

Talbot County Board of Elections Bylaws

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Article 1 – Adoption of Bylaws Generally

Section 1.1 – Definitions

- A. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- B. “Board” means the Talbot County Board of Elections.
- C. “Board term” means the four-year term of the Board beginning the first Monday in June in the year immediately following a gubernatorial election
- D. “Member” means a person appointed, confirmed and sworn into office as a member of the Board.
- E. “SBE” means the Maryland State Board of Elections.
- F. “Vacancy” means a duly appointed member was removed, died, or resigned from the Board.

Section 1.2 – Purpose

These bylaws, adopted by a majority of the members of the Board, provide the rules of governance for the Board during the conduct of all duties assigned under Maryland and United States laws, regulations, as well as guidelines and policies of the SBE. Further, these bylaws set a standard of personal conduct for Members of the Board requiring them to conduct themselves in accordance with high ethical standards in order to ensure the public that Members are independent of partisan pressures and conflicting interests.

Section 1.3 – Enactment

- A. These bylaws shall be effective when approved by a majority vote of the Board.
- B. A Member may make a motion to amend these bylaws by presenting the amendment during a regularly-scheduled meeting of the Board. The motion to amend the bylaws shall become considered by the Board at the next regularly-scheduled meeting and shall become effective upon its approval by a majority vote of the Board. If rejected, the amendment may not be presented for consideration during the following six months, unless by unanimous vote by the Board.
- C. At the first meeting of each new Board term, the bylaws shall be reviewed, amended if desired, and re-enacted consistent with subsection A above.
- D. A copy of the approved bylaws and any amendments shall be sent to SBE and posted on the Board’s webpage.

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Article 2 – Organization of the Board

Section 2.1 – New Members

New Members must present themselves to the Clerk of the Talbot County Circuit Court for the administration of the oath of office within 30 days of being notified that the Clerk has received the commission of appointment from the Governor.

Section 2.2 – Officers

- A. As required by § 2-202 of the Election Law Article, within the first 20 days of a new Board Term, the Board, by a majority vote of the Members, shall elect a Member to serve as president. The duties of the president include:
1. Presiding over Board meetings;
 2. Preparing, in advance, a meeting agenda;
 3. Serving as the Board's sole spokesperson for media inquiries; and
 4. Acting as the Board's primary point of contact for the election director and the Board Attorney.
- B. The Board, by a majority vote of its members, shall elect a Member to serve as its vice president. The vice president shall fulfill the duties of the president if the president is unable to carry out the assigned duties. The vice president shall not be of the same political party as the president.
- C. The Board, by a majority vote of its members, shall elect a Member to serve as secretary. The secretary shall be responsible for ensuring that Board minutes are accurately compiled, presented to the Board Members for action, and, following approval thereof, transmitted to the SBE. The secretary shall further see that the approved minutes are promptly posted to a conspicuous public space and on the Board's web site.

Section 2.3 – Board of Canvassers

- A. As required by § 11-301(a) of the Election Law Article, the members shall serve as the Board of canvassers following each election.
- B. These bylaws remain in effect while the Members are acting as the Board of canvassers.
- C. A president and a secretary shall be elected by a majority vote of the Board.
- D. The members of the Board of Canvassers shall take an oath, administered and recorded by the Clerk of the Talbot County Circuit Court to canvass and declare the votes cast truthfully and to perform other duties required by law.
1. In accordance with COMAR Section 33.08.01.02, if there is no early voting, the oath must be taken by 5 p.m. on election day.
 2. In accordance with COMAR Section 33.17.06.01, if there is early voting, the oath must be taken before the start of early voting.

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- E. In order to take action as a Board of canvassers:
 - 1. A quorum, as provided for under section 3.2A, shall be present; and
 - 2. A member of the minority party shall be present.
- F. The rules of order established under section 3.2 below shall be followed at all canvassing sessions. The rules for minutes established under section 3.3E shall be followed for all canvass sessions.
- G. The canvass shall be conducted pursuant to State law, regulations, and instructions issued by SBE.

