

CITY OF GREENBELT, MARYLAND
BOARD OF ELECTIONS

Agenda
January 6, 2021 – 6:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/85239608848?pwd=OVZsOVZNUWFMcFB0R2p5TnNMaDZ1Zz09>

Dial-in: 301-715-8592

Meeting ID: 852 3960 8848

Passcode: 748963

1. Call to order
2. Approval of Agenda
3. 2021 Post-Election Review
4. Other business

MEMORANDUM

January ____, 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 brief 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, and ____ January.

SUMMARY

The 2021 election cycle in Greenbelt raised several issues not addressed in prior elections. The Board of Elections heard criticism – largely in social media – about several procedures, but for the most part, especially on election day, things went smoothly, with only minor problems.

The final election outcome, a new Council with five incumbents and two new members, has been confirmed and certified. No citizens or candidates have filed challenges or formal complaints.

It was mail-in voting in 2021 that did not proceed well, and most voters who participated in the program were disappointed. Instructions on the applications mailed to voters were misleading, and the ballots for those who applied were mailed late – and sometimes very late. The next election contractor will have to perform far better, for the mail-in program to meet the Council's mail-in legislation intentions.

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ELECTION PROCEEDINGS

As shown in Attachment A, the process prior to the November election met Council's purposes. In all events prior to the fall, the Board and Administration timely met 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, receive it by mail early in October, and have time to mail the ballot in, or drop it off, before election day. Council intended that the mail-in program would enhance voter convenience 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.

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.

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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.

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, though the Election Code, as amended by Council in May, allowed mail-in applications as late as noon on the Monday before the election.

Over 1,000 voters did as instructed, filing their applications by late September. The contractor received the names and was responsible for mailing each applicant a ballot in early October. That however proved beyond its capacity: Nearly all mail-in applicants received their ballots late, some did not get theirs while they had time to use them, and hundreds decided to cast ballots early or on election day instead of by mail-in. (Contractor performance is reviewed in Attachment B.)

Despite these issues, the mail-in program was not entirely unsuccessful. 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, 2,675, exceeded the total in prior years, though it represents less than 20% of voters registered with the County. (The County Board over-counts the City's registered voters, not purging names for two four-year election cycles,

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and an accurate comparison cannot be made between the 2021 vote count and the actual registered-voter total.)

The Board of Elections did not hear of major election day issues. 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. 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 also went off well, except for a hardware error acknowledged by the contractor. The memory device for the e-poll (voter registration) system malfunctioned for one day of early voting, and the contractor now must sit down with City staff to reconcile its count with the number of early voting envelopes retained by the Clerk.

If the 2021 mail-in process had been successful, the Board of Elections would have found all proceedings satisfactory. But because mail-in ballots did not reach most voters in the time anticipated, the process did not meet requirements. Many voters expressed unhappiness with overall election procedures, when they really meant the mail-in process.

CITIZENS' ELECTION AUDIT RECOMMENDATIONS

The Citizens' Audit Report, summarized and responded to in Attachment C, 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.

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Audit Report recommendations and observations break down into three groups. There is first the obvious points about the mail-in voting process, the misleading instructions, late mailing of ballots, and difficulties some voters had correcting defective ballots.

The Citizens also have a serious complaint about the 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. Finally, the Citizens raise a number of what may be called technical concerns, as to voters’ experience on and prior to election day, security of the vote count, and “enforcement” of the Election Code.

Regarding the 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. And voters who make mistakes should be given more support by City staff to make corrections.

As to early voting, the Board of Elections believes legislative policy for this process must be set by Council, not the Board. The Citizens’ position that equity cannot be achieved, for the electorate at large, without affording more early voting hours and days in East and West Greenbelt is in part answered by noting that City voters generally do not cast all that many ballots, in early voting, compared to other options.

That will especially be so if the mail-in program in future is brought up to snuff. In 2021 the mail-in voting process despite its shortcomings brought in more than double the totals for early voting, and the Board anticipates that future elections will see that gap widen.

Early voting, as addressed by Council at its meeting of 20 December, will be fully re-examined. A survey the Board conducted in early 2021

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showed that Greenbelt has far more voting hours and days than do Hyattsville, College Park, Bowie, Laurel, or New Carrollton. If these cities have successful elections without allowing much early voting, then perhaps Greenbelt can cut back on our program and devote more time, money, and attention to mail-in and election day procedures.

