



CITY COUNCIL WORK SESSION AGENDA

Work Session – Board of Elections

COUNCIL WORK SESSION WILL BE ONLINE ONLY

Due to the COVID-19 precautions, the Council Meeting will be held online and is planned to be cablecast on Verizon 21, Comcast 71 and 996 and streamed to www.greenbeltmd.gov/municipaltv.

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Wednesday, March 2, 2022

8:00 PM

Work Session Packet

Board of Elections

Suggested Action:

Agenda

- Introductions

- Council Discussion

- Questions and Answers

- Other Items

[Board of Elections Report 2022-01.pdf](#)

City Council Work Session Agenda Item Report

Meeting Date: March 2, 2022

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Board of Elections

Suggested Action:

Agenda

- Introductions
- Council Discussion
- Questions and Answers
- Other Items

Attachments:

[Board of Elections Report 2022-01.pdf](#)

MEMORANDUM

February 17, 2022

TO: City Council, City of Greenbelt

FR: Board of Elections

RE: November 2021 Election

CC: Bonita Anderson, City Clerk

Todd Pounds, City Solicitor

The Board of Elections respectfully submits this memorandum and its three attachments as its report, with recommendations, to the City Council regarding the election held November 2, 2021.

This report has been reviewed and amended by the Board, with comments from interested citizens, at meetings held (virtually) on 22 December, 6 January, 13 January, 27 January, 3 February, 10 February, and 17 February.

SUMMARY

The 2021 election cycle brought forth concerns from citizens, many of which were unique to this year's elections due to enhanced safety protocols put into place because of Covid-19. The Board of Elections heard feedback – largely in social media – about procedures, communication, and access. The final election outcome, with five incumbents and two new members elected, has been confirmed and certified. No citizens or candidates have filed challenges or formal complaints with the County Board of Elections. We are still very much interested in citizen feedback to bolster accessibility and maintain voter trust in our system.

Resident feedback focused primarily on mail-in voting procedures. Comments noted that mail-in application instructions were misleading and that most ballots were mailed out late. Our initial investigation and review determined that the next election contractor must provide more comprehensive and robust tools for the mail-in program to meet the Council's regulatory and operational standards and expectations.

ELECTION PROCEEDINGS

As shown in Attachment A, the process before the November election satisfied Council's directives. Prior to the election, the Board met all City deadlines and requirements.

After the State of Maryland's successful launch of mail-in voting in the November 2020 election, the City Council in early 2021 approved a new mail-in program for Greenbelt. It was anticipated that voters would apply if they chose for a mail-in ballot and receive it by mail early in October with ample time to file it by election day. The ultimate goals of the mail-in voting option were to enhance voter access and increase voter participation.

The City Administration, having to initiate a new voting program and under time pressure in the spring, found only one contractor who held itself available for all election tasks. (In prior years, the City used more than one election contractor, but one with considerable Greenbelt experience dropped out in 2021.) The single firm selected was assigned mail-in, early, and election day voting, and also final vote tabulations.

The company chosen for 2021 had done satisfactory work for the City before. Initially the company appeared capable: In meetings with staff, the contractor agreed to the City's timetable and prepared the various forms and ballots as requested.

Prior to September, the mail-in voting process appeared reasonably well under way. The Clerk received the current voter registration list from the County Board of Elections, and the contractor sent registered voters a mail-in ballot application with instructions for submission. The instructions, however, misleadingly advised applicants to submit their applications by late September, although the Election Code, as amended by Council in May, allows mail-in applications as late as noon on the Monday before the election.

Over 1,000 voters successfully filed applications by late September. The contractor received the names and was responsible for mailing each applicant a ballot in early October. The contractor failed to meet its obligations however, and nearly all mail-in applicants received their ballots late. (The City Clerk mailed ballots to voters whose applications were received after September 27.) Because of this delay, a number of voters decided to cast ballots by early voting or on election day instead of by mail-in. (Contractor performance is reviewed in Attachment B.)

