

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	Administrative
Louise Valentine-Simmons	)	Order #26-012
	)	

AMENDED MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on March 4, and July 17, 2026. It concerns a recommendation by the Board’s General Counsel that the Board take enforcement action against Louise Valentine-Simmons for her voting twice in the same election. 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 mail ballots were cast in the name of Louise Valentine-Simmons in the D.C. 2024 General Election (“GE”) and in the 2024 GE in Maryland.² In light of the ERIC report findings, OGC investigated whether Ms. Valentine-Simmons violated in the 2024 GE laws related to double voting.

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").

OGC sent Ms. Valentine-Simmons notice of a pre-hearing conference in the matter. Ms. Valentine-Simmons appeared on January 16, 2026 at the pre-hearing conference and was presented with the evidence that on October 2, 2024 she cast a mail ballot in the Maryland 2024 General Election and that on October 26 2, 2024 she cast a D.C. 2024 mail ballot. She was advised that the signatures associated with the two 2024 General Election ballots matched each other and also matched earlier signatures for her in her D.C. voter file. Ms. Valentine-Simmons, however, double voting. Following the pre-hearing conference, she ceased communicating with OGC.

Ms. Valentine-Simmons was duly notified that her case would be presented during the Board's regular monthly meeting in March 2026. At that March 4, 2026 meeting, the General Counsel stated the facts of the case and that Ms. Valentine-Simmons was aware of the presentation of her case to the Board. Ms. Valentine-Simmons, however, was not present. With this presentation of the case and the evidence, the General Counsel made a recommendation that the matter be referred to the Office of Attorney General for the District of Columbia ("OAG") for criminal investigation.

After hearing from the General Counsel, the Board Chair made a motion that Ms. Valentine-Simmons be referred for criminal investigation and possible prosecution for her voting twice in an election. The motion was duly seconded and passed unanimously.

Promptly following issuance of the Board's written referral order, OGC sent Ms. Valentine-Simmons the order. Thereafter, 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 Ms. Valentine-Simmons 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.

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.³ She requested that the Board amend its written order dated March 5, 2026 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 Board's March 5, 2026 written order be modified to align with and require such referral. The motion was duly seconded and passed unanimously.

Discussion

The Board's enforcement powers with respect to criminal election law matters include referral to the U.S. Department of Justice and/or to the Attorney General for the District of Columbia. *See* D.C. Code § 1-1001.18(a)-(b). Voting twice in the same election can trigger prosecution for violating a number of election laws.⁴ Generally, however, criminal liability requires a high level of proof of knowing and intentional conduct.

³ Notifications of the Board's proceeding on reconsideration in her case were sent to Ms. Valentine-Simmons by email and mail.

⁴*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

The Board can also impose civil penalties for voter misconduct of up to \$2,000 for each offense. *See* D.C. Code § 1–1001.18 (b) (“Any person who violates any provision of this subchapter may be assessed a civil penalty for each violation of not more than \$2,000 by the Board pursuant to subsection (d) of this section.”).⁵ We may impose civil fines where the misconduct is unintentional.⁶

It is undisputed that Ms. Valentine-Simmons voted twice in the 2024 GE. Ms. Valentine-Simmons voted by mail in Maryland and then, in D.C., cast a mail ballot that contained an oath affirming that she would not vote elsewhere in the election. Ms. Valentine-Simmons’ claim that she did not so vote is not plausible and she has not produced any evidence to corroborate her claim. Based on the record before us, we have no reason to doubt that her conduct was intentional. In light of the circumstances, we agree with the General Counsel’s recommendation that this matter should be referred for criminal investigation.

In light of the OAG’s recent conclusion, our responsibility to enforce the election laws requires that we correct our March 2026 decision to refer this matter to the proper prosecutorial

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).

⁵ The statute provides that the Board may take enforcement action upon the recommendation of the General Counsel.

⁶*See e.g. Drake et al. v. The Citizens Committee for the D.C. Lottery Terminal Initiative of 2024, et al.*, BOE No. 05-002 at pp. 4, 40 and 42 (issued 07/29/2005) (imposed \$622,880 in civil fines under the predecessor of D.C. Official Code § 1–1001.18(b) for unintentional yet grossly negligent and negligent conduct); *In the Matter of Ballots Cast in the Name of Hannah Brown*, BOE No. 23-015 (issued 12/15/2023) (indicating that a voter might be strictly liable for civil penalties for double voting, but declining to impose that standard where the voter was told that her first ballot had been lost); *In the Matter of Ballots Cast in the Name of Barbara Duncan*, BOE No. 24-017 at p. 6 (issued 8/2/2024) (same, citing *Brown*); *In the Matter of Kersey Manliclic*, BOE No. 24-010 (issued 6/12/2024) (imposing civil fine for unintentional conduct).

authority. Accordingly, we must revise our March 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**, and it is

FURTHER ORDERED that the Board's direction at the March 4, 2026 hearing that Ms. Valentine-Simmons be referred to the D.C. Office of Attorney General is vacated. It is

FURTHER ORDERED that Ms. Valentine-Simmons shall be referred to the U.S. Attorney's Office for the District of Columbia for criminal investigation and possible criminal prosecution.

The Board issues this amended written 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 above a horizontal line.

Gregory McCarthy
Chairman
Board of Elections