

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	
Gary Lockhart	)	Administrative
	)	Order #25-021

AMENDED MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 3, 2025 and July 17, 2026. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Gary Lockhart based on evidence that he voted a mail ballot issued to another voter and also voted in-person in his own name in the 2024 D.C. General Election (“GE”). Chairman Gregory McCarthy and Board Members Karyn Greenfield and Michael Wakefield presided over the July 17th proceeding.¹ Mr. Lockhart, his counsel, Antoinette Harper, and the Board’s General Counsel, Terri Stroud, 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 same voter’s name in the D.C. 2024 GE and in the 2024 GE in Maryland.² Based on the ERIC report findings, Board staff checked the ballot return envelope for the mail ballot that had been cast in D.C. on October 15, 2024 and saw that the signature on that envelope did not match other signatures on file for the voter. Accordingly, the matter was turned over to OGC for possible enforcement action for illegal voting.

¹ The earlier proceeding was held before Gary Thompson, former Board Chair, and Member Greenfield.

² Such evidence of voting twice presented the prospect of, *inter alia*, violations of 52 (“Voting and Elections”) U.S. Code § 10307 (“Prohibited Acts”).

Based on this information, OGC launched an investigation into the 2024 D.C. GE ballot that was cast by someone other than the voter to whom it was issued. OGC was able to identify another voter, Gary Lockhart, whose name was interestingly similar to the name of the voter who was issued the mail ballot and whose signature matched the 2024 DC GE ballot return envelope signature. OGC sent Gary Lockhart notice of a pre-hearing conference in the matter. Mr. Lockhart appeared at the November 18, 2025 pre-hearing conference. During that pre-hearing conference, Mr. Lockhart acknowledged that the address for the mail ballot at issue was the address of a close family relative. He maintained, however, that he would not have had access to that ballot and he claimed no recollection of voting it. He offered no further defense or explanation for the match of the signature on the 2024 GE ballot to other signatures on file for him. Subsequent further investigation revealed that Mr. Lockhart also voted in-person in D.C. in the 2024 GE on election day.

Mr. Lockhart was duly notified that this matter would be presented to the Board at a hearing on December 3, 2025. Subsequently, he authorized Attorney Harper to represent him. At the hearing, the OGC attorney assigned to the matter presented a chronology of the case and the evidence gathered by OGC. The Board Chair granted admission of the evidence into the record.

Attorney Harper responded and argued that the signature samples for Mr. Lockhart were not a match for the signature on the 2024 D.C. GE mail ballot return envelope. She represented that Mr. Lockhart did not sign the D.C. mail ballot and that he would not have access to the mail delivered to the address on that ballot.

The Board attorney assigned to the matter noted that, while in her view the signature on the 2024 D.C. GE mail ballot were sufficiently similar to other signatures on file for Mr. Lockhart, Office of General Counsel had limited investigatory resources that made it impossible to follow up on Mr. Lockhart's claims. Accordingly, she advised that the intended enforcement action recommendation to the Board was that the matter be referred to the D.C. Office of Attorney

General (“OAG”) so that Mr. Lockhart’s claims could be investigated. She noted, however, that that referral could result in criminal prosecution of Mr. Lockhart. Attorney Harper inquired as to when a referral might be resolved by the OAG. The Board Chair advised that the Board could not say and OGC attorney pointed out that the statute of limitations is several years. The OGC attorney also pointed out that, even if the signature on the 2024 D.C. GE ballot return envelope was not in fact Mr. Lockhart’s, it clearly was not the signature of the voter to whom it was issued and that, therefore, there was a violation of law that would support referral to law enforcement.

The Chair then requested that the General Counsel provide the Board with her recommendation as to the enforcement action to be taken in this matter. The General Counsel recommended that the matter be referred to the D.C. Office of Attorney General for possible criminal prosecution.

After hearing from the parties, the Board Chair made a motion that the case be referred to the D.C. Office of Attorney General. The motion was duly seconded and passed unanimously. The Board’s on-the-record decision was memorialized in a written order that was signed by the Chair and sent to Mr. Lockhart and his counsel.

Subsequently, OGC reached out to OAG about the process for referring election law violators to that prosecutorial office. Upon review of several representative Board referral matters, the OAG advised OGC on June 16, 2026 that it had concluded that it did not have jurisdiction over the election law violations at issue and that the U.S. Attorney’s Office (“USAO”) for D.C. was the appropriate law enforcement agency for referral.

