

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	
Phillip Anthony Harris	)	Administrative
	)	Order #26-021

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 Phillip Anthony Harris 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-person on the same day and approximately 40 minutes apart in the same voter’s name in the D.C. 2024 General Election (“GE”) and in the 2024 GE in Maryland.² In light of the ERIC report findings, Board staff reviewed the Poll Pad signature associated with the D.C. ballot cast in person in that voter’s name to the signature associated with the ballot cast in person in Maryland. While the D.C. Poll Pad signature was reasonably decipherable as “Phillip Harris,” the signatures did not match. Also, the Maryland signature was followed by “V,” while no “V” followed the D.C. signature.

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”).

Accordingly, OGC commenced an investigation of other D.C. voters claiming the same D.C. address as the address associated in the 2024 GE Poll Pad record for the person who signed the name Phillip Harris when they checked in at the D.C. voting center. That effort revealed that two voters having different dates of birth but the same name “Phillip Harris,” were associated with that D.C. address. One of the two voters, however, included “V” after their name and had not claimed a middle name. The other had provided the middle name of “Anthony” during same-day registration in 2022, but had not associated “V” with their name. The handwriting provided for the Maryland 2024 in-person ballot matched the handwriting for voter going by “Phillip Harris V.”

Based on this evidence, the Board’s Office of General Counsel (“OGC”) opened an investigation targeted at Phillip Anthony Harris. OGC scheduled a prehearing conference and attempted to notify Mr. Harris of that proceeding via the email address that was in his voter file. After the date for the prehearing conference had passed, Mr. Harris responded as follows via email:

I do not understand what this is all about. Is someone using my identity to vote? The last election I voted in was the 2024 presidential election. My polling place is at the University of the District of Columbia. I do not know what type of information you need from me to prove that I have not done anything illegal with voting.

OGC emailed him back an offer to reschedule the prehearing conference, but Mr. Harris did not respond to that email. OGC then sent notice to Mr. Harris via email and certified mail that his case would be presented to the Board during the Board’s regular meeting in March.³

At the Board’s March meeting, Mr. Harris’ case was called but he 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.

³ According to USPS tracking information, the notice was not delivered.

At the Board's regular meeting on April 1, 2026, Mr. Harris' case was presented and again he 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 indicated that Mr. Harris may have improperly cast a D.C. ballot issued to another voter, Phillip Harris V.

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 Mr. Harris 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 Mr. Harris the order and took no action for several weeks to allow Mr. Harris time to seek reconsideration of that order. After not hearing from Mr. Harris, 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. was the appropriate law enforcement agency for referral.

In light of the OAG's guidance, OGC again reached out to Mr. Harris 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.

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.

At the July 17, 2026 Board meeting, 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 of 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

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 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).

The record before us contains evidence that a person using the name Phillip Harris who was *not* Phillip Harris V voted the 2024 GE ballot intended *for* Phillip Harris V. The evidence further indicates that the possible culprit is another voter who uses the name Phillip Anthony Harris. Absent some innocent explanation, this conduct facially violates various election laws.

That said, the capacity of the Board’s OGC to investigate such violations is limited. While OGC has contacted Phillip Anthony Harris, he evidently is not cooperating. 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 Mr. Harris with another opportunity to come forward in

⁵ Notifications of the Board’s proceedings on reconsideration in his case were sent to Mr. Harris by email and mail.

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.

response to the earlier April 2, 2026 version of this order. Again, Mr. Harris did not cooperate in resolving this matter. Accordingly, we have little choice other than to refer him 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 Mr. Harris be referred to the D.C. Office of Attorney General is vacated. It is

FURTHER ORDERED that the Board's Office of General Counsel is directed shall forthwith refer Phillip Anthony Harris 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", is written above a horizontal line.

Gregory McCarthy
Chairman
Board of Elections