Article 3 – Meetings

Section 3.1 – Time and Location

- A. Regular meetings. Except as otherwise provided in this subsection, the Board shall meet on the third Wednesday of each month, at 9:30 a.m. However, during the months of February, May, August and November, the meetings will convene at 7:00 p.m.
- B. Location. Unless circumstances dictate otherwise, the Board meetings shall be held in the election office.
- C. Public Notice. Except as provided in E of this section, public notice of regular meetings must be provided for at least one week prior to the meeting on the Board's web site and on the front door of the election office.
- D. Cancellation of a regular meeting. The president may cancel a regular meeting of the Board upon a determination that there is no new business that needs to be acted upon by the Board. Notice of cancellation must be given at least one week prior to the meeting.
- E. Special Meetings. The president of the Board may call a special meeting. However, no votes may be taken at a special meeting unless three days prior notice has been given to all members, staff and the public, notice to the public be given in the manner specified in subsection C of this Section 3.1.

Section 3.2 – Rules of Order

- A. Quorum
 - 1. A quorum must be present in order to hold a meeting.
 - 2. A quorum of the Board consist of a majority of the Board
 - 3. In the event of a vacancy on the Board, a quorum shall consist of a majority of members currently serving on the Board.
 - 4. There shall be no effect on the quorum when a member of the Board abstains or declines to vote or if a member is disqualified from participating under section 4.3 of these by-laws.
- B. Participation. Any member may make, second and vote upon any motion.

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- C. Public participation at a meeting must be prescheduled and pre-approved by the president. The president may exercise discretion in determining whether to allow participation that has not been pre-scheduled and pre-approved.
- D. The Board shall follow the requirements of the Open Meetings Act as specified under Title 10, Subtitle 5 of the State Government Article¹.
- E. To the extent not inconsistent with law, the Board shall be guided by *Robert's Rules of Order, Newly Revised*, Eleventh Edition, in its deliberations.

Section 3.3 – Meeting Agenda

- A. Each Board meeting shall include, at a minimum, the following agenda items:
 - 1. Declaration of the presence or absence of a quorum. (The minutes shall include the names of those present.)
 - 2. Corrections, if any, and approval of prior meeting minutes.
 - 3. Additions to the draft agenda.
 - 4. Approval of the agenda.
 - 5. Public comments.
 - 6. Election Director's Report (to have been sent with the agenda, in accordance with Section D, below and to include those matters set forth in subsection D, below.
 - 7. Board Attorney's report, if any.
 - 8. Old Business – any business not resolved at prior meeting
 - 9. New Business.
 - 10. Confirmation of Next Meeting
 - 11. Closed Session (if needed)
 - 12. Adjournment
- B. Additional items may be added to the agenda in advance of the meeting at the discretion of the president.
- C. The election director shall provide the agenda to the members, and publicly post the agenda at least one week prior to the meeting.
- D. Prior to each meeting, the election director shall submit to the Board a written report of the activities of the office since the last meeting. The report shall include information on personnel changes, meetings attended, significant correspondence received, voter registration activities, voting system activities, candidate filings, precinct and polling issues, and other projects or initiatives undertaken by the office. An oral summary of the written report shall be provided at each Board meeting.

¹ For information and guidance on the Open Meetings Act, see the Attorney General's *Open Meetings Act Manual* (6th ed., October 2006) - <http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>.

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- E. Minutes for both open and closed meetings shall be prepared by the secretary pursuant to SBE's *Guidelines for Conducting Meetings and Writing Minutes*². If the secretary does not attend the closed meeting, the president shall appoint the Board attorney or one of the Members shall prepare the closed meeting minutes.
1. The complete open meetings minutes and a summary of the closed meeting shall be presented for approval at the subsequent Board meeting.
 2. Complete closed meeting minutes shall be held until the next closed meeting for presentation to the Board. After approval, the closed meeting minutes shall remain in a sealed envelope in a secure location that only the election director can access.
 3. The Secretary of the Board shall transmit approved meeting minutes to SBE within 5 days of approval.

