.

(which, in this case equated to 22,538 voters) and at least five percent of the voters in at least five of the District's eight wards.³ Eiding, Schiller, and Furnish, who had spear-headed prior ballot access efforts, were enlisted by Rice to support, guide, and/or oversee the signature collection process.

At a monthly meeting of the Board on January 10, 2024, Rice adopted the petition sheet form that was to be used to gather the necessary signatures. After the petition had issued, the I83 Circulators personally gathered signatures on some of the petition sheets.

On January 16, 2024, Schiller sent an email to Rice concerning a particular voter that advised that, if that voter used a new address on the petition, "the campaign would be required to manually edit the petition so that it includes his *old* address[.]" (Emphasis added.)

On March 20, 2024, Schiller sent an email to the Registrar and the Board's General Counsel that was copied to Eiding and Furnish, as well as Rice's Counsel, Joe Sandler. The email noted that petition signers were using "Good Hope Rd.," instead of the current name for that street, "Marion Barry Ave.," and asked if the circulators should "change [Good Hope Road] to "Marion Barry Ave. SE" or if they should just let it be and make no edits?" Schiller stated:

A strict reading of the regulations implies that the voter wrote an incorrect address on the day they signed the petition, therefore I believe I should instruct my petition circulators to correct these addresses when found.

Schiller did not cite the regulation upon which he was relying and did not refer to any prior guidance from either the Registrar or any other Board official that endorsed altering addresses entered by signers. The Registrar responded that the use of the former street name would not be a reason for invalidating the signature. Importantly, she added:

³ D.C. Official Code § 1-1001.16(i).

Also as an aside –... if a signer writes information on a petition sheet, a circulator should not be going behind them and changing what that signer wrote.

Emphasis added.

Over three months after receiving the Registrar’s instruction that circulators should not alter information entered by petition signers, Rice filed a petition with 4,802 signatures lines with address information that had been whited-out and written over to alter the address entered and claimed by the signer.⁴ Detecting these alterations required substantial time and effort insofar as the Board’s staff had to hold original petition sheets in front of a light source to decipher where the whited-out address entered by the signer had been changed to another address entirely.

Opponents of the Measure who reviewed the petition also noticed the effort to conceal addresses entered by signers on the petition and sought to have the entire petition rejected on the ground of that fraud both before the Board and later in the D.C. Court of Appeals. Even after the discounting of the 4,802 signatures associated with whited-out addresses, however, the petition was nevertheless numerically sufficient, and the Measure was therefore certified, placed on the ballot in the November 2024 General Election, and adopted by the voters.⁵

Following the 2024 election cycle, the Office of General Counsel (“OGC”) initiated proceedings against Rice based on her role as the proposer who submitted a petition that contained altered addresses to the Board. During those proceedings, Rice stated that she understood that it was permissible to change the address entered by a petition signer based on the guidance she

⁴ In addition, some information on circulator affidavits had been whited-out/written-over.

⁵ Meanwhile, the Board has been required, at substantial resource cost, to litigate the court case that was brought by an opponent of the Measure based on the tampered signer addresses that appeared on the petition. *See Brown v. D.C. Board of Elections*, DCCA Case No. 24-AA-720. The Board’s position in that litigation (which at the time of the issuance of this order, is still on-going) is that it is not appropriate to invalidate the Measure and essentially punish the voters who, by signing the petition, expressed their wish to have the Measure placed on the ballot and who voted for it. Rather, the Board advised the D.C. Court of Appeals that it intended in due course to take enforcement action against those responsible for the petition tampering.

received from Eidinger, Schiller, and Furnish.

In light of the additional evidence that developed in the course of OGC's enforcement proceedings, OGC expanded its investigation to include Schiller, Eidinger, and Furnish.

The I83 Circulators were notified that there would be a hearing in this matter at the Board's regular meeting in April 2025 and that the General Counsel would present her recommendation with respect to enforcement action to be taken against them at that time. Subsequently the I83 Circulators entered into a stipulated agreement with the Board's General Counsel.

On April 9, 2025, the I83 Circulators appeared with their counsel at the Board's hearing. The stipulated agreement was entered into the record. By that agreement, the I83 Circulators agreed to the following facts:

1. The law establishes that, for purposes of petition signature validity, the Board shall count a signature as valid if the Board's records show that the person was registered to vote from the address listed on the petition at the time the person signed the petition.

2. The only mechanism recognized in law for curing a signature that is defective because the address on the petition does not match the address in the Board's records for a registered voter having the same name as the signer is to have the voter file a change of address form prior to the filing of the petition.

