

Minutes

Talbot County Board of Elections
215 Bay Street
Easton, MD 21601
June 1, 2105

Note: At 10:30 a.m., before the Board meeting convened, Mary Ann Shortall, Clerk of the Talbot County Circuit Court, administered the oath of office to all five members of the Board of Elections.

Present:

Board

Susan MacKinnon, President	(D)
Walter W. Black	(D)
Joseph H. Secrist	(R)
Richard B. Bulman	(R)
John F. Hall	(R)

Staff

Patricia L. Mitchell, Election Director
Philip Cronan, Board Attorney

A meeting of the Talbot County Board of Elections was held on June 1, 2015 at the Board office indicated above. Mrs. MacKinnon, who served as president of the outgoing Board, called the meeting to order at 10:40 a.m. She noted that a quorum was present.

Election of Officers

As required by Election Law Article, § 2-202, the Board first proceeded to the election of a president. John F. Hall nominated Joseph H. Secrist; Mr. Bulman seconded the nomination. Mrs. MacKinnon nominated Walter W. Black, referencing his many years of service to the local community. Mr. Secrist received three votes while Mr. Black received two. Mr. Secrist was declared the winner.

The Board then proceeded to the election of a vice-president. Mr. Hall nominated Mr. Black and the nomination was seconded by Mr. Bulman. No other nominations were made and the president declared that nominations were closed. Mr. Black was elected unanimously.

John F. Hall was appointed recording secretary of the meeting by unanimous approval.

Approval of Minutes of May 8, 2015

Mrs. MacKinnon moved the approval of the minutes of the May 8, 2015 meeting, with the correction of the spelling of the name of Mr. Hall, who had appeared at that meeting as a guest. Mr. Black seconded the motion. The minutes were approved as corrected by the affirmative vote of Mrs. MacKinnon, Mr. Black, and Mr. Secrist, the only current board members who participated in the May meeting, with Mr. Bulman and Mr. Hall abstaining.

Additions and Changes to the Agenda

Mr. Secrist asked if there were any changes to the agenda. Mr. Hall stated that he had four motions which he would present during the Board's discussion of new business. There were no other requested changes to the Agenda.

Reports

Mrs. Mitchell had forwarded a copy of her report by email prior to the meeting and, additionally, distributed copies at the meeting. Upon the request of Mr. Hall, she explained the function of the "Critical Oversight Report." She also explained that, every Monday, she participated in a telephone conference regarding the new voting system.

Mr. Hall inquired of Mrs. Mitchell whether there had been any success in securing the use of the Easton Volunteer Fire Department, Inc., (herein, "EVFD") station house (herein, the "Fire Hall") for early voting. Mrs. Mitchell stated that there had been none.

Mr. Hall stated that J. Edward Lynch, currently the, president of the EVFD, had expressed great displeasure at this Board's use of the Fire Hall during early voting for the 2014 election and had indicated his opposition to its use for such purposes in the future. Mr. Black observed that the Fire Hall was a public building such that Mr. Lynch's view regarding its use was not determinative. Mr. Hall recommended that the Board reach out to Mr. Lynch to see what the problems had been and to attempt to remove them. Mr. Secrist suggested that the matter be deferred until the July meeting and the Board agreed.

Mrs. Mitchell informed the Board that Mrs. Prettyman, the Town employee responsible for assigning use of the Fire Hall, is currently on leave due to back surgery. Mr. Secrist asked Mrs. Mitchell to make inquiry concerning the use of the Fire Hall for early voting from whomever was acting as replacement for Mrs. Prettyman.

Regarding early voting, Mr. Hall referred an item on the 2016 Presidential Election Calendar dated April 27, 2016 and inquired of Mrs. Mitchell regarding its status. Mrs. Mitchell stated that she had not received the form from the State Election Board (SBE). Mr. Secrist asked Mrs. Mitchell to report to the SBE that she had not received the form.

No report was made by the Board Attorney. Mr. Hall reminded Mr. Cronan of the need to provide the Board with a written retainer agreement, and suggested that he wait to do so until the June meeting of election board attorneys in Ocean City.

