

Minutes

Talbot County Board of Elections
215 Bay Street
Easton, MD 21601
March 16, 2106

Present:

Board

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

Staff

Patricia L. Mitchell, Election Director

Board Attorney

Philip Cronan

Guests

Mary-beth Goll
Eugene Goll
Michelle Holland, Director, Finance & Budget Management and
Procurement Division, State Board of Elections
Mary Cramer Wagner, Director, Voter Registration Division, State Board of
Elections
Sylvia Brown, Director, Personnel Services Division, State Board of
Elections
Walter Johnson
Shelia Scott
Chris Koch
Janet Smith, Manager of Audits, Voter Registration Division, State Board
of Elections
Christine Polk, *Star-Democrat*

A meeting of the Talbot County Board of Elections was held on March 16, 2016 in Conference Room # 1 at the Board office indicated above. Mr. Secrist called the meeting to order at 9:32 p.m. Mr. Secrist noted that a quorum was present.

Approval of Minutes of February 17, 2016

Mr. Secrist asked if the Board had any corrections or additions to the minutes of the meeting of February 17, 2016, a copy of which had been forwarded to the Board Members by email in advance of the meeting. Ms. MacKinnon objected that she had not been provided with paper copies of the minutes before the meeting. By consensus, it was agreed that, when Ms. Mitchell sent out the agenda and other documents to be referred to at an upcoming meeting, she would likewise make paper copies available for Mrs. MacKinnon to pick up.

Mr. Bulman moved that the minutes be approved; Mr. Hall seconded. Ms. MacKinnon objected to the inclusion of Mr. Hall's explanation of the reason for setting a deadline for compliance with the directive that corrected copies of the June 2015 meeting minutes be posted and sent to the State Board's office, and moved that it be stricken. Mr. Black seconded. Ms. MacKinnon's motion failed, with two in favor (MacKinnon and Black) and three opposed (Bulman, Hall and Secrist). The minutes of February 17, 2016 were approved, with Mr. Bulman, Mr. Hall and Mr. Secrist voting in favor, and Ms. MacKinnon and Mr. Black in opposition.

Addition/Changes to the Agenda

Mr. Secrist asked if there were any requests for changes to the agenda. Under New Business, Mr. Hall asked that a discussion of the State's requirement that Board members contribute to the State Pension Plan be added. Ms. MacKinnon asked that a discussion of the Open Meetings Act be added. Mr. Secrist asked a discussion of the June 20167 meeting of Maryland Association of Election Officials be added. Upon motion duly made and seconded, the agenda, as amended, was approved unanimously.

Public Comment

Mr. Secrist asked if the members of the public present wished to make any comments. There was no response.

Election Director's Report

Ms. Mitchell provided her report in writing, a copy of which is attached hereto as Exhibit A. She provided additional details on her efforts at training judges on the new equipment mentioned in her report. She had scheduled three training sessions per week. She attempted to train all the judges who would work together at a polling place in one session. The final training session was planned for March 29, 2016 with one make-up session to follow.

Attorney's Report

There was no Attorney's Report.

Old Business

Early Voting Center.

Ms. Mitchell reported that she had contacted Jane Wilson of Elliott-Wilson Trucks, who agreed to make the vacant space next to the entrance for the early voting available for parking. Ms. Wilson told Ms. Mitchell that she (Ms. Wilson) would contact the hair salon which used the space to let it know that the public would be using the space during early voting. Ms. Mitchell said that she had ordered a "feather flag" to identify the space for early voters, and that she would arrange for parking spaces to be delineated. She further planned to include information regarding available parking at the site with the specimen ballots that would be mailed to registered voters.

At Mr. Secrist's request, she agreed to email to him a copy of the security plan for the early voting center.

She distributed a list of election judges who had been successfully recruited. The list included the schedule for training election judges during March.

Mr. Bulman asked if she had a sufficient number of election judges. She said she did not but that her recruitment efforts were ongoing. She pointed to shortages in the number of judges at Oxford, and Wittman, which she hoped to fill by the end of the week. To meet the shortage, she had accepted applications from non-County residents. Mr. Bulman also asked how she might address election judges who declined to work the General Election after serving during the Primary Election.

Mr. Secrist suggested that the partial list of election judges be approved. Mr. Bulman moved the approval of the list on the condition that Ms. Mitchell notify Board members by email of those whom she proposed to add to the list. Mr. Black seconded the motion and it carried unanimously.

Mr. Bulman asked what plans had been made to provide technical support in the event a voting machine malfunctioned. Ms. Mitchell said that she planned to have one person qualified to provide technical support at each voting place

Review of Invoices

In response to a question from Mr. Bulman, Ms. Mitchell explained that Verizon had added an additional line at 142 North Harrison, which would be discontinued after the primary election.

Budget Review

Mr. Secrist questioned the cost of overtime, and why it was paid to only one staff member. Ms. Mitchell stated that the overtime was for Saturday demonstrations of the new voting equipment, and that Ms. Goode had agreed to be available outside normal business hours. Ms. Fishell and Ms. Mitchell would each be available to demonstrate the use of the equipment on other Saturdays. Mr. Secrist and Mr. Bulman emphasized that overtime was to be avoided.

Mr. Secrist stated that he felt that the overtime for the demonstration of equipment, should be assigned to Budget Classification 155, Registration and Election. Ms. Mitchell agreed to ask Ms. Ashe at the County Finance Office to assign the overtime to that classification.

