

## MEMORANDUM

DATE: March 16, 2023  
TO: City Council, City of Greenbelt  
FROM: Board of Elections *SME/BA*  
RE: Proposed Charter and Code Amendments:  
Authorizing Noncitizen Voting; Clarifying  
Appeals and Timing of Vote Counts

The Board of Elections submits for Council review proposed Charter and Code amendments to authorize noncitizen voting and clarify City law concerning appeals and the timing of vote counts.

These amendments will involve some costs to the City, in the Clerk's and Administrator's offices. The Clerk will have to establish permanent files for noncitizen voters and carry out voter registrations, as is not now done in the Clerk's office, and the Administrator and Board will need to work out election accommodations for noncitizens. New appeals procedures may also involve costs.

Allowing noncitizen voting has been recommended by the Community Relations Advisory Board and the Board of Elections. It is however up to the Council, and perhaps the voters in referendum, to approve or disapprove noncitizen voting, and whether to adopt what we propose.

Approval of noncitizen voting will also require amendments to Charter Section 33, concerning voter registration appeals. These amendments are also submitted.

Finally, we would recommend a minor wording change to Charter Section 28, "Vote count," to clarify and affirm that the Board of Elections need not wait until polls close on election day before

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beginning to count votes. If we see substantial mail-in voting, then flexibility in the timing of vote counting will be important.

Enclosure: Second and Third Enclosed Drafts 16 March 2023

BOE3075CouncilMemoNoncitizenVotingDraft

SECOND ENCLOSED DRAFT 16 MARCH 2023

CHARTER AMENDMENTS:  
AUTHORIZING NONCITIZEN VOTING; CLARIFYING  
APPEALS AND TIMES FOR COUNTING VOTES

Sec. 15. Voters.

(a) A qualified voter [within the meaning of this charter shall be any] *in Greenbelt is a person who is a city resident [of the City of Greenbelt and who is] , duly registered with the board of elections of Prince George's County under [the applicable provisions of Article 33 of the Annotated Code of Maryland] state law, or duly registered with the office of the city clerk under the city charter and code* [; provided that eligibility to vote in any city election shall be subject to applicable registration deadlines as set forth in the charter and code of the city].

(b) *A Greenbelt resident who is not a citizen of the United States may become a qualified voter, and may vote in city elections, by meeting requirements in the city charter and code and registering in the office of the clerk.*

(1937, Ch. 532, § 13; 1949, Ch. 583; Char. Am. Res. No. 90, 6-8-66; Char. Am. Res. No. 1971-3, § 1, 5-17-71; Char. Am. Res. No. 1975-3, § 1, 4-7-75; Char. Am. Res. No. 1990-1, § 1, 12-17-90)

Sec. 18. Registration for [election; universal registration] *elections.*

(a) Registration with the Prince George's County board of elections under [the State of Maryland general election laws by any person who resides within the corporate limits of the City of Greenbelt shall be considered registration for any council election, referendum, and/or special election held by the City of Greenbelt] *state law constitutes registration for all city elections, and registration in the office of the clerk under the city charter and code also constitutes such registration.*

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\* \* \*

(Char. Am. Res. No. 1975-3, § 1, 4-7-75; Char. Am. Res. No. 1977-1, § 1, 2-7-77; Char. Am. Res. No. 1990-1, § 1, 12-17-90)

Sec. 26. Voter identity.

[Upon satisfying the judges of election of his or her identity any person whose name properly appears] *A person may vote if their name is on the registration list [provided by] of the city clerk or the supervisor of elections of Prince George's County [may vote] and they satisfy the judges of election of their identity.*

(Char. Am. Res. No. 1975-3, § 1, 4-7-75; Char. Am. Res. No. 1990-1, § 1, 12-17-90)

Sec. 28. Vote count.

[Upon the closing of the polls, the ballots] *Ballots* shall be counted in accordance with procedures established by ordinance and such other procedures as may be established by the board of elections. The board shall receive the count of votes for each precinct and shall determine the total vote cast for each candidate or question and shall certify the results of the election to the city clerk, who shall record the results in the minutes of the council. The board shall conduct recounts of votes cast whenever it determines that there is a doubt as to the accuracy of the count, or when so requested by the council, or when duly petitioned in accordance with procedures established by ordinance. The validity or invalidity of ballots cast shall be determined by the board on the same basis as is prescribed for elections of the State of Maryland.

(Char. Am. Res. No. 1975-3, § 1, 4-7-75; Char. Am. Res. No. 1985-2, § 1, 3-18-85)

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Sec. 33. Appeals.

