

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	Administrative
Jenefer Ellingston	)	Order #26-043

AMENDED MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on June 3, and July 17, 2026. It concerns the Board’s General Counsel’s recommendation, pursuant to D.C. Official Code § 1–1001.18(a), that the Board take enforcement action in the above-captioned matter. 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 became aware of evidence that a ballot was cast in the name of Jenefer Ellingston in the D.C. 2024 General Election (“GE”) and that a ballot was cast in the name of Jenefer Ellingston in the 2024 GE in Maryland. This evidence suggested, at a minimum, a violation of prohibitions on voting twice.² Accordingly,

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

² Notably, the two elections included the presidential race. *See* 52 U.S. Code § 10307(e) (prohibiting double voting in a federal election) and D.C. Official Code §1-100.09(g) (prohibiting voting twice in “any election”). As further discussed below, the Board is authorized, upon the recommendation of the General Counsel, to take enforcement action for election law violations by referring criminal conduct to prosecutorial authorities and/or by imposing civil fines of up to \$2,000 for each violation. *See* D.C. Code §1-1001.18(a)-(b).

the Office of General Counsel (“OGC”) launched an investigation into the 2024 GE ballots cast in the name of Jenefer Ellingston.

On November 14, 2025, OGC sent Ms. Ellingston notice that there would be a prehearing conference before that office on December 5, 2025. The notice was sent to available email and residential addresses for Ms. Ellingston. The email did not bounce back and the hard copy notices were not returned by the U.S. Postal Service. Ms. Ellingston did not appear at the December 5, 2025 prehearing conference. Ms. Ellingston was then sent notice that, on June 3, 2026, the Board would hear the General Counsel’s recommendation as to enforcement action that the Board should take against her.

At the June 3 hearing, the OGC attorney assigned to the case explained that Ms. Ellingston had been flagged by ERIC as a possible double voter in the 2024 General Election and she noted for the record that the Poll Pad signature associated with the in-person ballot issued in Ms. Ellingston’s name was decipherable as “Jenefer Ellingston” and that the signature associated with the 2024 GE Maryland mail ballot was also decipherable as “Jenefer Ellingston” and that the signatures, despite being produced on different media, had similarities. Upon the request of the OGC attorney, the Board accepted the signature evidence into the record.

Ms. Ellingston did not appear at the hearing. Based on the record presented, the General Counsel recommended that the matter be referred to the Office of Attorney General for the District of Columbia (“OAG”) for further investigation and possible prosecution, provided however that her office would delay referral to give Ms. Ellingston an opportunity to seek reconsideration.³ The Board Chair made a motion to accept the General Counsel’s recommendation. The motion was duly seconded and passed unanimously.

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

Promptly following issuance of the Board’s written referral order, OGC sent Ms. Ellingston the order and took no action for a couple of weeks to allow Ms. Ellingston time to seek reconsideration of the order. After not hearing from Ms. Ellingston, OGC reached out to OAG about the process for referring election law violations 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. Ellingston 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 the July 17, 2026 Board meeting, the General Counsel requested reconsideration of this matter for the purpose of modifying her earlier enforcement recommendation.⁴ She requested that the Board amend its June 4, 2026 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 Board’s June 4, 2026 written order be modified to align with and require such referral. The motion was duly seconded and passed unanimously.

Discussion

D.C. Official Code § 1–1001.18(a) provides that the Board’s General Counsel may recommend to the Board enforcement action for violations of any election law.⁵ The election laws include D.C. Official Code §1-1001.09(g)(1), which provides that no person shall vote twice in an

⁴ Notification of the Board’s proceeding on reconsideration in her case was sent to Ms. Ellingston by mail.

⁵ *See also* D.C. Official Code § 1–1001.05(a)(16) (authorizing the Board to “[p]erform such other duties as are imposed upon it by this subchapter”).

election. In addition, D.C. Official Code §1-1001.14(a) provides that it is a criminal offense to vote or attempt to vote and make false representations as to the person's qualifications for voting. Voting qualifications include that a person cannot claim voting residence or the right to vote in another state. *See* D.C. Official Code §1-1001.02(2)(C). Finally, D.C. election laws also provide that it is a crime to fraudulently cast a ballot. *See* D.C. Official Code § 1-1001.14(a-1)(1)(D).⁶

The record before us contains sufficient evidence that Ms. Ellington voted twice in the 2024 General Election in violation of various election laws. That said, the capacity of the Board's OGC to investigate such violations is limited. Notwithstanding the efforts to contact Ms. Ellington, OGC 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. Ellington with another opportunity to come forward in response to the earlier June 4, 2026 version of this order. Again, Ms. Ellington did not cooperate with us 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 June 2026 decision to refer this matter to the proper prosecutorial authority. Accordingly, we must revise our June 2026 order to substitute the USAO for the OAG.

Conclusion

For the reasons indicated above, it is hereby:

⁶ *See*, in addition to the federal prohibition on double voting cited at footnote 1 *supra*, 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). As noted above, federal law prohibits double voting in a federal election.

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

FURTHER ORDERED that the Board's direction at the June 3, 2026 hearing that Ms. Ellingston 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 Jenefer Ellingston 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 positioned above a horizontal line.

Gregory McCarthy
Chairman
Board of Elections