Article 4 – Rules of Conduct

Section 4.1 - Attendance

- A. As provided under § 8-501 of the State Government Article, a member of the Board who fails to attend at least 50% of the meetings of the Board during any consecutive 12-month period shall be considered to have resigned.
- B. Not later than January 15th of the year following the end of the 12-month period, the president shall forward to the Governor and the State Administrator:
1. The name of the member considered to have resigned; and
 2. A statement describing the member's history of attendance during the period.
- C. In the case where the president fails to attend meetings, the referral to the Governor and State Administrator shall be made jointly by two members from different political parties.

Section 4.2 - Political Activity

- A. Statutory requirements. The members shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. Additional requirements.
1. Members shall place their public duties ahead of partisan, political considerations.
 2. A member may not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
 3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board³ and does not publicly indicate that he or she is a member of the Board.

² The guidelines are available on the SBE online library in the local board folder – www.elections.state.md.us/online_library.

³ This notice will provide the other board members with information to determine whether a conflict exists that will require recusal.

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4. A member may make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of canvassers provided the member discloses the contributions to the Board.
5. A member may publicly display (including yard signs, bumper stickers, etc) support or opposition to candidates or issues on the ballot in any election for which the member will be serving on the local Board of canvassers provided the member discloses the displays to the Board.
6. Members may wear campaign paraphernalia that shows support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of canvassers provided:
 - a. The member discloses this fact to the Board; and
 - b. Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.
7. Party Activity
 - a. Members may attend party central committee meetings and may consult with party members.
 - b. Members may not serve on an executive committee of the party or assume a role within the party that has decision-making authority.
8. Petitions
 - a. Member may sign a petition.
 - b. A member may not circulate petitions.

Section 4.3 – Ethics

- A. Members shall follow the provisions of the Maryland Ethics laws⁴, including:
 - a. Timely filing the Financial Disclosure Statement⁵ required under § 15-601 et seq. of the State Government Article; and
 - b. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria⁶ as required under § 15-505 of the State Government Article.
- B. Disqualification due to Conflict of Interest
 1. A Member shall recuse himself or herself and may not participate as to a matter if the member:

⁴ See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. Available on the SBE online library.

⁵ Financial Disclosure Statements can now be easily filed online - <https://efds.ethics.state.md.us/>.

⁶ See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. Available on the SBE online library.

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- i. Has a relative with an interest in the matter and the member knows of the interest;
 - ii. Is part of a business entity which has an interest in the matter;
 - iii. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
 - iv. Has a direct financial interest in the matter;
 - v. Has provided support through a contribution, volunteering, or a candidate or petition that is the subject of the matter; or
 - vi. Otherwise believes that participation would create a conflict of interest.
2. A Member may seek the advice of the Board's counsel as to the presence of a conflict of interest or other good cause for disqualification.
 3. If a Member does not voluntarily recuse himself or herself, the other Members may disqualify that Member if a unanimous determination by the other Members is made that the Member has a conflict of interest that should disqualify that Member from acting on a particular matter.
 4. If a Member recuses himself or herself or is disqualified from participating in a matter before the Board, the recusal or disqualification and the reason(s) for it shall be recorded in the meeting minutes.

Section 4.4 – Resignation and Vacancies

A. A member who chooses to resign shall:

1. Write a letter to the Governor informing the Governor of the member's decision to resign;
2. Inform the county central committee of the party with which he or she is affiliated of the resignation; and
3. Inform the State Administrator of the resignation.

B. If a member dies, resigns, is removed, or becomes ineligible, the Governor shall appoint an eligible person from the same political party to be the new member.

Section 4.5 – Level of Effort

Members shall expend the time and effort necessary to ensure that they fully understand their duties as Members, their role as members of the local Board of canvassers, and generally to understand important concepts in the administration of Maryland elections, such as: the process to register to vote; the purpose of provisional voting; general information about the voting system; the absentee ballot process; important election deadlines. Further, Members shall attend any election-related training or educational meetings relating to conducting fair elections each feels would be beneficial to expanding his or her knowledge.