Overall, we feel the mail-in voting program helped reach our goal of increasing safe access. Where absentee voting in prior elections was minimal, 827 voters in 2021 cast ballots by mail-in, most by drop box. That was more than half the number who voted at the polls on election day (1,458) and over twice as many as those who voted early (390). The 2021 vote tally of 2,675 votes exceeded the total in prior years, although it represents less than 20% of Greenbelt voters registered with the County. (The County Board over-counts the City's registered voters, not purging names for two four-year election cycles, so an accurate comparison cannot be made between the 2021 vote count and the actual registered-voter total.)

On Election day, one judge did not show up, and precinct poll workers generally reported stress and exhaustion. The Board and Clerk found that in 2021, perhaps because of Covid-19 concerns, the City did not have the usual number of poll worker volunteers. Polling places could have been better equipped with signage. (Polling place signage is addressed in detail in Attachment C.)

Voting machine tapes from the five precincts were collected and processed in regular order, however, as has been done in all recent elections.

Early voting presented a hardware issue acknowledged by the contractor and also an issue of inequity in early voting locations. The memory device for the e-poll (voter registration) system malfunctioned for one day of early voting, and the contractor had to sit down with City staff to reconcile its count with the number of early voting envelopes retained by the Clerk.

In July, a controversy arose regarding candidate petitions for nomination. One candidate – after consulting with the Board of Elections, which found no problem with his request – collected nomination signatures before July, the traditional time for candidates to start their petitions.

Incumbent candidates objected, saying the early-collecting candidate had not followed long-established procedures. But the Board of Elections could find no requirement in the City Charter or Code prescribing a time requirement for signature collection, and the candidate, in informal Board proceedings, was found not in violation. The Board will work to update all candidates if future clarifications are made to ensure transparency.

A number of errors were found in candidates' campaign financial reports. The Board recommends trainings for candidate treasurers, as well as revision of the forms themselves, to reduce confusion and ensure that reports can be reviewed and approved in a timely manner.

The Board would like to continue to engage with residents regarding voting issues. The Questionnaire this year had items related to voting that will be reviewed to continue to engage these conversations. A few residents want the Board to review rank choice voting. The Board had a presenter speak on the topic. We will continue to join our residents in being informed on voting issues and as resident recommendations are suggested. Although we cannot implement all resident recommendations, we would like to explore and discuss suggestions as they arise.

CITIZENS' ELECTION AUDIT RECOMMENDATIONS

The Citizens' Audit Report, a document compiled by an ad-hoc group of residents, is summarized and responded to in Attachment C. The report contains a number of recommendations that the Board of Elections finds should be implemented. The Board greatly appreciates the effort made by the Citizens in their review of the 2021 election.

Audit Report recommendations and observations break down into three groups: Mail-in voting issues (the misleading instructions, late mailing of ballots, and difficulties some voters had correcting defective ballots); Lack of "equity" in early voting (the inconvenience, they say, for Greenbelt East and West voters who have fewer early voting hours than are offered in central Greenbelt); and Technical Concerns (voters' experience on and prior to election day, security of the vote count, and "enforcement" of the Election Code.)

Regarding mail-in balloting, no one disagrees that the program needs large improvement in future elections. The Board will re-examine and reword instructions. Mail-in ballots should and

will be timely sent to mail-in applicants. Application and ballot instructions should be clearer and contain information on how to “cure” spoiled ballots.

As to early voting, changes to location and times will require Council to amend the Charter and Code. The Board believes early voting is important, but the Board and Council should examine the best way to carry it out in future elections.

Other issues the Citizens raised concern the how of voting, more technical and procedural, as opposed to underlying policy. The Board has tried to address these concerns in Attachment C.

One matter in the Audit Report – discussed in more detail in Attachment C – was a strong recommendation to have all instructions in Spanish, as well as English. The Board agrees with the Citizens that ballots and applications should be in both languages.

The Citizens point, understandably, to deficiencies in the general voter experience in early voting and in the precincts. The Board agrees that these points should be kept in mind in future elections. They are addressed, we hope sufficiently, in Attachment C.

Finally, as to the last suggestions in the Audit Report, regarding “enforcement” of Code requirements, the Board mostly disagrees with the complaints and analysis by the Citizen who voiced them, with the exception of the need to better publicize and train election workers on the already-existing process for voters to register complaints.