(a) [Any challenges] *A challenge* to the registration list [provided by] *of* the supervisor of the board of elections of Prince George's County shall be filed with [the] *that* board [of elections of Prince George's County, Maryland,] in accordance with [said board's] *its* procedures and applicable state law.

(b) *A challenge to the registration list of the city clerk shall be filed with the city board of elections in accordance with the board's appeal procedures and the city code.*

(c) [Any person who shall feel aggrieved at any action] *A person aggrieved by a decision* of the city clerk relating to the filing of nomination papers or the conduct of elections [shall have the right to] *may file an* appeal within ten days [to] *with* the board of elections. The board [of elections shall consider such appeal and shall have the authority to reverse the decision of the city clerk] *must consider the appeal on the written record, may in its discretion hold a hearing, and must then in writing approve, modify, or reverse the clerk's decision.*

(d) [An aggrieved person] *A person aggrieved by a decision of the county or city board of elections may file an appeal in* [shall also have the right to appeal a decision of the board of elections to] the circuit court for Prince George's County within the time allowed *by law* for such appeals[, and such]. *The case shall be heard by [such] the court as provided [for by the general elections laws of the state for appeal] in state law for appeals* in election cases. [So far as the same may be applicable, but not in contradiction to this charter, the provisions of the general election laws relating to appeals and election cases generally shall be applied to such appeals.]

**KEY:**

[Brackets] indicate deletions from existing law.

*Italics* indicate additions to existing law.

Asterisks \* \* \* indicate existing law text not changed.

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THIRD ENCLOSED DRAFT 16 MARCH 2023

CODE AMENDMENTS:  
NONCITIZEN VOTING

Sec. 8-2. Voter registration.

(a) Registration of [persons wishing to vote in city elections shall be made in accordance with the provisions of] *voters shall accord with section 18 of the charter and this section of the code.*

(b) [Reserved.] *All city residents registered with the board of elections of Prince George's County are qualified voters eligible to vote in city elections.*

(c) *All city residents who are not citizens of the United States may become qualified voters and vote in city elections if they meet the requirements and follow the procedures stated below.*

(1) *To become a qualified voter, a noncitizen applicant must register with the office of the clerk at least sixty days before voting. The applicant must provide proofs as follows:*

*a. The applicant has resided in Greenbelt continuously for at least one year before voting.*

*b. The applicant is not registered to vote in any other municipality or state.*

*c. Proving continuous Greenbelt residency for a year or more must be done by one or more documents from the applicant. They may be: a driver's license, vehicle registration, insurance card or policy, residential lease or mortgage, credit card or other financial statement, utility bill or bills of any kind, or any similar document or group of documents. The documents singly or together must prove to the clerk the*

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*applicant's name, residence address, and year or more of continuous residence before the election.*

*d. Proving that the applicant is not registered to vote in any other jurisdiction must be made by affidavit, sworn to and signed and dated, on a form provided by the clerk. On another form the clerk must show which document or documents the applicant provided to satisfy the requirements stated above.*

*(2) An applicant's proofs must satisfy the clerk, and registration may be denied if the proofs are found inaccurate or insufficient.*

*(3) If the clerk in writing denies registration, the applicant may within ten days file an appeal with the board of elections. The board must consider the appeal on the written record made before the clerk, and may in its sole discretion allow a hearing. The board's written order approving, modifying, or reversing the clerk's decision shall be final.*

*(4) An applicant aggrieved by the board's final order may file an appeal in the circuit court for Prince George's County.*

*(5) The clerk shall maintain a list of noncitizens who are qualified voters in the city. The clerk's list shall supplement the list of the board of elections of Prince George's County.*

*(6) To remain a qualified voter, a noncitizen must renew their registration within four years of initial registration and every four years thereafter. Renewal need not be supported by new proofs unless the noncitizen allows registration to lapse.*

*(Code 1971, § 7-2; Ord. No. 907, 3-23-81; Ord. No. 1109, 8-16-93)*

*Sec. 8-4. Mail-in voting.*

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(a) Residents of the city who are qualified voters registered with *the office of the clerk or* the Prince George's County Board of Elections [have the right to] *may* vote by mail-in ballot in municipal elections, as provided in this section.

\* \* \*

(Code 1971, § 704; Ord. No. 916, 8-10-81; Ord. No. 966, 3-4-85; Ord. No. 1109, 8-16-93; Ord. No. 1152, 11-12-96; Ord. No. 1260, 8-8-05; Ord. No. 1289, 8-13-07) State Law References: Authority of municipality to provide for absentee ballots, Anno. Code of Md., Art. 23A, § 47.

**KEY:**

[Brackets] indicate deletions from existing law.

*Italics* indicate additions to existing law.

Asterisks \* \* \* indicate existing law text not changed.

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