3. The Board's written guidance on circulating and filing initiative petitions repeats that the determinative address for signature validity requirements is the address entered *at the time that the petition was signed* and that the mechanism to cure a difference between an address on the petition and an address for a person having the same name in the Board's records was to have the voter at issue submit a change of address form prior to the filing of the petition.

4. The Board's written guidance on circulating and filing initiative petitions instructs that the signer is to enter the address information on the petition.

5. During the process of gathering signatures in support of the Measure, and before submission of the petitions to the Board for approval, the I83 Circulators engaged in an effort to check that each signer's address on the petitions matched the signer's current address on the Board's records. If the address was different, then the I83 Circulators placed white correction tape over the address written by the signer at the time the petition was signed and hand-wrote an address from the Board's records on the correction tape. On March 20, 2024, the I83 Circulators were provided with authoritative notice that this practice was impermissible thereby making any inaction by the Board staff's in response to address alterations on the petitions for prior matters irrelevant.⁶

6. The I83 Circulators did not gather personal identifying information from petition signers (such as dates of birth or Social Security Numbers) that would enable them to definitively confirm that the person signing a petition who has the same name as a voter in the Board's records is in fact a registered voter.

7. Ultimately, Rice filed a petition with 4,802 signatures lines with address information that had been written over to attempt to match the address entered by the signer with the address from the Board's records.

8. There were 23 instances on petition sheets circulated by Schiller where the address entered by the signer was changed to another address (for example, 4113 18th St., NE, was changed to 1301 Trinidad Ave., NE, and 2026 Savannah Pl., SE, was changed to 2029 Huidekoper Pl.,

⁶ The notice referred to here is the Registrar's email advising the I83 Circulators that they should not be changing information entered by signers.

NW,) where it could not be confirmed whether the change merely clarified the address entered by the signer.

9. Eidinger circulated sheets with 20 petition signatures that showed evidence that the address entered by the signer was changed (for example, 2502 14th St., NE, #5 was changed to 110 Riggs Road, NE, and 1525 Q St., NW, #2 was changed to 1202 Orren St., NE) where it could not be confirmed whether the change merely clarified the address entered by the signer.

10. Furnish submitted petition sheets with 68 signatures where the address entered by the signer was covered with white correction tape (for example, 1717 T St., NW, #12, was changed to 1734 Hobart St., NW, and 2337 Champlain St., NW, was changed to 1419 Swann St., NW) where it could not be confirmed whether the change merely clarified the address entered by the signer.

11. Rice circulated sheets with 14 signatures where the address entered by the signer was covered with white correction tape and a different address was written-in (for example, 1901 C St., SE, was changed to an address on Van St., SE, and 7 O St., NW, was changed to 3461 22nd St., SE) where it could not be confirmed whether the change merely clarified the address entered by the signer.

12. The I83 Circulators inappropriately made the foregoing address changes sometime after the signer had signed the petition such that the I83 Circulators entered addresses that were not the addresses listed on the petition at the time the person signed the petition. This practice went beyond what the D.C. Official Code § 1- 1001.16 and the Board's guidance permits and violated the election laws.

At the April 9, 2025 Board hearing, the OGC attorney presenting the matter to the Board noted that the stipulation provided that the I83 Circulators had agreed to send a letter to the other petition circulators that would include information provided above and that would explain that

the practice of altering a signer's address after that person has entered their signature violates the election laws and subjects individuals engaging in such activity to potential criminal prosecution and that, as a precondition to their circulating petitions in the District of Columbia in the future, such individual must complete a Board staff training on petition circulation.

After the OGC attorney presenting the matter had summarized the stipulated facts for the Board, the Chair inquired as to whether the stipulated agreement discussed the extent to which the I83 Circulators' actions were intentional. Noting that the offense at issue was a strict liability one with respect to which intent was not relevant, the OGC attorney stated that she did not recall whether the stipulated agreement went into the I83 Circulators' intent.

Based on the stipulated agreement, the Board's General Counsel recommended that the Board fine the I83 Circulators \$300.00 for each of the 125 altered addresses or \$37,500.00.⁷

After hearing from the OGC, the Board Chair provided an opportunity for the I83 Circulators and their counsel to speak. Counsel for Ms. Rice asked that the Board adopt the result that was reflected by the stipulated agreement.

The Board Chair then moved that the General Counsel's recommendation be adopted. The motion was seconded and adopted unanimously.

Discussion

While we have adopted the stipulated agreement result in this matter, certain comments by the I83 Circulators during OGC's prehearing conference,⁸ and by a third party during the public portion of our April 9 meeting, indicate that a through explanation of scope of the misconduct at issue would be beneficial.