Again, the Board very much appreciates the efforts made by the Citizens in producing their Audit Report. We look forward, with the City Administration, to implementing many of their recommendations.

BOARD RECOMMENDATIONS

The Board of Elections believes that early voting procedures can and should be improved, that the mail-in voting process can be streamlined out in future elections, and that election day voting can be improved with modifications to voting facilities and signage.

The Board recommends that Council consider several changes to the early voting system. Its spring 2021 survey showed that Greenbelt has many more hours and days of early voting than any nearby city. Voters cast ballots through that process far less often than by mail-in or election day voting. Early voting as an option for voters should be compressed and equitable across Greenbelt.

The Board believes that we can implement most of the Citizen Audit Report recommendations. While we may not agree with all of them, the Board recommends Council read the entire report and Citizens’ points that we’ve noted agreement with in Attachment C. The mail-in voting process in future elections should run far more smoothly than it did in 2021. Ultimately, we hope to better educate and inform voters – and the election staff who implement Election Code requirements – of our different processes, and how to follow them.

February 10, 2022

Attachment A: Pre-Election Proceedings

Attachment B: Contractor Performance

Attachment C: Citizens' Audit Report

Attachment D: Certified Election Results

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ATTACHMENT A: PRE-ELECTION PROCEEDINGS

The State of Maryland and the Prince George's County Board of Election held a successful election in November 2020, with high participation, fueled in large part by a sophisticated mail-in voting program. In it, registered voters could apply for a mail-in ballot online, receive the ballot – which had a tracking number – in the mail, mark and then mail the ballot in, and receive a confirmation that the ballot had been received.

Inspired by this example, the City Council in Greenbelt in early 2021 asked the Board of Elections to devise a similar but less sophisticated, program for the City. The Board proposed Charter and Code amendments to create a new mail-in program, to be initiated that fall.

Prior to the new amendments, the Greenbelt Charter authorized “absentee” voting, where a voter not present on election day could vote by mail, by sending their ballot to the City Clerk. The City’s absentee process did not encourage voting by mail, however.

Since 2009, voters have been permitted “early” voting, whereby votes can be cast days or weeks before election day at designated polling places. Absentee voting had been authorized since the City’s founding. No program was in place, however, before 2021, to allow voters to apply for, receive, and then cast by mail a ballot in a City election.

That changed with Charter Amendment Resolution No. 2021-1, approved 26 April 2021, and Ordinance No. 1379, passed 24 May 2021.

Charter Section 27 was amended to change “Absentee” to “Mail-In” voting, and to clarify that qualified voters could vote by mail-in “without stating a reason.” The Election Code, Chapter 8 of the City Code, was amended to set out a mail-in voting process.

Amended Code Section 8-4, formerly the absentee voting section, established a three-step mail-in process for Greenbelt voters.

Each election year Council would authorize mail-in procedures: First, all resident voters registered with the County Board of Elections would be mailed an application; second, those voters who chose the mail-in process would file applications, by mail or in person; third, City government would mail each applicant a ballot, with two envelopes for its submission; fourth, voters on receiving their ballots would complete them, seal them in the accompanying blank envelope, and seal that envelope in a larger one that would have the voter’s name, address, signed affidavit of genuineness, and date; and finally that second envelope would be submitted, by mail or drop box or in person (at the Municipal Building), to be opened, scanned, and counted the evening of election day.

In 2021, prior to election day, the mail-in process saw several errors, by City government staff and the City’s election contractor, instructed by and working for the Board of Elections. The contractor, as detailed in Appendix B, failed to mail ballots (with the submission envelopes) in a timely manner, preventing voters from mailing in their ballots and requiring them to cast ballots

in person or by drop box. In some cases voters who had applied did not receive their ballots before election day.

Election staff mistakes primarily involved misleading instructions accompanying the applications. The instructions indicated to voters that a mail-in application had to be submitted by late September, but Section 8-4, as amended on 24 May, allowed a voter to submit an application “not later than 12:00 noon of the last day before election day.” In 2021, the Monday before election day was November 1st.