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 – one having its pros and cons, as noted in Attachment C – was a strong recommendation to have all instructions in Spanish, as well as English. The Citizens say about 15% of City residents live in Spanish-speaking households, and they conclude that ballots and instructions should be in both languages. The Board tentatively agrees with the Citizens but would note issues the Citizens have not considered.

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

The Board as indicated does not at all agree with the one Citizen who argues that election-day reports from the precincts did not meet the law's requirements. Finally, as to the last suggestions in the Audit Report, regarding "enforcement" of Code requirements, the Board disagrees completely with the complaints and attempted analysis by the Citizen who voiced them.

This self-appointed analyst makes two suggestions, to create a new "complaints" process in the Board of Elections and provide for imposing

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“fines” on City staff who make mistakes executing Code directives. These ideas, the Board submits, would create more problems than they solve, and in any case proceed from a misunderstanding of the relation between local law and its execution by City staff.

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, by consensus, with little disagreement among members, that early voting procedures can and should be improved, that the mail-in voting process can be straightened out in future elections, and that election day voting will remain satisfactory to most of the electorate, with modifications to voting facilities.

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. Early voting as an option for voters should be compressed, particularly because voters cast ballots through that process far less often than by mail-in or election day voting.

The Board believes that we can implement all Citizen Audit Report recommendations 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 City staff, who implement Election Code requirements – of our different processes, and how to follow them.

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Attachment A: Pre-Election Proceedings
Attachment B: Contractor Performance
Attachment C: Citizens' Audit Report

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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.

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, 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.

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. Their extensive efforts are much appreciated.

Summarized here are what the Board understands as the chief points in the Audit Report. They are listed in the order given in the Report. After each Citizen point or observation, the Board will try to respond.

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. The City Solicitor, however, did not find them in violation of the Code, and the Clerk's office in October tried to clarify that voters were permitted to file applications any time that month.

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. It may be advisable in future elections to add this point to the instructions. Otherwise, if it cannot readily be added in the allotted space, voters should be advised to consult the Clerk or the City Code, or perhaps both, to see how to vote by mail-in when outside the U.S.

3. Problem: Instructions given only in English. The Citizens note that many 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 may be a good point to follow up on, in future elections. The State of Maryland has ballots and instructions in both Spanish and English. Ballot-printing costs would be added, however, and the instructions would have to be more succinct than at present. Mail-in packages would otherwise greatly increase in volume and content.

The Board would also note, as to the ballot itself, as opposed to the instructions, that one needs only a modest understanding of English to fill it out. Moreover, a person with limited English who receives by mail an application with instructions in English and (later) a mail-in ballot package is always free to seek assistance, from City staff or someone they know. It is not clear without research what costs will be incurred and what benefits accrued, to follow the Citizens' suggestion.

4. Problem: Delays in mailing ballots. The Citizens point note 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 knows of no specific cases where the contractor mailed out ballot packages that did not include instructions or all required envelopes. Beyond that, we are not sure in what way the ballot

package instructions were not clear, to the typical voter. If anything, the instructions were overly clear, in mistakenly advising voters to submit applications by late September.

In planning the mail-in process, the Board and Clerk thought that every mail-in applicant and voter would have prior voting experience and would be generally familiar with voting routines. (A voter with no experience would presumably vote on election day, not by mail-in.)

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.”

All that being so, or what we thought was so, it came as a surprise to the Board that some 43 mail-in ballots were submitted, in drop boxes, with no indication who the voter was. We are not sure why that many voters thought they could vote anonymously, particularly when the package had not one but two envelopes for submission, the larger of which was to have the voter’s name, address, affidavit signature, and date.

The Board will have to look at this again and try to make it clearer to voters – with all-caps instructions, perhaps – that anonymous voting is not permitted. (All 43 anonymous voters used the inner envelope, the one marked “Secret,” without showing they were registered or were not voting more than once.)

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 will have postage. 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: The Board does not disagree with this observation, in general, though we would hope voters who want to use drop boxes could call or otherwise ask the Clerk where to find a box.

Now that this issue has been raised, future voters will be told in a timely way 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 increased sign posting, to tell voters how to submit mail-in ballots there.

Response: The Board does not disagree. In future elections, signs at the Municipal Building should say where to place mail-in ballots.

