Introduced: Mayor Byrd
1st Reading: May 10, 2021
Introduced: Ms. Davis
2nd Reading: May 24, 2021
Passed: May 24, 2021
Posted: June 15, 2021
Effective: May 24, 2021

ORDINANCE NUMBER 1379

An Ordinance to Amend Article I "In General", "Section 8-4 "Absentee Voting" of Chapter 8, Elections" of the Greenbelt City Code

WHEREAS, the City Council referred to the Greenbelt Board of Elections to prepare a proposal on procedures and implementation of a vote by mail process; and

WHEREAS, the City's Board of Elections proposed replacement of absentee voting with vote by mail to give voter the option to vote without having any reason; and

WHEREAS, it is now desired to extend the established mail-in voting procedures, which are established by ordinance, to any qualified City voter who prefers to cast a ballot away from a polling place; and

WHEREAS, subsequent to the adoption of this ordinance, the City Council will also review for passage a Charter Amendment Resolution to amend Section 27 ("Absentee Voting") of the City Code. NOW, THEREFORE,

BE IT RESOLVED AND ORDAINED by the Council of the City of Greenbelt, Maryland, that Chapter 8, "Elections," be amended to read as follows:

Chapter 8

ARTICLE I.

IN GENERAL

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Section 8-4. [Absentee] Mail-in Voting.

(a) In this section:

(1) a "mail-in ballot" is a ballot cast in a municipal election, by mail or in a drop box;

(2) a "mail-in voting resolution" is a Council resolution in an election year setting mail-in voting procedures for that year;

(3) a "mail-in notice" is a notice mailed by the city clerk to voters in an election year, to advise of

mail-in voting procedures in that year;

(4) a "mail-in application" is a form prepared by the city clerk that voters must use to apply for a mail-in ballot;

(5) a "mail-in envelope" is an envelope, prepared in bulk by the city clerk, on which voters place their names and signatures, and in which they place their sealed mail-in ballots before casting them;

(6) a "mail-in ballot clerk" is a clerk appointed by the board of elections for assisting in the counting of mail-in ballots;

(7) "election day" means the day of a municipal election; and

(8) the city clerk will usually be referred to as the "clerk," and the board of elections will be called the "board."

(b) Residents of the city who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by [absentee] mail-in ballot in municipal elections, as provided in this section. Voters may cast mail-in ballots for any reason.

(1) In each election year, the council by resolution shall direct the clerk to mail to registered voters two [or more] mail-in notices explaining procedures for mail-in voting. If practicable, the resolution should be approved by the last Monday in March, but the validity of a resolution shall not be affected by its timing.

(2) Each mail-in notice shall advise voters of their right to vote by mail-in ballot, how to do so, and the time and date by which mail-in ballots must be received or post-marked to be counted. [One] Second notice shall include for each voter a mail-in application with instructions how to obtain a mail-in ballot.

(3) Upon approval of the mail-in voting resolution, the clerk shall: (i) obtain a current list of residents registered to vote; (ii) mail to all registered voters two [or more] mail-in notices, as stated in the resolution, advising of their right to vote by mail-in and instructing them how to do so; (iii) send each voter a mail-in application; and (iv) mail to each voter who applies for one a mail-in ballot, with instructions how and by what time and date to submit it.

[(b) For purposes of this Code, an "absentee ballot" is a ballot not used in a polling place, and "election day" means the day of a municipal election.]

(c) [Voting by absentee] Unless otherwise provided in a mail-in voting resolution, voting by mail-in ballot in municipal elections shall be as follows:

(1) Except for an emergency [absentee] mail-in ballot, as provided below, a voter may apply for [an absentee] a mail-in ballot for a municipal election without stating a reason.

(2) [Applications for absentee ballots] Mail-in applications shall be [made in writing] submitted to

the [city] clerk not [earlier than twenty (20) days nor] later than 12:00 noon of the last day before election day.

(i) [Applications shall include the voter's] On mail-in applications, voters shall provide their name and signature as they appear on the registration list, city domicile address, and telephone number. [Each absentee ballot issued requires a] A separate application is required for each mail-in ballot.

(ii) A voter who has not been issued [an absentee] a mail-in ballot but is unable to vote at a polling place because of illness or accident or required absence, where the voter suffers the illness or injury or learns of the required absence at a time when applying for [an absentee] a mail-in ballot [would be] is untimely or impractical, may be issued an emergency [absentee] mail-in ballot. An application for an emergency [absentee] mail-in ballot shall give the reason why it is needed and all other information required for [regular absentee] non-emergency mail-in ballots. Emergency [absentee] mail-in ballots shall be cast in the same manner as [regular absentee] non-emergency mail-in ballots.