Together, election staff and contractor missteps – particularly the contractor’s notable failures to meet obligations – diminished the mail-in voter experience in Greenbelt, in September, October, and November 2021. The Board of Election, in meetings after election day, and aided significantly by a Citizen Audit Report submitted to the Board in late November, has identified the various errors. Council is being advised, and recommendations are being made by the Board, to try to improve voting procedures in future elections.

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ATTACHMENT B: CONTRACTOR PERFORMANCE

Before 2021, the City retained a number of different contractors for elections.

City government – the City Manager, in accordance with established rules and practices – hires the elections contractors, who serve as agents for the City and the Board of Elections. The Board is delegated powers and assigned responsibilities for elections in Sections 16, 23, and 24 of Charter and in the Election Code, Chapter 8 of the City Code.

Charter Section 23 requires the Board to “prescribe the method for casting and recording votes and the form of all ballots.” A contractor is chosen each election year to print the ballots for the Board, for early and mail-in (formerly “absentee”) voting. Another contractor is needed to supply voting machines for election day, and program the machines to allow voters to cast ballots electronically. Another is needed to scan the paper ballots used in early and mail-in voting. Another is required to assist the Board of Elections to count all ballots, and ultimately to certify the results for that election. And in 2021 and later years, a contractor is needed to set up electronic poll books for use at polling places during early and election day voting.

In recent elections, prior to 2021, the City hired two different firms for elections. The several functions were assigned to the contractors – or “vendors,” in City parlance – and one of them ultimately assisted with the final count and subsequent certification.

In 2021, however, the contractor who normally supplied the voting machines and assisted with final tabulation did not respond to the Clerk’s repeated requests for proposals. It then came about, because of time and other constraints, that the City, as recommended by the Clerk, hired just one firm for all election functions.

This company in prior elections had had limited responsibilities, but in 2021 did everything, from mail-in applications through all printing and mailing to final vote count. This ill-advised single-sourcing, ultimately the responsibility of City Administration and the Board of Elections, was a major factor in election problems in 2021.

At first, the 2021 contractor appeared capable of meeting obligations. The company printed mail-in applications and, as far as City government knows, mailed an application to each registered City voter. (One side issue with registration is that the County Board of Elections, which receives all registrations and keeps the City’s lists of registered voters, does not remove a voter name from the rolls until they fail to vote in two four-year cycles. As a consequence, some persons whom the County Board reports as registered will no longer live in the City. That results in City election mailings going to addresses where the registered voter no longer resides.) Each eligible voter registered with the County Board as of October 4 should have received a mail-in application from the contractor.

After apparent compliance with initial mail-in duties, the contractor stumbled. When the mail-in applications were returned, by mail, and the names were passed on to the contractor, the company utterly failed in its obligations.

What was to happen – and perhaps this firm had insufficient experience or competence at this – was a prompt mailing, to each and every applicant, of a ballot, together with the two envelopes needed for submission. What transpired instead was weeks of delay in the ballot mailing process. Many applicants were denied a ballot package until shortly before election day, making it impossible to mail the ballot in by deadline. Some voters apparently did not receive a mail-in ballot package by election day.

The City has not received sufficient explanation why the contractor so completely failed to get ballots to mail-in applicants in a proper time and manner.

The contractor also failed with the e-poll book hardware used in early voting. Prior to 2021, the City used registration lists prepared by the County Board and delivered on paper, in large registration books. The books divided voters by precinct and gave each voter's full name, address, and recent history of election participation. In 2021 Council authorized the Board – and increased the election budget – to use “e-poll books,” software giving the same voter information while allowing poll workers to more quickly check voters in, when they appeared for early voting or on election day.

In one early-voting session, however, where voters as usual checked in, were issued ballots and envelopes, filled them out, and deposited them in the ballot box, the check-in hardware did not retain the history for that day. As a consequence, contractor representatives have had to come to Greenbelt to check their records against the early voting envelopes filled out by voters and retained by the Clerk's office.

Contractor errors in 2021 largely gutted mail-in voting, and left an impression among many voters that the City's election process was deeply, inexcusably flawed. The Board of Elections agrees that, for many City residents, this election could reasonably be deemed unsatisfactory. Election outcomes were not disputed, and the Board knows of no cases where a voter was denied the right to vote, but this election, compared to many prior ones, did not proceed well. This contractor will not receive full compensation for services insufficiently rendered.

