

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	
Jo Ann Elvis	)	Administrative
	)	Order #26-020

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 Jo Ann Elvis 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 name Michelle Monique Elvis 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 signature on the ballot return envelope for the D.C. mail ballot cast in that voter’s name to the signature associated with the in-person ballot cast in Maryland. The signatures did not match. Notably, the voter signed the Maryland ballot with “M” followed by what appears to be a number eight followed by “M” followed again by what appears to be a number

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”).

eight. The signature on the D.C. mail ballot return envelope is reasonably decipherable as the name “MM Elvis.”

Accordingly, OGC conducted an investigation of other voters claiming the same D.C. address as that which appeared on the 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 Jo Ann Elvis. In addition, Jo Ann Elvis’s voter file showed that she cast a D.C. ballot in her own name in the 2024 GE.

Based on this evidence, the Board’s Office of General Counsel (“OGC”) opened an investigation targeted at Jo Ann Elvis. OGC scheduled a prehearing conference and attempted to notify Ms. Elvis of that proceeding via the email address that was in her voter file. While the email to Ms. Elvis did not bounce back, she did not appear at the prehearing conference. OGC then sent notice to Ms. Elvis 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. Elvis’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. Elvis’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. Elvis 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.

³ According to USPS tracking information, as of the date of this order, the letter (which was in the USPS system as of February 12, 2026) was still in transit.

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. Elvis 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. Elvis the order and took no action for several weeks to allow Ms. Elvis time to seek reconsideration of that order. After not hearing from Ms. Elvis, 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 reached out to Ms. Elvis 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.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

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.

⁵ Notifications of the Board's proceedings on reconsideration in her case were sent to Ms. Elvis by email and mail.

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 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).

The record before us contains sufficient (if not, compelling) evidence that Ms. Elvis voted a 2024 GE mail ballot issued to another voter and that she 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. Elvis 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. Elvis with

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).

another opportunity to come forward in response to the earlier April 2, 2026 version of this order. Ms. Elvis has not cooperated 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 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. Elvis 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 Jo Ann Elvis 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.



Gregory McCarthy
Chair
Board of Elections