(iii) A qualified voter domiciled in the city but [residing] outside the continental United States for the 30-day period ending on election day may apply for [an absentee] a mail-in ballot by facsimile or scanner, if the [application contains] voter provides all information required of other [absentee applicants] voters applying for a mail-in ballot and [a certification] certifies that the voter meets the qualification, domicile, residency, and time requirements in this [paragraph] subsection (c). [No ballot] Ballots may not be cast by facsimile or scanner.

(3) [To be counted, an absentee ballot must reach the office of the city clerk not later than] Unless otherwise provided in a mail-in voting resolution, a mail-in ballot may not be counted unless the clerk's office receives it at least two [(2)] hours before [the] polls close on election day.

(4) To cast [it, the] a mail-in ballot, a voter must: (i) complete the [absentee] ballot, following the printed instructions; (ii) place [it] the ballot in a blank, sealed envelope[, and then]; (iii) place the sealed envelope in the [absentee] mail-in envelope, on which [are written the voter's] the voter writes his or her name as registered; [and signature] (iv) sign the mail-in envelope; [. The voter shall] and (v) place the signed, mail-in envelope in a designated drop box, or mail or deliver [the absentee envelope] it to the [city] clerk's office.

(5) The [city] clerk shall check [it] each mail-in envelope against the list of applications for [absentee ballots. An absentee envelope that] mail-in ballots. An envelope with a name that does not correspond to [a name] one on the [absentee ballot] mail-in application list shall not be opened. [Absentee] Mail-in envelopes that contain more than one blank, sealed envelope shall be kept by the [city] clerk, but the [and those absentee] ballots shall not be counted. If a ballot is submitted in a properly signed and sealed [absentee] mail-in envelope [without being] but is not contained in a blank, sealed envelope, then the board shall determine by majority vote whether [a violation of] the voter's privacy [has occurred or] may have been compromised and whether the ballot may be counted. If [a determination is made] the board decides to count the ballot, then the clerk or a board member [of the board] shall place the ballot in a blank, sealed envelope. The clerk shall mail the voter a notice stating that the mail-in ballot was not enclosed in a sealed envelope, advising whether the board decided to count the ballot, and also advising that the voter's privacy may have been compromised.

[(5) After] (6) On election day, after the time [has passed] for receipt of [absentee ballots on election day, as provided above] mail-in ballots has passed, the city clerk shall deliver the sealed, blank envelopes to the mail-in ballot clerks [appointed by the board of elections for the counting of absentee ballots]. The city clerk shall advise the [absentee] mail-in ballot clerks of the [numbers of absentee] number of mail-in ballots issued and [absentee] mail-in envelopes returned, and shall keep the same record of [the absentee] mail-in ballots as is kept by the clerks of election at their polling places.

[(6)] (7) Upon receipt of the sealed, blank envelopes, the [absentee] mail-in ballot clerks shall deposit them in [the] a ballot box. The [absentee] mail-in ballot clerks shall then open the sealed envelopes [and determine], to ensure that no envelope contains more than one [(1)] ballot. Ballots in sealed envelopes that contain more than one [(1)] ballot shall not be counted.

[(7)] (8) The [city] clerk shall [furnish voters absentee] make mail-in ballots available for runoff elections as soon as runoff [ballot forms are available] ballots have been printed. Otherwise, [absentee] mail-in balloting for runoff elections shall [be as provided] follow the procedures in this section.

[(8)] (9) A voter for whom [an absentee] a mail-in ballot has been issued may vote only by casting the [absentee] mail-in ballot. If [an absentee] a mail-in ballot is lost or destroyed and not returned in the [absentee] mail-in envelope to the [city] clerk, a second ballot may be issued.

[(9)] (10) If [an absentee] a mail-in ballot is challenged by the city clerk or [an absentee] a mail-in ballot clerk for noncompliance with this section, it may not be counted until the board [of elections] determines that it is valid. [Absentee ballot validity shall be determined by rules adopted by the board.]

[(10)] (11) If, before ballots are counted [on election day], the [city] clerk or board [of elections] determines that a voter who cast [an absentee] a mail-in ballot died before election day, then the ballot shall not be counted. [But if, in a case of an absentee] If, however, upon a mail-in voter's death, neither the [city] clerk nor the board [of elections] determines until after ballots have been counted that the voter died before election day, then the ballot shall be counted, and neither the ballot nor the election may be held invalid because the voter died before election day.

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PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of May 24th, 2021.

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Colin A. Byrd, Mayor

ATTEST:

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Bonita Anderson, City Clerk

Key:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.