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ATTACHMENT C:
CITIZENS' AUDIT REPORT

In late November 2021, a group of citizens submitted to the Board of Elections a detailed "Audit Report" about the 2021 election in Greenbelt. Summarized in this document are the chief points in the Audit Report and the Board's response, listed in the order presented in the Audit Report.

Audit Report Summary

Voting Area	Problem/Concern	Board Status	Response/Recommendation
Mail-In Voting	Incorrect application deadline	Agrees	Instructions were misleading, work to clarify & clearly communicate instructions to reduce confusion
	Incomplete instructions (voters outside USA)	Agrees	Advisable to add this point to the instructions in future elections
	Instructions only in English	Agrees	Good point; need to make sure ballot and instructions are clear and succinct in both Spanish and English
	Delays in mailing ballots	Agrees	Make every effort to reduce reoccurrence starting with new vendor selection.
	Unclear or missing mail-in ballot instructions	Not Aware but Agree	Board not aware of missing instructions, but can make the information readily available and continue to clarify instructions
	No return postage on mail-in envelopes	Under Consideration	Postage can be added, but drop boxes should be encouraged, especially close to election
	Late publication of drop box locations	Agree	Communicate in a timely way where and when ballots should be submitted
	Lack of signage at Municipal Building box	Agree	Have signage available
	Lack of clear corrective procedure to "cure" spoiled ballots	Not Aware but Agree	Can continue to find ways to clearly communicate, have information readily accessible, and train election staff
	Not counting mail-in ballots received late	Disagree	Not permitted by the Election Code at present; Encourage mailing ballots early or using drop boxes to avoid late receipt
Early Voting	Imbalance within City in early voting polling locations	Agree	Election Code would have to be amended; Council and Board can review various alternatives to resolve
	Insufficiently accessible entry at Municipal Building	Agree	Ensure accessible entry and visible signage to explain procedure
	Lack of signage for early voting at Municipal Building	Not Aware but Agree	Can have more signage available on doors
Day of Election	Requiring Precinct 6 voters to vote at the Police Station	Not Aware	Election Code amendment & potential other locations identified; use early or mail-in
	Conditions at the Community Center polling place	Agree	Resume voting at previous location
	Requiring voters to vote in the precincts where they reside.	Agree	Technology increasing capability and can be reviewed if it is feasible
	Lack of "enforcement" of Election Code	Disagree	Communicate existing complaints process on website, polling place signage, staff training

Mail-In Voting

1. Problem: Incorrect application deadline. The Citizens point out – correctly – that the mail-in application instructions indicated they were due in early October, while the Election Code allows applications up to Monday before election day.

Response: The Board agrees that the instructions were misleading. Although the instructions were not found to be in violation of the Code by the City Solicitor, the Board understands the confusion that was created. The Clerk's office in October tried to clarify that voters were permitted to file applications any time that month and disseminate the information.

2. Problem: Incomplete instructions for voters outside USA. The Citizens point out that the mail-in ballot instructions did not make it clear to voters outside the country (i.e. the continental U.S.) that their applications were allowed by scanner or fax.

Response: Yes, the mail-in instructions did not tell out-of-U.S. voters that they could apply for ballots by scanner or fax. The Board recommends adding this point to the voter information page on the website.

3. Problem: Instructions given only in English. The Citizens note that many voters in the City do not easily speak or read English, and the mail-in application and ballot instructions are in English only. The Citizens say these residents who are registered to vote should be allowed to see instructions and use ballots in their own language.

Response: This is a good point to follow up on in future elections. Fifteen percent of Greenbelt residents speak Spanish. The State of Maryland has ballots and instructions in both Spanish and English. Ballot-printing costs would be increased, however, and both ballot and instructions would have to be more succinct than at present. Instructions on the website should also be in Spanish.

4. Problem: Delays in mailing ballots. The Citizens point out the major delays in mailing ballots to voters who applied for them.

Response: The Board agrees, as noted in other parts of this report. The Board of Elections and City government are ultimately responsible for this massive failure of service to the City electorate. It was caused – and is to date not explained – by the contractor that serviced the election.

