

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of)
Elbert Lindsey Maxwell II)

Administrative
Order #25-022

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 3, 2025. It concerns the Board’s General Counsel’s recommendation, pursuant to D.C. Official Code § 1–1001.18(a), that the Board consider enforcement action in the above-captioned matter. Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. Elbert Maxwell, his attorney, Dan Schwager, and the Board’s General Counsel, Terri Stroud, were 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 Elbert Lindsay Maxwell in the D.C. 2024 General Election (“GE”) and that a ballot was cast in the name of Elbert Lindsay Maxwell in the 2024 GE in Arizona. This evidence suggested, at a minimum, a violation of prohibitions on voting twice.¹

¹Notably, 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).

Accordingly, the Office of General Counsel (“OGC”) launched an investigation into the 2024 GE ballots cast in the name of Elbert Lindsey Maxwell.

As part of that investigation, Mr. Maxwell was notified that there would be a pre-hearing conference before the Board’s Office of General Counsel on November 19, 2025. He and his counsel, Mr. Schwager, attended the pre-hearing conference and, following discussions at that conference, Mr. Maxwell entered into a stipulated agreement with the OGC.

The hearing before the Board in this matter was set for December 3, 2025. Mr. Maxwell and his attorney were duly notified of the hearing. At the hearing, the stipulation and supporting evidence was entered into the record without objection and the OGC attorney assigned to the matter presented OGC’s case. The OGC attorney explained that, in 2015, Mr. Maxwell applied to vote in D.C. and that D.C.’s Voter Registration Application includes in the instruction section the following: “To **vote** in the District of Columbia, you must: ... Not claim voting residence or the right to vote in another U.S. State[.]” An oath at the end of that application form similarly requires registrants to swear and affirm that they “do not claim voting residence or the right to vote in another U.S. state[.]” The OGC attorney stated that, in 2022, Mr. Maxwell also registered to vote in Arizona. While the Arizona voter registration form included a field for the registrant to list their previous address “[i]f [they] were registered to vote in another state,” Maxwell left that field blank. Before and after registering to vote in Arizona, Maxwell did not cancel his D.C. registration.

The OGC attorney further advised that Maxwell voted by mail in the 2024 GE in Arizona on September 28, 2024. On October 31, 2024, Maxwell voted in person at an early voting center in the 2024 GE in D.C. At the time of voting, he signed the following oath on an electronic poll

pad device at the voting location: “I swear or affirm that I reside at the address above and that I am eligible to vote in this election.”²

Maxwell’s voting in the 2024 GE ultimately triggered the ERIC report of double voting and OGC’s investigation. The OGC attorney advised the Board of the facts and of Mr. Maxwell entering into a stipulation with the General Counsel.

Following the presentation of OGC’s case, Mr. Maxwell’s attorney had an opportunity to speak. Mr. Schwager stated noted that Mr. Maxwell has requested that Arizona cancel his voter registration. He also pointed out that his client had not voted more than once for any candidate to fill the same particular office.

The Chair then requested that the General Counsel make a recommendation as to the appropriate enforcement action in the matter. The General Counsel recommended that a civil fine of \$200.00 be imposed on Mr. Maxwell. The Board Chair advised that he agreed with the General Counsel’s recommendation and he moved that the Board find that Mr. Maxwell be fined in the recommended amount. 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 the elections laws.³ Our task is to determine whether there is sufficient proof of a violation of an election law provision to support

² D.C. voter files show that mail ballots were cast in Maxwell’s name in the D.C. in 2020 and 2022 November GEs. The D.C. mail ballot return envelope provides for the voter to certify that he/she “ha[s] not and will not vote, or attempt to vote more than one ballot in this election, and that [he/she is] not voting in any other jurisdiction in the U.S.” In the 2025 Special Election, a mail ballot return envelope having the certification that the voter “ha[s] not and will not vote, or attempt to vote more than one ballot in this election, and that [he/she is] not voting in any other jurisdiction in the U.S.” was cast in Maxwell’s name.

³ 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”).

enforcement action. Should we find such proof, we are authorized to impose a civil penalty of up to \$2,000 and/or to refer the matter for criminal prosecution. *See* D.C. Official Code § 1–1001.18(a)-(b).

With regard to the possible violations of law here, D.C. Official Code §1-1001.09(g)(1) provides that no person shall vote twice in an election. D.C. Official Code §1-1001.09(g)(1) does not specify any level of intent. Nor is it specifically limited to D.C. elections. It simply and broadly states that no one shall vote twice in “any election.”⁴

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. As suggested above, to be qualified to vote in the District, the 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).⁵

It cannot be reasonably disputed that Mr. Maxwell claimed voting residence in more than one jurisdiction when he cast his 2024 GE D.C. ballot. Likewise, for the purpose of civil liability under D.C. Official Code §1-1001.09(g)(1), Mr. Maxwell voted twice in the 2024 GE.

⁴ While no specific penalty for violations is set forth within section 1-1001.09, D.C. Official Code § 1-1001.14(a) provides criminal penalties for violating section 1-1001.09 by “vot[ing] under the provisions of this subchapter.... or ... vot[ing] more than once any election so held.” While arguably section 1-1001.14(a)’s criminal penalties apply where the first vote was cast in another jurisdiction, the Board’s broad authority to impose civil fines for any election law violation under D.C. Official Code § 1–1001.18 should be triggered by violations of section 1-1001.09’s broad prohibition on double voting.

⁵52 U.S. Code § 10307(c) prohibits 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. However, there is an exception for ballots that are not cast for an election to the same candidacy or office. 52 U.S. Code § 10307(e). In the face of a voter’s claim that they did not vote on each ballot for the same office, that exception arguably renders federal law unenforceable given that ballots are generally secret.

Mr. Maxwell's defense is that he did not vote twice for the same office and therefore did not believe he violated the law. We have no reason to doubt Mr. Maxwell's credibility as to the offices he voted for on the 2024 ballots that he cast. His representations evidence a lack of nefarious intent. We further accept that Mr. Maxwell's conduct did not skew the election results with respect to any office that appeared on both ballots. But, while Mr. Maxwell's position is a defense to a federal law violation, it is not a defense with respect to D.C. law, and his position does not address his failure to appreciate that his claim of a voting right in Arizona disqualified him from voting in D.C., which meant that the oath that he took at the time of voting that indicated that he was eligible to vote in this election in D.C. was untrue.

Nevertheless, we are not satisfied that there is sufficient evidence here to prove the intent or other elements of the applicable criminal laws.⁶ Further, as a result of this matter, we have no doubt that Mr. Maxwell appreciates the prohibition on voting more than once and will correct his voting behavior. Therefore, we do not believe that referral of this matter to prosecutorial authorities would be appropriate or productive. That said, Mr. Maxwell's (at the very least) civil misconduct merits some consequences. Accordingly, we agree with the General Counsel that he should be subject to a \$200.00 civil fine.

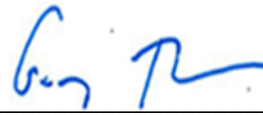
Conclusion

Based on the undisputed evidence that Elbert Maxwell improperly voted twice and misstated his eligibility to vote in the 2024 General Election, it is hereby:

ORDERED that Mr. Maxwell be civilly fined \$200.00. The Board issues this written order today, which is consistent with its oral ruling rendered on December 3, 2025.

⁶ See *U.S. v. Salisbury*, 983 F.2d 1369 (6th Cir. 1993)(indicating that the crime of voting twice requires proof of conduct that was knowing, willful, and expressly for the purpose of voting more than once).

Date: December 4, 2025



Gary Thompson
Chairman
Board of Elections