⁷ The stipulated agreement misstated the total number of violations at 126. The enforcement action here is based on the correct calculation of the total number of address alterations.

⁸ The transcript of that proceeding was entered into the record.

Relevant statutory provisions – The statute addresses the form of initiative petitions and, notably, states:

Each Measure ... petition sheet shall consist of one sheet providing numbered lines for printed names and signatures with *residence* addresses (street numbers) and ward numbers. Each petition sheet shall have printed on it ...

... A warning statement that declares that only *duly registered voters* of the District of Columbia may sign the petition[.]

D.C. Official Code § 1-1001.16(g) (emphasis added). The election laws define “duly registered voter” as “a registered voter who *resides* at the address listed on the Board’s records.” D.C. Official Code § 1-1001.02(19) (emphasis added). A “residence” is statutorily defined as, *inter alia*, as a home or place to which a person, whenever a person is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence.⁹

As noted above, the law instructs that certain signatures shall not be counted towards the petition’s signature requirement:

For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine that the address on the petition is the same as the *residence* shown on the signer’s voter registration record. If the address is different, the signature shall not be counted as valid unless the Board’s records show that the person was registered to vote from the address listed on the petition *at the time the person signed the petition*.

D.C. Official Code § 1-1001.16(o)(2) (emphasis added). The law also specifies when a discrepancy between the information provided by a signer and information in the Board’s voter files can be cured: “If a person who signs a petition is found to be a qualified registered elector in a ward other than that which was indicated on the petition sheet, such person shall be counted from

⁹ D.C. Official Code § 1-1001.02(16)(A).

the correct ward in determining whether or not an initiative or referendum measure qualifies for the ballot.” D.C. Official Code § 1-1001.16(o)(1).

Relevant Board Regulations – The method permitted by the Board’s regulations for curing a mismatch between an address on a petition and an address for a person in the Board’s voter files who has the same name as the signer is to have the petition signer file a change of address form with the Board before the petition is filed:

A petition signature shall not be counted as valid in any of the following circumstances: ...

(b) The signer, according to the Board’s records, is not registered to vote at the address listed on the petition *at the time the petition was signed and has failed to file a change of address form that is received by the Board on or before the date that the petition is filed*[.]

3 DCMR 1007.1 (emphasis added).

The Board’s regulations with respect to carrying out the initiative statute also provide that the petition must include:

Instructions advising signatories of the proper method of signing the petition as follows: EVERY PETITIONER MUST SIGN HIS OR HER OWN NAME. UNDER NO CIRCUMSTANCES IS ANY PERSON PERMITTED TO SIGN ANOTHER PERSON’S NAME OR SIGN MORE THAN ONCE. PRINT YOUR NAME AND RESIDENCE ADDRESS IN FULL[.]

3 DCMR 1002.1(e) (emphasis in original).

The Board’s guidance and forms – The Board’s petition form includes immediately above a list of fields for the signers of the petition to enter their information the following language:

WARNING: ONLY DULY REGISTERED ELECTORS OF THE DISTRICT OF COLUMBIA MAY SIGN THIS PETITION
EVERYONE WHO SIGNS THIS PETITION MUST SIGN THEIR OWN NAME
... AFTER SIGNING, PRINT ... YOUR RESIDENCE ADDRESS ...

In addition, on the bottom of each petition form is a notice to circulators that they may only enter the signer’s “printed name, current address and the date signed” if the signer omits that

information. The Board’s written guidance on initiative petitions also sets forth signature validity requirements including that:

The signer must be a duly registered voter in the District of Columbia at the address listed on the petition at the time that the petition was signed;
(If an address on a petition is different than the address which appears in the Board’s records, it shall be deemed valid if the signer’s current address is received by the Board on or before the date that the petition is filed.)

The guidance also states that circulators must personally witness the signing of the sheet and “must ... [e]nsure that each signer legibly provides *all required information*, in addition to their signature[.]” (Emphasis added.)