Budget

Mr. Secrist then addressed the proposed budget for the upcoming year, noting a significant increase in certain line items. Mrs. Mitchell stated that she had met with Andrew Hollis, County Manager, and Angela Lane, County Finance officer. They had explained that, at the same time, the County was likely to cut money from the Board's budget, effectively de-funding one position. Mrs. Mitchell had responded to Mr. Hollis and Mrs. Lane that the State Board required that all offices have three employees. She produced a document dated 2000, purportedly a portion of minutes of a meeting of SBE in which the State Board adopted a recommendation that all local boards have three staff members. She further indicated that SBE had promised to forward a copy of the complete minutes for that meeting. Mrs. Mitchell further referred to a court case involving Talbot County and SBE that had further placed restrictions on the County's efforts to reduce Board expenses. She stated that she had forwarded a copy to Mr. Cronan (who stated that he was unaware of her having done so). Mr. Hall asked that a copy of the opinion or judgment be forwarded to him.

New Business

Mr. Bulman presented a new set of bylaws and moved that they be adopted. Mr. Hall seconded the motion. Mrs. MacKinnon asked if the bylaws had to be submitted to the SBE before the local board could consider them. Mrs. Mitchell stated that the past practice had been to adopt them and send them on the SBE. Mr. Hall observed that the order of approval was likely prompted by SBE's unwillingness to consider bylaws that might not ever receive local board approval. As required by the current bylaws, discussion on the bylaws and action on the motion was deferred to a future meeting.

Mr. Hall presented his Motion No. 1 in the form attached hereto as Exhibit 1, recommending that the third staff position be de-funded. Mr. Bulman seconded the motion. Mr. Secrist pointed out that there would be no election in 2015 and that, during the elections of 2014, a staff of two had been adequate. In fact, the prior board had determined that the elections had gone quite well, as indicated by its May 2014 minutes. He further noted that, this Board is responsible to the public and the taxpayers to see that the Board office is operated in an efficient and responsible manner and that taxpayer money is not wasted. The County Council had made its decision to reduce the funding, in part, due to increased expenses in public education and the need to add an additional teacher at White Marsh Elementary School.

Mrs. MacKinnon urged that the views of the Election Director be deferred to. She pointed out that the SBE was implementing new voting machines and there would be a need to educate the public regarding the use of such machines. Mr. Black stated that he

was unaware of any facts upon which the conclusion set forth in the motion could be supported and objected to any reliance on any observations by county employees regarding the work load of the Board staff.

Mr. Bulman invited Mrs. Mitchell to suggest any changes to the motion. A discussion then ensued between Mrs. Mitchell and Mr. Secrist concerning how long the Board office had been able to function with only two staff members. The conclusion was that it had been from July 2013 through January 2015, during which time, two elections has successfully been conducted with a significant change in registration.

The motion passed, with Mr. Secrist, Mr. Bulman and Mr. Hall voting in favor of the motion, and Mrs. MacKinnon and Mr. Black voting against it.

Mr. Hall presented his Motion No. 2 relating to past invoices for over-budget line items and moved its adoption. A copy of the full motion is attached hereto as Exhibit 2. Mr. Bulman seconded the motion. Mr. Secrist explained that the information sought related to the expenditures of funds in excess of those figures set forth in the approved budget. Mr. Black objected, stating that the Board was interfering unwarrantedly in day-to-day operations. The motion passed, with Mr. Secrist, Mr. Bulman, Mr. Hall and Mrs. MacKinnon favoring the motion, and Mr. Black opposing it.

Mr. Hall presented his Motion No. 3 directing the Election Director providing to the Board with her monthly report copies of all invoices received, and submitted for payment during the prior month and moved its adoption. A copy of the full motion is attached hereto as Exhibit 3. Mr. Bulman seconded the motion. Mr. Secrist and Mr. Hall stated that a review of invoices was a common-place requirements of all boards and such review fulfilled the Board's duty of oversight of the operations of the Election office.

Mrs. MacKinnon objected, stating that, so long as invoices were within the budget approved by the Board, there was no need for further inquiry. Mr. Black stated that the requirement was not only unnecessary but, additionally, heavy-handed.

The motion passed, with Mr. Secrist, Mr. Bulman and Mr. Hall favoring the motion, and Mrs. MacKinnon and Mr. Black opposing it.