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, and it is not clear how it could be made any more understandable, or readily available.

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. The voter will still be eligible to vote, though, 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 – for staff in the Administration and Clerk's office – to have better training of personnel who advise voters and otherwise see to proper election procedures.

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.

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: This of course is primarily an issue for Council, not the Board of Elections. 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.

It may be noted also that the election of 2019, after passage of Ord. No.1366 on 10 December 2018, had early voting on two weekends at two locations, the Municipal Building and either Greenbelt East (Schrom Hills) or Greenbelt West (Springhill Lake). That amendment to Section 8-13 had the dual effect of increasing center city voting – an outcome contrary to what Audit Report Citizens would favor – and

demonstrating to Council, after advice from City staff and the Board of Elections, that early voting at more than one location on a given day was overly costly, disruptive to staff functions, and generally impractical.

If Council were to implement the Citizens' present suggestions, the Election Code would have to be amended in one of two ways. Weekday early voting would have to be moved from the Municipal Building to East or West Greenbelt, to distribute more evenly the hours and days at the several locations, or early voting would have to be held simultaneously during designated weekdays at both the Municipal Building and East or West Greenbelt.

The Board does not disagree with the general principle stated by the Citizens, that different parts of the City should have roughly equal access to early voting. What is less obvious, however, is what costs will be incurred and what benefits will be derived from different amendment schemes for Section 8-13.

For one thing, the Board notes that early voting is used far less often than mail-in or election day voting. Greenbelt voters simply do not that often avail themselves of early voting opportunities. Also, a survey the Board conducted in early 2021 showed that Greenbelt offers early voting far more often than does Hyattsville, College Park, Bowie, Laurel, or New Carrollton. We are very much in the minority, as to the subject of early voting.

If weekday voting is shifted for designated days to East and then West Greenbelt, the Clerk's staff will be required to move some operations from the Municipal Building on those days. City residents are in touch with the Clerk's office every weekday, and some of those communications will likely be delayed or disrupted. Moreover, the facilities at Greenbelt East (Schrom Hills) and Greenbelt West (Springhill Lake) would not be easy for Clerk's office staff to use, to carry out normal administrative duties.

On the other hand, simultaneous service at the Clerk's office and Greenbelt East or Greenbelt West will be problematic, as was demonstrated in the 2019 election. City staff was then greatly stretched, and would be again, in future elections.

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

Council may also consider whether early voting generally should be collapsed from the present four-week format to perhaps just one or two weeks before election day. Implementation of that idea would alleviate, and perhaps eliminate, many of the disruptive effects of the two schemes outlined above. Costs would still be incurred, however, beyond what the City has now.

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: The Board does not disagree with what the Citizens are saying. Improved access for voters – and residents in general – at the Municipal Building is something we would all like to see. This is a management issue for the Administration, not the Board.

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: The Board does not disagree, in general, with this recommendation. If signs similar to those used on weekends were posted at the Municipal Building during the week, voter confusion and need for

information might be lessened considerably. Additional staff training would also help.

Election Day Voting

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

Response: The Board does not know how to respond to this suggestion. For one thing, the Police Station has been designated for Precinct 6 voters for many years, without controversy or incident. If voters feel intimidated at the Police Station or are otherwise reluctant to go there, then perhaps Council and the Administration can find another location for Precinct 6.

The Board of Elections is technically authorized by Charter to choose “a suitable place or places for voting,” within each precinct. But it is Council who sets “the number of precincts and their boundaries.” Since the County Board of Elections gives Greenbelt its list of registered voters, for each City election, Council has in the recent past left precinct boundary designations the same as those set by the County Board.

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.

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 practicality, one that should be eliminated in future elections.

Until this year, the City did not have electronic polling data available, for checking voters in on election day. The Clerk's office received from the County Board of Elections in 2019 and earlier elections paper record books, one for each precinct. That is, each registration book listed only the voters for that precinct.

Poll workers had to identify each voter by name and address, look the voter up in the book for that precinct, and then cross the voter's name off, before the voter could go to a machine.

In November 2021, the Board had access to the County's electronic data base, by what are called e-poll books, but the e-poll machines (laptop computers) at each precinct were not networked with the others. It was therefore not possible to have voters go to any precinct they wanted; they had to vote at the precinct where they resided, or the e-poll system would not allow them to be checked in.