Analysis – In this matter, the I83 Circulators collected on the petition signatures and address information from individuals. Sometime after the signer had entered their address on the petition, the I83 Circulators looked through the Board’s voter records to see if there was an active voter with the same name as the signer who was living at the address that appeared on petition. If there was a mismatch between the address provided by the signer on the petition and the address for a voter in the Board’s voter files who had the same name as the signer, the I83 Circulators wrote-in that voter’s address from the Board’s files over the address provided by the signer. Assuming, for the sake of argument, that the I83 Circulators’ were correct in concluding that the signer and the person in the Board’s voter files with the same name as the signer were in fact one and the same person,¹⁰ the evidence shows that the I83 Circulators understood that the reason for the address

¹⁰ As noted above, the legal test for determining whether a petition signer is “duly registered” is whether the address they enter on the petition at the time of signing matches the address on file in the Board’s records for a registered voter with the same name. The law does not direct that the signer enter on the petition personal identifying information such as date-of-birth, last four numbers of the signer’s social security number, or voter registration number that might be used to verify that the signer is a duly registered voter (as opposed to a person who is not registered to vote but who has the same name as a registered voter). Thus, the validity of a signature for petition purposes turns critically on the address that the signer claims when they sign the petition and the match between that address and the address for a registered voter of the same name. Here, the I83 Circulators identified a different address for the signer based on a guess that a registered voter with the same name as the signer was indeed the signer. Lots of people, however, share the same name. Indeed, we recently had a case where an individual attempting to register illegally used a false

discrepancy between the petition and the Board's voter files would have been that the voter had moved after they last registered or last updated their voter registration and that by entering on the petition the address on the Board's voter files they were entering an old address for the signer.

This practice was contrary to the statutory scheme that instructs that the address on the petition be the abode where the signers have a present intention of returning. It was contrary to the statutory language requiring that the address for a signer on the petition be the address entered by the signer at the time they signed the petition. And, insofar as the practice rendered the statutory language allowing cures of ward mismatches superfluous,¹¹ it was contrary to the statutory limitation on cures for signer errors to only ward mismatches.

The practice was also inconsistent with the Board's regulations and guidance that instruct that address mismatches should be cured through updates to a voter's registration. Likewise, altering the address entered by signers conflicted with Board regulations, forms, and guidance indicating that the information on the petition should be information provided by the signer *except* where the signer omits information.

As noted above, the election laws prohibit "mak[ing] a false statement as to [a person's] residency on any [initiative] petition."¹² An old address is not a place where a person would have a present intention of returning. In other words, the plain reading of the law is that the insertion

name that was shared by eighty-three (83) other voters in the Board's files alone and likely many more persons with that name living in the District who have never registered to vote. If a signer never acknowledged the address that the I83 Circulators wrote on the petition as their own, it cannot be said that the signer is not one of the nearly 100,000 adults living in D.C. who are not registered to vote. (Note: U.S. Census data estimates D.C.'s population at approximately 679,000 of which 18.6% are minors or an adult population of about 550,000 or about 100,000 more adults than are typically registered to vote.)

¹¹ 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).

¹² D.C. Official Code § 1-1001.14(b)(1).

on the petition of a signer's old address constitutes a false statement as to residency. As noted by the OGC attorney at the Board hearing, there is no willfulness or other element with respect to this offense that might be negated based on some innocent intent.¹³ The prohibition on making a false statement as to a signer's residency is a strict liability offense.¹⁴

There is no dispute on this record as to the number of addresses of petition signers that were altered by the I83 Circulators. Indeed, the I83 Circulators openly admit changing signer addresses to (assuming they correctly identified the signer as the same person as a voter in the Board's files) an old address in the Board's files for that person after the fact.

The Board has authority to impose civil fines of up to \$2,000 for each violation of the election laws.¹⁵ Accordingly, we except the General Counsel's recommendation of a \$300.00 fine per tampered address on the I83 Circulators' petition sheets.

Conclusion

For the reasons indicated above, it is hereby:

¹³ Mistake of law is excuse only if it negates an element of the offense. *Rehaif v. United States*, 588 U.S. 225, 234 (2019).

¹⁴ The I83 Circulators were clearly and definitively told in writing months before the petition was filed that changing information entered on a petition by the signer was impermissible. So, even assuming for the sake of argument that they had a reasonable belief that petition tampering was acceptable, that belief could not have been held after the Registrar's March 20, 2024 email. And yet, the I83 Circulators continued to white-out and write over information that signers entered on the petition, and they (or more accurately, Rice) included thousands of tampered signatures in the petition that was ultimately filed. These facts make out a clear case of a willful violation of the initiative laws under D.C. Official Code § 1-1001.14(b)(4), as well as the law against making false statements of residency.

¹⁵ D.C. Official Code §1-1001.18(b). The Board's authority to take enforcement action is contingent upon a recommendation by the General Counsel. D.C. Official Code §1-1001.18(a).

ORDERED that the recommendation of the General Counsel is **ACCEPTED** and that the parties are directed to pay no later than 90 days from the date of this order civil fines based on \$300.00 per violation.¹⁶

Date: April 14, 2025



Gary Thompson
Chairman

¹⁶ **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.