

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

In the Matter of Ballots	)	
Cast in the Name of	)	Administrative
Jessica Obrell Miser	)	Order #23-010
	)	

**MEMORANDUM OPINION AND ORDER**

**Introduction**

This matter came before the District of Columbia Board of Elections (“the Board”) on December 6, 2023. It concerns the Board’s General Counsel’s recommendation that the Board take enforcement action in the above-captioned matter. Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. The Board’s General Counsel, BOE staff, and Jessica Miser 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 (“OGC”) became aware of evidence that a ballot was cast in the name of Jessica O. Miser in the D.C. 2020 General Election (“GE”) and that a ballot was cast in the name of Jessica Obrell Miser in the 2020 GE in Maryland. This evidence suggested a violation of D.C. Code §1-1001.09(g)(1) (“No person shall vote more than once in any election[.]”). Such a violation would fall under the Board’s authority to impose, upon recommendation of the General Counsel, civil fines of up to \$2,000 for each violation of “any provision” of the elections laws.<sup>1</sup>

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<sup>1</sup> See D.C. Code §1-1001.18(a)-(b) (civil penalty authority and procedures).

In response to this information, OGC investigated the casting of 2020 GE ballots in the name of Jessica Miser. As part of its investigation, OGC reviewed voter file materials from D.C. and the Maryland Board of Elections that indicated that an individual named Jessica Miser may have cast ballots in D.C. and in Maryland during the 2020 GE. The signatures contained on the documents reviewed, all of which were associated with an individual named Jessica Miser, appeared to be consistent with one another and with other signatures associated with the voter in the Board's records. After reviewing these materials, OGC conducted a prehearing conference with Ms. Miser on August 31, 2023. At the prehearing conference, Ms. Miser stated that she did not recall voting at all in 2020. However, after being presented with the image of a Maryland Voter Authority Card ("MD VAC")<sup>2</sup> from the 2020 Presidential General Election that bore a signature, Ms. Miser did acknowledge that the signature thereon does look like her signature. Specifically, she stated that the beginning of that signature in particular looks like how she begins her signature. When presented with the signature that appeared in the Board's records that indicated that she checked in to vote in the D.C. 2020 GE, Ms. Miser stated that that signature was not her signature. Ms. Miser also stated that she did "not know if [she] made the error in voting early and forgetting [she] voted and voted again." After completing its investigation, the General Counsel notified the Board that this matter should be set for a hearing before the Board.

The hearing was set for December 6, 2023. Ms. Miser was duly notified of the hearing, and she appeared.

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<sup>2</sup> The Maryland Voter Authority Card is an official document that Maryland voters signed when they checked in to vote in person in Maryland during the 2020 GE.

At the hearing, the General Counsel requested admission into the record of the voter file materials from D.C. and the Maryland Board of Elections.<sup>3</sup> The evidence showed that an individual named Jessica Miser voted in person in Maryland on October 29, 2020 and in person in D.C. on November 3, 2020.<sup>4</sup> On the record at the hearing, Ms. Miser reiterated her representation at the prehearing conference that she did not remember voting in 2020 and that it was not her intent to vote twice. However, she stated that she did review the signatures on the voter file materials from both jurisdictions and concluded that “they did present as [her] signature.”

After hearing the evidence and testimony from Miser, the Board recessed and went into executive session. When the Board reconvened on the record, the members unanimously voted in favor of imposing a \$100 civil fine on Miser.

## **Discussion**

D.C. Code § 1–1001.18(b) authorizes the Board to impose civil penalties for violations of D.C.’s elections laws.<sup>5</sup> Our task is to determine whether there is reliable, probative, and substantial evidence to support a finding of a violation of the prohibition on voting twice in any election. In that regard, we take judicial notice of the fact that ballots cast in the 2020 GE in each of the relevant jurisdictions covered the election for U.S. President.

The evidence shows that a ballot was issued by Maryland to Jessica Miser in the 2020 GE in Maryland, that a ballot was issued by the D.C. Board of Elections to Jessica Miser in the 2020

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<sup>3</sup> The voter records offered at hearing by the General Counsel’s staff contained confidential information (partial SSNs, DOBs, and signatures) and therefore were offered for the Board’s review *in camera*.

<sup>4</sup> To authenticate this evidence, the General Counsel presented an affidavit whereby Mohammed Maeruf, Supervisory Information Technology Specialist, averred that the documentation described above consisted of business records obtained from the Board’s voter files and from the Maryland Board of Elections. Mr. Maeruf was available at the hearing to answer any questions by the parties.

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

GE, and that the intended recipient of those ballots was the same person. The evidence further shows that those two ballots were indeed cast. The signatures associated with the voter, including those on documents related to the ballots cast by the voter in D.C. and Maryland, were consistent with one another. Miser has offered little to refute the weight of the evidence that she voted in Maryland and in D.C. in the 2020 GE.

**Conclusion**

Based on the evidence regarding the casting of ballots in the District of Columbia 2020 GE in the name of Jessica Miser and in Maryland’s 2020 GE in the name of Jessica Miser, we find sufficient record evidence of Miser voting twice in the 2020 GE. Accordingly, it is hereby:

**ORDERED** that Jessica Miser pay a \$100 fine by no later than January 8, 2024.<sup>6</sup>

Date: December 15, 2023



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Gary Thompson  
Chairman  
Board of Elections

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<sup>6</sup> The fine may be paid by check made out to the D.C. Treasurer and remitted to the Board’s Office of General Counsel.