

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	
Ayisha Owens	)	Administrative
	)	Order #26-018

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 Ayisha Owens for criminal investigation. Chairman Gregory McCarthy and Board members Karyn Greenfield and Michael Wakefield presided over the July 17th proceeding.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 name of Ayisha Owens in the D.C. 2024 General Election (“GE”) and in the 2024 GE in Maryland.² The D.C. ballot was cast in person on Election Day, November 5, 2024. The Maryland ballot was cast by mail on September 26, 2024. In light of the ERIC report findings, Board staff reviewed the signatures on the Poll Pad for the D.C. mail ballot cast in Ms. Owens’s name against the signature provided on the return envelope for the Maryland ballot issued to Ms. Owens. The Board’s staff could not conclude that the signatures were not made by the same person.

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”).

Based on this evidence, the Board's Office of General Counsel ("OGC") opened an investigation targeted at Ms. Owens. OGC scheduled a prehearing conference and attempted to notify Ms. Owens of that proceeding by mail at the D.C. address that was in her D.C. voter file and at the Maryland address for her that was provided by that jurisdiction. Ms. Owens did not appear at the prehearing conference. OGC then sent certified mail notice to Ms. Owens 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. Owens's case was called but she did not appear. Accordingly, the General Counsel advised that her office would seek referral of this matter to the D.C. Office of Attorney General ("OAG") at the Board's next regular meeting.

At the Board's regular meeting on April 1, 2026, Ms. Owens'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 described and requested admission into the record of evidence that tended to show that Ms. Owens voted twice in the same election.

Following the presentation of this and other similar enforcement matters, the General Counsel made a recommendation that the matter be referred to the OAG for further investigation and possible prosecution, provided however that her office would delay referral to give Ms. Owens 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. Owens the order and took no action for several weeks to allow Ms. Owens time to seek reconsideration

³ According to USPS tracking information, the letter to Ms. Owens at her D.C. address was delivered and left with an individual. The letter to her Maryland address was in the possession of USPS on February 11, 2026 and was still in transit as of the issuance of this order.

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.

of that order. After not hearing from Ms. Owens, OGC reached out to the OAG about the process for referring election law violators to that prosecutorial office. Upon review of several representative Board referral matters, the OAG advised the 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. Owens 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.⁵ She requested that the Board amend its April 2, 2026 written order so as to vacate the referral to the OAG and instead to direct prompt referral in this matter to the USAO for D.C. Member Greenfield moved that the Board's April 2, 2026 written order be modified to align with and require such referral. The motion was duly seconded and passed unanimously.

Discussion

Voting twice in the same election can trigger prosecution for violating a number of election laws.⁶ 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 proceedings on reconsideration in her case were sent to Ms. Owens by mail.

⁶ *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

The record before us contains evidence indicating that Ms. Owens illegally voted twice in the 2024 GE; once in Maryland and once in D.C. The last ballot cast was in D.C., a fact that we have relied upon to determine where the offense of double voting occurred. Absent an innocent explanation, the evidence is sufficient to support a finding of various election law violations.

That said, the capacity of the Board's OGC to investigate election law violations is limited. The OGC has made multiple attempts to contact Ms. Owens 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. Owens with another opportunity to come forward in response to the earlier April 2, 2026 version of this order. Again, Ms. Owens 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**, and it is

FURTHER ORDERED that the Board's direction at the April 1, 2026 hearing that Ms. Owens be referred to the D.C. Office of Attorney General is vacated. It is

willfully giving false residency information for the purpose of establishing eligibility to register or vote in elections to fill federal offices).

FURTHER ORDERED that the Board's Office of General Counsel shall forthwith refer Ayisha Owens 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", written over a horizontal line.

Gregory McCarthy
Chairman
Board of Elections