In light of the OAG’s guidance, OGC again reached out to Mr. Lockhart and his counsel and provided notice that the General Counsel would be seeking to revise her recommendation to the Board in this matter during the Board’s meeting scheduled for July 17, 2026. The notice explained that the General Counsel would be requesting that the case be referred to the USAO instead of the OAG.

On the evening prior to the Board hearing, Mr. Lockhart’s Counsel sent OGC a letter identified in the reference line as “Appeal of Referral Determination”. The letter contended that referral was not supported by the factual record, statements provided during the interview or evidentiary standards.

At the July 17, 2026 Board meeting, the General Counsel requested reconsideration of this matter for the limited purpose of modifying her earlier enforcement recommendation to substitute the USAO for the OAG as the entity to which a referral would be made. She pointed out that substituting the USAO for the OAG did not open the door to reconsideration of the merits of the Board’s referral decision, that the deadline for Mr. Lockhart to seek reconsideration of the substance of the Board’s decision to refer him to a prosecutorial authority expired several months ago,³ and that Mr. Lockhart’s appeal was untimely. Accordingly, the General Counsel requested that the Board amend its December 4, 2025 written order so as to vacate the referral to the OAG and instead to direct prompt referral of this matter to the USAO for D.C. Member Greenfield moved that the December order be so amended. 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 As noted above, it is also a crime to vote twice in the same election.⁵ The Board can, upon the General Counsel’s

³ 3 D.C.M.R. 429 sets forth the Board’s rules for seeking reconsideration of an order. Under those rules, reconsideration must be sought by motion within ten days of the order.

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 52 U.S. Code § 10307. See also D.C. Code § 1–1001.09(g) (prohibiting voting more than once without specifying a penalty) and D.C. Code § 1–1001.18(a) (allowing civil penalties for any violation of the election laws).

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.⁶ We may also impose civil fines of up to \$2,000 for each election law violation upon the recommendation of the General Counsel.⁷ Our task, therefore, is to determine whether there is sufficient proof of an attempt to vote falsely or fraudulently and/or to vote twice in violation of the election laws and, if so, to determine the appropriate enforcement action.

As the Board found in December 2025, the signature on the 2024 GE mail ballot return envelope at issue does not match the signature of the voter to whom it was issued, the signature is reasonably decipherable as “Gary Lockhart,” and the address to which the ballot was sent was the address at the time of a close family relative of Mr. Lockhart. On the one hand, Mr. Lockhart maintains, that the signature on the mail ballot is not a sufficient match to his own and that he did not have access to that ballot. On the other, he did not produce the relative who resided at the property where the ballot was sent to affirm that Mr. Lockhart had no access to mail received at that property.

While the facts arguably present minimally sufficient evidence from which we may reasonably infer that Mr. Lockhart cast a mail ballot issued to another and illegally voted twice, we are not inclined to discredit Mr. Lockhart without a thorough investigation. The Board found, based on the record before it in December, that it was appropriate to refer this matter for possible further investigation and potential criminal enforcement. Mr. Lockhart’s appeal for the reason that the record relied upon for referral was, in his view, insufficient has been submitted far outside the

⁶ 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.”).

⁷ *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”).

ten-day period for seeking reconsideration under our rules and is simply an untimely challenge to the Board's referral findings and conclusions.

In light of the OAG's recent conclusion, our responsibility to enforce the election laws requires that we correct our December 2025 decision to refer this matter to the proper prosecutorial authority. Accordingly, we must revise our December 2025 order to substitute the USAO for the OAG.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the July 16, 2026 appeal letter filed by Mr. Lockhart is denied as untimely.

It is

FURTHER ORDERED that the modified recommendation of the General Counsel is **ACCEPTED**. It is

FURTHER ORDERED that the Board's direction at the December 3, 2025 hearing that Mr. Lockhart be referred to the D.C. Office of Attorney General is vacated. It is

FURTHER ORDERED that the Board's Office of General Counsel shall forthwith refer Gary Lockhart to the U.S. Attorney's Office for the District of Columbia for investigation and possible prosecution.

The Board issues this written amended order today, which is consistent with its oral ruling rendered on July 17, 2026.

A handwritten signature in black ink, appearing to read 'G. McCarthy', is written over a horizontal line.

Gregory McCarthy
Chairman
Board of Elections