5. Problem: Unclear or missing mail-in ballot instructions. The Citizens suggest that mail-in ballot instructions were missing from some ballot packages and were in any case unclear to voters.

Response: The Board is not aware of specific cases where the contractor mailed out ballot packages that did not include instructions or all required envelopes. Nevertheless, forty-three mail-in ballots were submitted in drop boxes without the signed outer envelope indicating the identity of the voter.

Wherever one votes, in every city and state, one must show – sometimes by photo ID, though not in Maryland – that one is registered to vote. That requirement arises before one casts a ballot, by paper or machine. To our knowledge, anonymous voting, without identifying oneself, is not allowed anywhere. Sound election administration cannot be secured unless voters somehow identify themselves, before casting ballots. Charter Section 26 provides that “any person” appearing on the County Board’s registration list “may vote,” but only “[u]pon satisfying the judges of election of his or her identity.”

While ballots submitted without identification cannot be cured, we can avoid these mail-in errors in the future by including clearer instructions on both envelopes and at drop boxes and by training election staff that voters who realize their error may still vote, either early or on election day.

6. Problem: No return postage on mail-in envelopes. The Citizens say the outer envelope for the mail-in process should have postage.

Response: In future elections, the envelopes can have postage added. Indeed, that feature, “postage prepaid,” may be one help to advise voters that both envelopes must be used to vote by mail-in.

Putting postage on envelopes, however, will likely lead some voters to think that submission by U.S. Postal Service is required, and is the only method allowed. It will have to be made clear to voters – especially perhaps those who thought they could vote anonymously – that mail-in ballots (using both envelopes) can be mailed or, if time is short, submitted in a drop box or at the Clerk’s office.

7. Problem: Late publication of drop box locations. The Citizens suggest that drop box locations were not publicized in time for effective use.

Response: Additional locations were added after the initial communication; however, there were inconsistencies in how the new drop boxes were publicized on the web and in print vs at the municipal building. Future elections should have the drop box sites established early and give voters timely and complete instructions on where and when ballots should be submitted.

8. Problem: Lack of signage at Municipal Building drop box. The Citizens suggest that the Municipal Building should have signage indicating how to submit mail-in ballots there.

Response: In future elections, Municipal Building signage will be clearer and say where and how to submit mail-in ballots, including instructions to use both envelopes.

9. Problem: Lack of clear corrective procedure to “cure” incorrect ballots. The Citizens say that a procedure should be in place to allow voters to make corrections if they’ve submitted defective mail-in ballots.

Response: In fact, there is such a procedure. If a voter believes they have submitted a defective mail-in ballot, so that it will not be counted, they can either obtain from the Clerk’s office a new ballot, and submit that, or vote by early voting or on election day.

When a voter submits an incorrectly filled-out ballot, it will not be counted. However, the voter will still be eligible to vote, and they can, depending on timing, proceed to vote by whatever method remains available. Polls on election day do not close until 8:00 p.m., and early voting is permitted until the weekend before election day.

The Citizens' point is perhaps best stated as a need to have better training of personnel who advise voters and otherwise see to proper election procedures. This can be added to training materials to remedy any future voter misunderstandings on this topic.

10. Problem: Not counting mail-in ballots received late. The citizens suggest that mail-in ballots received after election day should be counted, and that election results should be delayed until a week or more after an election is held.

Response: This recommended course of action is not permitted by the Election Code at present and is also inconsistent with several Charter sections. The Citizens' recommendation of course could be accepted, if Council and City voters approve amendments to the Charter and Code, but delaying election results for the suggested time is not now permitted.

Perhaps the easiest way to reduce the number of late ballots is to include clear messaging in ballot instructions urging voters to mail their ballot early to avoid postal delays, and otherwise to use the drop boxes or vote in person.

Code Sections Impacted If Late Ballots Are Accepted:

Charter Section 6 provides for – and requires – the selection by Council of the mayor and mayor pro tem at the “first [council] meeting following a regular municipal election.” This section seems to mean, by “regular municipal election,” that it would apply to elections other than “special” ones, and that those elections would be completed, with all ballots counted, as of election day, rather than a later date. The Charter elsewhere seems to say that “election” means election day.