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Article 5 – Roles and Responsibilities

Section 5.1 – The Board

- A. The Board shall carry out all duties assigned to it under the Election Law Article, regulations, and policies and procedures established by SBE. (See *Duties of the Board and Election Director*).
- B. The Board shall attend exclusively to top-level policies and plans and shall ensure compliance with mandatory requirements. The Board shall not be involved in day-to-day activities of the election office.
- C. Specifically, the Board shall:
 - 1. Govern through broad policies and objectives, formulated in conjunction with the election director, including assigning priorities and ensuring the agency's capacity to carry out programs by continually reviewing its work.
 - 2. Account to the public for the services of the agency and expenditures of its funds, including:
 - i. Providing for fiscal accountability, approve the budget, and formulate policies related to contracts from public or private resources
 - ii. Accepting responsibility for all conditions and policies attached to new, innovative, or experimental programs.
 - 3. Individual Members may have access to all data and information in the files and records of the election director which are not deemed confidential by law. A Board Member who receives information for which an affidavit and payment would be due from a member of the public shall not distribute such information. The election director shall provide copies of the requested data and information and report summaries to the member making the request, and to all other members of the Board. Where the elections director believes that a request is unreasonably burdensome, or may not be provided under Maryland law governing confidentiality of records, as enumerated in the law, the requestor shall present the matter to the Board for consideration at the next board meeting.

Section 5.2 – The Election Director and Staff

- A. The election director shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by SBE, other than those policies and guidelines which are to be determined exclusively by local election boards under the Election Law Article, and all other applicable State law, policies, procedures and instructions, as well as duties assigned or delegated by the Board.
- B. In general, the election director is responsible for:
 - 1. The day-to-day operation of the office;
 - 2. Giving direction and leadership toward the achievement of the mission of the Board;

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3. Advising and informing Board members of the status of projects and initiatives;
4. Interfacing between Board and staff;
5. Providing a copy of the proposed meeting agenda to each member by email not later than one week prior to the next scheduled meeting unless a Member request that notice be given by regular U.S.P.S mail;
6. Overseeing the design, promotion, delivery and quality of programs and services;
7. Recommending the yearly budget for Board approval and prudently managing the agency's resources within those budget guidelines;
8. Effectively managing the human resources of the organization according to authorized personnel policies and procedures that fully conform to current laws and regulations;
9. Assuring that the Board, and its mission, programs, and services are consistently presented in a strong and positive manner to relevant stakeholders; and
10. Providing administrative support to individual Member in the performance by a Member of his or her duties.

Section 5.3 – Division of Duties – Examples

- A. Board ----- Direct the process of planning
- B. Board ----- Approve long range goals
- C. Board ----- Approve annual objectives
- D. Board ----- Oversee evaluation of products, services and programs
- E. Board ----- Finalize and approve budget
- F. Board ----- Approve expenditures outside authorized budget
- G. Board ----- Decision to request additional positions
- H. Board ----- Interpret organization to community
- I. Board ----- Administer oath for new employees (within 45 days of employment)
- J. Board ----- Sets hours of operation for the office (according to SBE guidelines)
- K. DIR ----- Formulate annual objectives
- L. DIR ----- Assess stakeholder needs
- M. DIR ----- Prepare performance reports on achievement of goals and objectives
- N. DIR ----- Maintain program records; prepare program reports
- O. DIR ----- Prepare preliminary budget with proposed dollars for each line item
- P. DIR ----- See that expenditures are within budget during the year
- Q. DIR ----- Provide Board with monthly print-out of itemized expenditures
- R. DIR ----- Direct work of the staff
- S. DIR ----- Settle discord among staff

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- T. DIR ----- Prepare exhibits, material, and proposals for Board
- U. DIR ----- Follow-up to insure implementation of Board decisions
- V. DIR ----- Subject to the requirements of the Election Law Article, Maryland Code, and to the guidance and policies of the Election Board, as provided by Section 2-206 of the Election Law Article, hire and discharge staff members
- W. Joint ----- Provide input to long range goals
- X. Joint ----- Monitor achievement of goals and objectives
- Y. Joint ----- Provide organization linkage with other organizations
- Z. Joint ----- Plan agenda for Board meetings

Section 5.4 – Delegation of Duties to the Election Director

The Board may, from time to time, delegate some or all of its duties set forth in Section 5.3, above, to the Director.

