

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of Ballots)	
Cast in the Name of)	Administrative
Claire Gudewich)	Order #25-014
)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on August 7, 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. Claire Gudewich, her attorney, Andrew Herman, 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 Claire Gudewich in the D.C. 2024 General Election (“GE”) and that a ballot was cast in the name of Claire Gudewich in the 2024 GE in South Carolina. This evidence suggested, at a minimum, a violation of prohibitions on voting twice.¹ Accordingly,

¹Notably, the two elections included the presidential race. *See e.g.* 52 U.S. Code § 10307(e) (prohibiting double voting in a federal 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 Claire Gudewich.

As part of that investigation, Ms. Gudewich was notified that, on July 22, 2025, there would be a pre-hearing conference before the Board's Office of General Counsel. She and her counsel, Mr. Herman, attended the pre-hearing conference and, following discussions at that conference, Ms. Gudewich entered into a stipulated agreement with the OGC. The facts to which Ms. Gudewich stipulated included that, while she was a resident of D.C., Ms. Gudewich switched her driving license to South Carolina where she was temporarily located and had a second home when, during COVID, she found herself unable to obtain her renewed D.C. driver's license through the U.S. Postal Service before that D.C. license expired. As a result of her activity at the South Carolina Department of Motor Vehicles, Ms. Gudewich became a registered voter in South Carolina. Therefore, Ms. Gudewich planned to vote a South Carolina ballot in the 2024 GE. Because she was uncertain, however, as to where she would be staying during South Carolina's in-person voting period, Ms. Gudewich decided to request an absentee ballot. Ms. Gudewich received that South Carolina ballot, filled it out and, on October 25, 2024, signed the ballot return envelope and then personally handed the envelope to a U.S. Postal carrier. However, she later became concerned that, because she failed to include postage on that absentee ballot when she mailed it back to South Carolina, her South Carolina absentee ballot would not be delivered to the South Carolina elections authority. Ms. Gudewich subsequently checked with South Carolina through its on-line ballot tracking system to determine whether her ballot had been received. The system indicated only that South Carolina had sent her a ballot – not that it had received the ballot she mailed. Based on her belief that her South Carolina absentee ballot had not been and would not be delivered to the South Carolina elections authority by the day of the 2024 GE, and fearful

that that would mean she forfeited her right to vote in the GE unless she voted in D.C. where she was located at the time, Ms. Gudewich appeared at a D.C. Vote Center when the polls opened on November 5, 2024 and voted in-person. Unbeknownst to Ms. Gudewich, South Carolina had credited her absentee ballot the day before.

The hearing before the Board in this matter was set for August 7, 2025. Ms. Gudewich and her 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.² The Board Chair offered Ms. Gudewich and her attorney an opportunity to speak. Ms. Gudewich reiterated that she did not intend to vote twice and she apologized and assured the Board that this would never happen again.

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 \$100.00 be imposed on Ms. Gudewich. The Board Chair advised that he agreed with the General Counsel's recommendation and he moved that the Board find that Ms. Gudewich 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. Should we

² The OGC attorney presenting the case noted that she had checked with South Carolina election officials and confirmed that Ms. Gudewich should have been able to see on that state's on-line ballot tracking system that her ballot was received at 3:50 pm the day before the election.

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").

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. As there is no specific penalty associated with that provision, violations of the D.C. law against double voting would be subject to our general authority to impose up to \$2,000 in civil penalties for noncompliance with any election law. D.C. Official Code §1-1001.09(g)(1) also 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 As noted above, federal law prohibits double voting in a federal election. Violating the federal law is a criminal matter. There are also election law prohibitions on making false representations in order to vote.⁵

It is undisputed that Ms. Gudewich voted twice in the 2024 GE. Therefore, regardless of her intent, Ms. Gudewich’s voting in South Carolina and in D.C. constituted voting twice for purposes of the prohibition at D.C. Official Code §1-1001.09(g)(1).

Ms. Gudewich’s defense is that she thought that the only ballot that would count in the 2024 election was her D.C. ballot and therefore she was not voting twice.⁶ Given that she did not

⁴ *Compare* D.C. Official Code § 1–1001.14(a) (criminalizing fraudulent “vot[ing] under the provisions of this subchapter.... or ... vot[ing] more than once any election so held”).

⁵ D.C. 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. *See* D.C. Official Code § 1–1001.14(a) and § 1–1001.14(a-1)(1)(D), respectively. Also, 52 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.

⁶ As to the reasonableness of Ms. Gudewich’s subjective belief, we note that the record shows that, on the one hand, unlike D.C. which requires the counting of ballots that are post-marked by election day and received within a specified time after the election, having a ballot post-marked by election day would not have enlarged the time for the South Carolina elections authority to count Ms. Gudewich’s ballot. The written instructions provided by South Carolina to Ms. Gudewich required that her ballot would have to be received by South Carolina by election day, not just post-marked by that day, to be counted. So Ms. Gudewich would have known that if her ballot was not reported in South Carolina’s tracking system as having been received by election day, there was likely no chance it would be counted. On the other hand, the instructions identified four steps that the absentee voter needed to take to make sure their ballot

intend to vote twice, there is arguably insufficient evidence to satisfy the elements of the criminal laws.⁷ In light of the possibility that Ms. Gudewich's intent would be insufficient to justify criminal proceedings, we do not believe that referral of this matter to prosecutorial authorities would be appropriate.

Nevertheless, Ms. Gudewich is also civilly liable for, at the very least, violating D.C. Code §1-1001.09(g)(1), and the lack of criminal intent is not a defense to that civil offense. The question then for this Board is what, if any, penalty should be imposed on Ms. Gudewich. In that regard, we note that we have addressed the penalty that should be imposed under similar circumstances. In *In the Matter of Ballots Cast in the Name of Hannah Brown*, BOE No. 23-015 (issued 12/15/2023), a student attending school in D.C. had attempted to vote by mail in Illinois, the state of her family home. Despite checking repeatedly with the Illinois elections authority, including during a lengthy election day phone call with an Illinois election official, she was unable to confirm whether her mail ballot had been received by the Illinois elections authority. During the aforementioned phone call, the voter asked the Illinois election official how she could ensure that her right to vote was not forfeited, and the election official advised her to go to the polls in D.C. and same-day-register and vote there. In the investigation in the *Brown* matter, the OGC contacted the Illinois elections authority and confirmed that the voter's Illinois ballot was in-fact unaccounted for on election day and that it was not processed until well after the election. In that case, we concluded that the voter should not be fined.

was counted (such as signing a voter's oath), and placing postage on the return envelope was not one of those steps. So Ms. Gudewich's assumption that the lack of postage on her absentee ballot return envelope would have meant it would not be delivered was not well-supported.

⁷ 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).

This case is somewhat different in that, unlike the student in the *Brown* matter, Ms. Gudewich is not a novice voter who was advised by an elections official to engage in conduct that could result in a double vote. Further, in this case, South Carolina did actually receive Ms. Gudewich's ballot the day before the election. Had she been somewhat more diligent before chancing a double vote, Ms. Gudewich might have confirmed that fact. Because we think that Ms. Gudewich is, on the facts here, marginally culpable, we agree with the General Counsel that she should pay a nominal fine.

Conclusion

Based on the undisputed evidence that Claire Gudewich, however harmless her intentions, voted twice in the 2024 General Election, it is hereby:

ORDERED that Ms. Gudewich be civilly fined \$100.00.

Date: August 7, 2025



Gary Thompson
Chairman
Board of Elections