Charter Section 31 provides in part for runoff elections, where fewer than seven candidates receive 40% of the number of ballots cast. In these cases the runoff election “will be held on the seventh day following the first election.” This section cannot be implemented, or complied with, as a practical matter, unless all ballots in the “first election” are submitted and counted by election day.

Charter Section 33(b) provides for appeals to the Board of Elections regarding the “conduct of elections,” but appeals must be filed – with the Clerk, apparently – “within ten days.” This section also cannot as a practical matter be implemented unless all ballots are received, and polls closed, by election day.

Throughout the Election Code, Chapter 8 of the City Code, it is contemplated that City elections will be completed and all votes cast by the evening of election day.

Code Section 8-8, for example, requires the Board of Elections to certify the vote count and “the names of . . . those candidates who must participate in a runoff election,” when a runoff is required. Every runoff election must be held “on the seventh day following the first election,”

under Charter Section 31. But the Board cannot as a practical matter determine runoff candidates' names unless all ballots are received on or before election day. Indeed the 40% figure, and the question whether seven candidates have reached it, cannot be decided until all ballots are cast and counted.

Code Section 8-9 requires the Clerk to post the "certification of the election count" and "file [the certification] with the city council as the first order of business at the first meeting following the election." This section also contemplates the completion of the vote count the evening of election day. The vote count certification is a central duty of the Board of Elections, is a priority for the new Council, and would be compromised by a delay in the receiving of ballots.

Code Section 8-22(a)(3), as amended by Ord. No. 1366, requires the filing of each candidate's final campaign financial report by "12:00 p.m. on the Friday following the election." If the "election" is not completed until some time (the first or perhaps second week) after election day, then final campaign financial reports will also be delayed, and that outcome is not contemplated in or consistent with Chapter 8.

Postponing the last day for the filing of campaign financial reports – where a "fine" will be imposed on a candidate who is late, under the Code – will be confusing to campaign staffs and City staff and will also delay the review of final financial reports.

Early Voting

1. Problem: Imbalance within City in early voting polling locations. The Citizens strongly urge that the early voting hours – or days, actually – be changed, so that voting in Greenbelt East and Greenbelt West more closely approximates early voting in Central Greenbelt. On the first weekend and on weekdays during the early voting period, the Municipal Building is open, but East and West Greenbelt locations are available only on one weekend each.

Response: The Board agrees that the availability of early voting opportunities should be equitable across Greenbelt. However, Council would have to amend the election code, as Code Section 8-13(c) sets out specific days – and "hours" – when early voting places will be open to voters. These hours and days have been left largely unchanged since 2009, when early voting in Greenbelt was initiated.

There are various issues for the Council to consider regarding early voting in general:

If Council were to implement the Citizens' present suggestions, the Election Code would have to be amended in one of two ways: Either weekday early voting would have to be shifted on designated dates from the Municipal Building to East or West Greenbelt, requiring the Clerk's staff to move some operations from the Municipal Building on those days and potentially disrupting residents' normal communications with the Clerk's office, or early voting would have to be held simultaneously during designated weekdays at both the Municipal Building and East and West Greenbelt, requiring additional staff to implement.

It has been suggested that perhaps college students or recent graduates could staff the additional early voting locations. That is a possible course. Students would require training and supervision and would have to have backup in case some could not make it on their assigned days.

Considering the additional resources required to allocate early voting opportunities across Greenbelt, the Board would point out that in general, early voting is used far less than mail-in or election day voting across Greenbelt. What's more, a survey the Board conducted in early 2021 showed that Greenbelt actually offers a much longer period of time for early voting than does Hyattsville, College Park, Bowie, Laurel, or New Carrollton. The Board recommends reducing the number of weeks offered for early voting from four weeks to perhaps one or two and promoting mail-in/drop box voting as an alternative. This shortened period could then be more easily allocated equitably across Greenbelt.

2. Problem: Insufficiently accessible entry at Municipal Building. The Citizens argue that weekday early voting at the Municipal Building is difficult or impossible for many people because of access limits to address the pandemic and other (apparently architectural) restrictions.

Response: Improved access for voters – and residents in general – at the Municipal Building an issue outside of elections. This is a management issue for the City Administration that we know will be considered. The Administration will have to address the questions presented.

