

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	
Destiny Khalilgucci	)	Administrative
	)	Order #26-022

AMENDED MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on April 1, and July 17, 2026. It concerns a recommendation by the Board’s General Counsel that the Board refer Destiny Khalilgucci for criminal investigation. Chairman Gregory McCarthy and Board Members Karyn Greenfield and Michael Wakefield presided over the July 17th hearing.¹ 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 same voter’s name in the D.C. 2024 General Election (“GE”) and in the 2024 GE in Maryland. However, the information in the file for the voter in D.C. showed the same name that appeared in the Maryland file but followed by a hyphen and an additional name.² In light of the ERIC report findings, Board staff reviewed the signature on the ballot return envelope for the D.C. mail ballot cast in that voter’s name to the signature associated with the ballot cast in person in Maryland. The signatures did not match. Notably, the

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

² 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”).

voter wrote a reasonably decipherable signature of their name with the last name omitting the hyphenated addition on the Maryland ballot in cursive form, while the D.C. ballot return envelope showed a printed name with the hyphenated version of the voter's last name and another name printed under the signature line followed by "DDS."

Accordingly, OGC commenced an investigation of other voters claiming the same D.C. address as that on 2024 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 Destiny Khalilgucci on a 2024 D.C. mail ballot return envelope that had been issued to Ms. Khalilgucci, and that the name handprinted under the signature line on the suspect ballot return envelope that had been issued to another voter was consistent with "Khalilgucci." In addition, the return envelope for the D.C. mail ballot issued in Khalilgucci's name included a handwritten "DDS" after the preprinted name "Khalilgucci" that appears under the signature line.

Based on this evidence, the Board's Office of General Counsel ("OGC") opened an investigation targeted at Destiny Khalilgucci. OGC scheduled a prehearing conference and attempted to notify Ms. Khalilgucci of that proceeding via the email address that was in her voter file. While the email to Destiny Khalilgucci did not bounce back, Ms. Khalilgucci did not appear at the prehearing conference. OGC then sent notice to Ms. Khalilgucci via email and certified mail that her case would be presented to the Board during the Board's regular meeting in March.³

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

³ According to USPS tracking information, the notice was left with an individual at Ms. Khalilgucci's address.

At the Board’s regular meeting on April 1, 2026, Destiny Khalilgucci’s case was presented and again she did not come forward. The Board then heard from the General Counsel’s Office with respect to the facts of the matter. The General Counsel attorney assigned to the matter explained and requested admission into the record of evidence that tended to show that Ms. Khalilgucci cast a D.C. ballot issued to another voter in the 2024 GE and that she also voted in her own name in that election.

Following the presentation of this and other similar enforcement matters, the General Counsel made a recommendation that the matter be referred to the D.C. Office of Attorney General for further investigation and possible prosecution, provided however that her office would delay referral to give Ms. Khalilgucci an opportunity to seek reconsideration.⁴ The Board Chair made a motion to accept the General Counsel’s recommendation. The motion was duly seconded and passed unanimously.

Promptly following issuance of the Board’s written referral order, OGC sent Ms. Khalilgucci the order and took no action for several weeks to allow Ms. Khalilgucci time to seek reconsideration of that order. After not hearing from Ms. Khalilgucci, 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 for D.C. (“USAO”) was the appropriate law enforcement agency for referral.

In light of the OAG’s guidance, OGC again reached out to Ms. Khalilgucci and provided notice that the General Counsel would be seeking to revise her recommendation to the Board in

⁴ 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. If that deadline is missed, a party seeking reconsideration would have to ask for leave to file a motion for reconsideration.

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.

At a Board meeting on July 17, 2026, the General Counsel requested reconsideration of this matter for the purpose of modifying her earlier enforcement recommendation.⁵ She asked that the Board amend its April 2, 2026 order and to vacate the referral to the OAG and instead to promptly refer this matter to the USAO for D.C. Member Greenfield moved that the Board’s April 2, 2026 order be modified to align with and require such referral. 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.⁶ In addition, voting twice in the same election can trigger prosecution for violating a number of election laws.⁷ The Board’s enforcement powers with respect to criminal election law matters include referral to the OAG for investigation and prosecution. *See* D.C. Code § 1–1001.18(a)-(b).

⁵ Notifications of the Board’s reconsideration in her case were sent to Ms. Khalilgucci by first class mail and email.

⁶ *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.

⁷ *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 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).

The record before us contains sufficient (if not compelling) evidence that Ms. Khalilgucci voted a 2024 GE mail ballot issued to another voter and also voted a ballot issued to her in that same election. This conduct facially violates various election laws.

That said, the capacity of the Board's OGC to investigate such violations is limited. The OGC has made multiple attempts to contact Ms. Khalilgucci and has been unable to complete its investigation. The statutory power of the Board to refer matters to prosecutorial authorities suggests that the law is intended to allow the Board to rely on prosecutorial investigatory resources in ferreting out election fraud. Reluctant to take such serious action, we provided Ms. Khalilgucci with another opportunity to come forward in response to the earlier April 2, 2026 version of this order. Again, Ms. Khalilgucci did not cooperate in resolving this matter. Accordingly, we have little choice other than to refer her for criminal investigation.

In light of the OAG's recent conclusion, our responsibility to enforce the election laws requires that we correct our April 2026 decision to refer this matter to the proper prosecutorial authority. Accordingly, we must revise our April 2026 order to substitute the USAO for the OAG.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the modified recommendation of the General Counsel is **ACCEPTED**, it is

FURTHER ORDERED that the Board's direction at an April 1, 2026 hearing that Ms. Khalilgucci 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 Destiny Khalilgucci to the U.S. Attorney's Office for the District of Columbia for further 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", written in a cursive style.

Gregory McCarthy
Chairman
Board of Elections