Section 5.5 – Counsel to the Board

- A. As required under § 2-205 of the Election Law Article, the Board shall retain as counsel an individual who is a registered voter of the county and is admitted to practice law in Maryland.
- B. Pursuant to the retainer contract, Board counsel shall:
 - 1. Attend Board meetings;
 - 2. Attend all canvass sessions;
 - 3. Attend the biennial conference hosted by SBE and may attend the annual MAEO conference;
 - 4. Participate in pre-election conference calls hosted by SBE;
 - 5. Review major policy guidelines and instructions from SBE and
 - 6. Generally be available to provide advice when needed.

Section 5.6 – Personnel Management

- A. As required under § 2-202(b),(2) of the Election Law Article, the Board shall hire and supervise the election director.
 - 1. The Board shall perform mid-point and year end performance evaluations.
 - 2. The Board shall follow the requirements of the State Personnel and Pensions Article applicable to supervisory employees and any applicable regulations or the county merit system requirements in all matters concerning leave, discipline, or termination.
- B. The election director shall be responsible for the day-to-day operation of the office in accordance with any policies, guidelines and instructions from SBE other than those

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policies and supervisory duties which are to be determined exclusively by local election boards under the Election Law Article, such as those set forth in Section 2-206 of the Election Law Article. The election director shall also hire and supervise the staff.

1. The election director shall perform or ensure the performance of annual performance evaluations of staff.
2. The election director shall follow the requirements of the State Personnel and Pensions Article and any applicable regulations or the county merit system requirements in all matters concerning leave, discipline, or termination.

C. Staff may appeal an adverse personnel decision made by the election director to the Board. Issues that may be appealed include:

1. Disciplinary actions;
2. Termination; or
3. Denial of leave.

Article 6 – Miscellaneous

Section 6.1 – Membership to MAEO

Each Member, the election director, and other staff shall be members of the Maryland Association of Election Officials (MAEO).

Section 6.2 – Training and Continuing Education

The Board shall encourage and support the efforts of the election director and staff to obtain training and continuing education courses to assist the director and staff in the performance of their jobs.

Section 6.3 – Public Information Act⁷

When a Public Information Act request is received, the elections director shall ensure that:

- A. The Board and the state Administrator is notified of the request; and
- B. The request is completed in timely manner.

Section 6.4 – Reimbursement for Travel and Expenses

- A. The budget for the Board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.
- B. Reimbursement for an expense that was not budgeted for must be approved by the president prior to payment.

⁷ For information and guidance on the Public Information Act, see the Attorney General's *Public Information Act Manual* (10th edition, January 2007) - <http://www.oag.state.md.us/Opengov/pia.htm>.

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Appendix 1

Election Law Article, Annotated Code of Maryland

§2-301.

(a) This section applies to:

- (1) a member of the State Board;
- (2) a regular or substitute member of a local board;
- (3) the State Administrator;
- (4) an employee of the State Board or of a local board, including the election director of a board;
- (5) counsel appointed under § 2-205 of this title; and
- (6) an election judge.

(b) (1) An individual subject to this section may not, while holding the position:

- (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
- (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
- (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:
 1. be a campaign manager;
 2. be a treasurer or sub treasurer for a campaign finance entity; or
 3. take any other active part in political management or a political campaign.

(2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:

- (i) while performing official duties on Election Day; and
- (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

(c) If the State Administrator determines that an individual is in violation of this section, the State Administrator:

- (1) shall suspend the individual from duty until the completion of the next election; and
- (2) notwithstanding any other provision of law, may make an interim appointment to ensure the orderly administration of this article.