3. Problem: Lack of signage for early voting at Municipal Building. The Citizens point out that voters at the Municipal Building do not have signs telling them where to go.

Response: Locked doors were unique to this election as a result of COVID-19 protocols. The Board does not disagree, in general, with this recommendation. If signs similar to those used on weekends were posted at the Municipal Building doors during the week, voter confusion and need for information might be lessened considerably.

Election Day Voting

1. Problem: Requiring Precinct 6 voters to vote at the Police Station. The Citizens suggest that some voters could be intimidated by or reluctant to go to the Police Station to cast ballots on election day.

Response: The Board of Elections recommends exploring alternative sites to the Police Station for voting.

2. Problem: Conditions at the Community Center polling place. The Citizens have several complaints about conditions in the room set aside at the Community Center for Precinct 3 voters, noting that it was much smaller than the room normally used for election day voting and that its location made it inaccessible to voters with mobility challenges.

Response: The Board does not disagree that conditions in November in the Community Center were far from ideal. There should be improvements implemented, by building management and the Administration, in future elections.

3. Problem: Requiring voters to vote in the precincts where they reside. The Citizens argue that they should be allowed to vote wherever they like on election day, not just in the precinct where they reside.

Response: This is largely an issue of technology networking capacity. Since the electronic e-poll book machines used to check voters in were not networked across polling places, there was no way to know if a voter had already voted at another location. This issue should be eliminated in future elections. In and after 2023, we will have – unless something unforeseen occurs – e-poll books in a network, so that each precinct location will know what the others are seeing.

4. Problem: Lack of “provenance” and “paper trail.” As to the first point, the Citizens offered a presentation that could be explained – and was addressed, at the Board meeting on 9 December – by one of them. The Citizens also say that a clear “paper trail” is not created, by our present election day system, with our voting machines, and that paper ballots should be used.

Response: The “provenance” argument, from the one citizen, seems to come down to the observations that on election day, beginning tapes were not posted showing that the counts were zeroed out, and that election day tapes from the five precincts were transported physically by election judges or clerks to the Municipal Building out of sight of poll watchers.

The Board will reach out to other jurisdictions to find out how they handle these issues: How are beginning and ending counts verified, are they be posted publicly for transparency, and how do they ensure the chain of custody is not broken and that the entire process is transparent.

As to the point about a paper trail, the Board would agree that the electronic system now in use can always be improved, and the failure of one of the flash drives used to collect voter information from the e-poll books in the 2021 election demonstrates that technology glitches can occur. The Board will start early to research technologies and interview potential contractors. We will investigate how and whether to implement paper balloting and/or electronic ballot marking devices that print onto paper that is fed by voters into scanners. This would provide a hand countable paper trail in the event of equipment failure or a close election. Many jurisdictions have switched to paper balloting.

General Issue

Problem: Lack of “enforcement” of Election Code. The Citizens – or at least some of them – complain generally that when City staff, notably the Clerk’s office, cannot or does not follow Code directions, there appear to be no consequences. They list several matters that they brought up in their report.

Response: This was the City’s first election rolling out the mail-in initiative and utilizing e-poll books. Lessons were learned and experience was gained. The Board does not believe that the Clerk’s office staff, the Board of Elections, or even the contractor intentionally violated the rules or the law. The misleading instructions the Citizens cite were found by the City Solicitor not to be in violation of the Code.

The Citizens say that voting was made more difficult for many voters in the 2021 election, and a mechanism of enforcement is needed. We wish to highlight the changes to be made in future elections, including better training of staff on Election Code requirements.

The Citizens recommend codification of “enforcement provisions,” procedurally, with “a way to file a complaint with the Board of Elections if procedure isn’t followed and a requirement the Board address all complaints within a certain number of days,” or by “a mechanism to fine city officials who violate the election procedures.”

In fact, there is a complaints process in place. Voters’ belief that that they have no available procedure indicates staff’s failure to communicate these procedures. The Board recommends posting the complaints process on the voter information page on the City website, in polling places, and possibly on small flyers that can be handed by poll workers to anyone who complains.

The Board does not at all agree that City officials or members of the Board should be fined for unintentional mistakes.