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. A voter will then be able to vote at any precinct location, and the e-poll system will check the voter off system-wide, to check registration status and prevent multiple voting.

4. Problem: Lack of “provenance” and “paper trail.” As to the first point, the Citizens offered a somewhat involved presentation that could be explained – and was addressed, at the Board meeting on 9 December – by only one of them, an unsuccessful candidate in November 2021 and several prior elections. 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 instead.

Response: The “provenance” argument, from the one citizen-candidate, seems to come down to the observation that election day tapes from the five precincts were transported physically by election judges or clerks to the Municipal Building, not by an electronic system he deems “secure.”

The Board has no comment on this argument, other than to say we do not understand it and do not see how anything we do should be changed.

As to the point about a paper trail, the Board would agree that the system now in use, which is reasonably inexpensive, and has to date not failed us, can always be improved. We do not believe, however, that paper balloting offers a solution. It is not clear how paper ballots – which, contrary to suggestions, cannot easily be hand-counted, or indeed stored away, in the event of controversy – are better than a set of reliable voting machines, properly supervised and effectively closed out.

The suggestion that machine-scanning of paper ballots is inherently better than voting machines cannot be reliably confirmed. Moreover, costs will certainly differ, and the Board cannot say, without research or data, that the scanning of paper ballots will save time, money, or staffing requirements. It is not clear to the Board that paper balloting and scanning will save time or other costs.

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 is an easy argument to make, without offering solutions that have been thought through. The Board did not see anything specific, in the Audit Report, that this or that scheme would improve election outcomes for the City.

Moreover – and this is an easy response, perhaps, for the Board to make – there has been no showing by the Citizens that any harm was caused, with the several issues or concerns they raise, in the last section of the Audit Report. The misleading instructions they cite were found by the City Solicitor not to be in violation of the Code, and no one was identified who was deprived of voting rights by the instructions.

The Citizens say: “Voting was made more difficult for many voters in the 2021 election, and without a mechanism of enforcement, similar errors could be made with impunity in future elections.”

To this position, the Board of Elections would ask, where is the data? How do the citizens know that “many voters” found voting “more difficult” in 2021 than in prior elections? This sounds like claims made on social media, without evidence. And what is meant by “similar errors” being made, “with impunity,” in future elections? How does one make an unintentional error with “impunity”? Nowhere do the Citizens show, or even claim, that Clerk’s office staff, the Board of Elections, or even the contractor intentionally violated the rules or the law.

The “errors” the Citizens list, besides the mail-in voting instructions, include the point about mail-in instructions for out-of-U.S. voters, not telling them they could apply by fax or scanner, and the “refusal” by the City government and Board of Elections to “cure” incorrectly cast ballots. As was pointed out, the Board finds the scanner-fax instruction error, or really just a lack of articulation, did not create a major problem – the Citizens cannot show otherwise – and the system we have for curing defective ballots is clear, straightforward, and not in need of correction. At best, what the Citizens complain about may be cured in future with improved staff training.

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.”

The Board does not at all agree with these suggestions. They embody in part solutions in search of non-existent problems, and also represent overkill, using shotguns on bugs. In particular – and this is one of the Citizens’ chief complaints – their theory that voters who submit defective ballots have no recourse is plainly wrong.

The Citizens’ points about time-limited “complaints” to the Board and “fines” for City staff and officials are founded on misconceptions about municipal government and administration. The oft-stated trope that local government is “closest” to those it serves proceeds from the plainly close connections, in space and communication, between the governing and the governed. Where specific rules or procedures are set out by local law, it does not routinely follow, as a logical or practical matter, that failures to meet requirements should result in adverse actions against those making the mistakes. Indeed, in the absence of self-dealing or other bad-faith conduct, municipal governments in nearly all cases leave it to supervisors, the “administration,” in whatever form that takes in a city or town, to deal with mistakes in the execution of local law.

The Citizens’ offhand suggestions – without apparent thinking, as to procedure or practical consequences – that there should be a Board of Elections “complaint” process, where Code isn’t followed, or a “fine” should be imposed, on City officials or staff who don’t follow Code requirements, are outlandish, not matters for serious Council consideration. No meaningful process could be set up, to meet either suggestion. They represent a view that reduces to nonsense any concept of municipal government and how it should function.

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