Mr. Hall then inquired of Mrs. Mitchell whether the Xerox fax/copier had been moved from the Board office that had been vacated in April to the new Board office. Mrs. Mitchell stated that it was scheduled for Thursday, June 4, 2015.

Mr. Hall then presented his Motion No. 4 directing that the Xerox fax/copier be moved before June 15, 2015, a full copy of which is attached hereto as Exhibit 4, and moved its adoption. Mr. Bulman seconded the motion. Mr. Bulman pointed out that the motion referred to any other equipment belonging to the Board which had not been moved and inquired as to whether there was any such equipment. Mrs. Mitchell stated that an obsolete "server" which belonged to the SBE was still on site, together with documents that

could not be shredded. Mr. Hall inquired as to what would happen to those documents if the County needed to re-occupy the building or vacate it upon sale. Mrs. Mitchell stated that she was confident that the board staff would have fully unpacked by the time that need arose such that space would be available in the new office for storage of the materials that could not be destroyed. Mr. Hall emphasized how important an issue of the transfer of the fax/copier was to him, and volunteered to be on hand at the vacated office during the appointed day for its transfer if that was the only way to make certain that the removal took place.

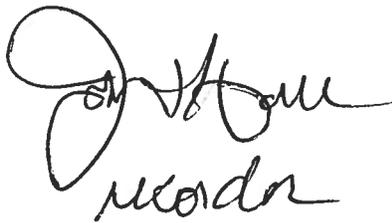
The motion passed, with Mr. Secrist, Mr. Bulman and Mr. Hall favoring the motion, and Mrs. MacKinnon and Mr. Black opposing it.

Mrs. MacKinnon announced that, while she would receive email relating to Board business, she would not respond to it. Her concern was that deliberations were taking place that were not open to the public. Mr. Hall responded that the Opening Meetings Manual, published by the Attorney-General, made clear that an exchange of email, or regular correspondence, did not constitute a meeting subject to the Open Meetings Act. Mrs. MacKinnon repeated her concern that deliberations were taking place out of the view of the public.

Adjournment:

The President indicated that the next meeting will be held on July 8, 2015 at 9:30 a.m., and called for a motion for adjournment. The motion was made by Mr. Bulman and seconded by Mr. Black, and was approved unanimously. The meeting adjourned at 12:00 o'clock noon.

Respectfully Submitted


John Hall

Attest
~~Respectfully submitted,~~


Joseph H. Secrist, President

EXHIBIT 1

Motion No. 1 re reduction in staff

I move that this Board find that the staffing needs of the Talbot County Board of Elections are adequately served by the Election Director and an Administrative Assistant II, such that the continuation of the employment of a third employee is neither necessary nor reasonable. Accordingly, the position should be de-funded, effective beginning June 15, 2015, with all compensation time and leave time to be taken in full before July 2, 2015. This motion is not to be deemed a comment on the work of the staff member currently serving as Data Application Specialist II, about which this Board expresses no opinion.

EXHIBIT 2

Motion No. 2 regarding past year's invoices

I move that the Election Director be and is hereby directed to provide a written report, by email, to all Board Members, to be sent with her director's monthly report for the July 2015 Board meeting, covering the period beginning July 1, 2014 through June 30, 2015, to include copies of all invoices received by this Office and a notation of the date of receipt of each invoice, for all entries under Accounts Nos. 5128 (Forms); 5160 (Office Supplies) 5005 (Salaries, part-time); and as to REGELECTION Account No. 5005 (Salaries, part time) all invoices submitted to the County by this office for expenses incurred during the month of November, 2014. In addition to the invoices, the Election Director shall indicate which of the invoices were submitted by her to the County Finance Office for payment, and the date of submission; and a statement of whether an invoice is disputed, in whole or in part, and, if in part, the extent to which it is disputed.

EXHIBIT 3

Motion No. 3 re monthly invoices

I move that the Election Director be and is hereby directed to provide, monthly, a written report, by email, to all Board Members, to be sent with her director's report, covering the period beginning the first day of the prior month and ending the last day of the prior month, providing:

- A. A copy of all invoices received by this office and the date of receipt;
- B. A copy of all invoices submitted by her to the County Finance Office for payment, on which there shall be an indication the date of submission to the County;
- C. A statement of whether an invoice is disputed, in whole or in part, and, if in part, the extent to which it is disputed.