New Voting Equipment – update on training

Ms. Mitchell stated that she planned a demonstration of the new voting equipment for Saturday, March 26 and Saturday, April 2. Mr. Bulman observed that it was anticipated that a different process, using a ballot marking device, was planned for the General Election and asked how the training for the use of different equipment would be addressed. Ms. Mitchell stated that, if a ballot marking device were available, there would be mandatory additional training for the election judges. She stated that it was not yet clear that a ballot marking device would be available for general use during the General Election.

Training for access to MDVOTES

Ms. Mitchell stated that Ms. Fishell was now qualified to make entries into the State Election Board's database regarding reactivation of voters who had been eliminated from the list of active voters. She could not yet generate reports from that database, but her qualification for doing so should occur after sixty days.

Training for spreadsheets

Ms. Mitchell said that training was complete.

Election Judges – Appointment and Training.

As this item had been discussed during the Election Director's Report, no further discussion occurred.

Voter Outreach

Ms. MacKinnon stated that she had made arrangement for herself and Mr. Bulman to visit Easton High School. However, the date had been changed to March 21 and 22, from 10:14 a.m. to 11:65 a.m. She had not secured a date to visit St. Michaels High School, but had scheduled April 4, pending confirmation from the School officials. Mr. Black stated that he was willing to participate in the outreach effort.

Mr. Bulman asked if there were anything he might review in preparation of the visit to the two schools. Ms. MacKinnon described the general process that had been followed in the past. Mr. Bulman said that he would stop by this Board's office to review matters related to voter registration.

Mr. Bulman asked if there were any instructions that the Board members might refer to that would explain their duties on Election Day and on the ballot canvas that followed the election. Ms. Mitchell said that Board members were encouraged to stop by the polling site during Early Voting to be available to address any difficulties that arise and to observe the performance of the Election Judges. Mr. Bulman asked Ms. Mitchell to prepare a checklist of directions for Board members for Election Day and canvassing. Ms. Mitchell said that she would prepare a checklist and noted that the State Board provided an evaluation form for each voting site which she would send to Board members.

Election Notice and Specimen Ballots

Mr. Secrist asked for a status report. Ms. Mitchell said that the document had been given to the printer and that the State Board would review the document when printed. She anticipated that they would be mailed the last week in March.

New Business

Sale of food and beverages at the Cordova voting site

Mr. Secrist had received a request for the Ladies' Auxiliary of the Cordova Fire Association, Inc., for permission to sell food and beverages from a portion of that company's facility. He distributed a copy of the request to the Board members. (A copy of that request is attached hereto as Exhibit B.) He pointed out, that with the closure of the general store in Cordova, the election judges had no place to purchase food and beverages while they worked. The sale of food and beverages by the Ladies' Auxiliary would be a convenience not only to the public, but also to the election judges.

Mr. Black asked Ms. Mitchell if there were any election law regulations which governed such activity. Ms. Mitchell said that she was not aware of any.

Ms. MacKinnon expressed concern that the sales might slow the process of voting. Ms. Mitchell said that traffic could be directed through the use of cones and tape. She said she would place a sign stating that no food was allowed in the voting area.

Mr. Black moved that this Board grant permission for such sale; Mr. Bulman seconded. The motion was approved unanimously.

State Retirement contribution

Ms. Mitchell briefly discussed the process of designating a beneficiary under the retirement system. Mr. Black stated that Mrs. Haddaway, a County employee, had indicated her willingness to act as notary public for completion of the form and that it was his understanding that the new policy would result in a 7% reduction of each monthly check.

Procedure for closing a meeting

Ms. MacKinnon expressed her view that this Board had erred in failing to give a more detailed explanation in its statement of closing the January meeting. She said that, instead, the Board had employed mere boiler plate. She moved that this Board acknowledge that it had violated the Open Meetings Act. Mr. Black seconded the motion.

Mr. Hall stated that the closed meeting referred to related to a personnel issue and that this Board should preserve the privacy of its employees when discussing personnel matters. Mr. Bulman stated that he wished to hear from the Board Attorney. Mr. Cronan urged that the Board forgo any admission of wrong doing without knowing the consequences.

The motion failed, two voting in favor (Ms. MacKinnon and Mr. Black) and three opposed (Mr. Secrist, Mr. Bulman and Mr. Hall).

Ms. MacKinnon expressed her view that the agenda should always include details of the reason for closing a meeting to provide notice to the public, stating that the purpose of a closed meeting was often known when the agenda was adopted. Mr. Hall pointed out that the format followed by this Board is the same as that followed by the State Board. Mr. Cronan stated that this Board is not required to have an agenda.

Maryland Association of Election Officials

Mr. Secrist stated that a meeting of MAEO was scheduled for June 19, 2017 through June 22, 2017 in Cambridge. Ms. Mitchell said that she thought that the cost of attendance would be between \$220.00 and \$250.00 per person. Mr. Bulman said that he thought that this Board should not incur the cost of lodging at a location so close to the residence of each Board member and employee.

Performance Evaluation Program

Mr. Bulman said that he had obtained a copy of the performance evaluation form which was appropriate for evaluating the performance of an election director. He pointed out that the form referred to the election director's position as "managerial" in contrast to what this Board had been told. Ms. Brown stated that an election director is classified as managerial for purposes of employment evaluation but as skilled services for purposes of the termination process. The performance evaluation for the midyear cycle was deferred until the April meeting.

Mr. Secrist announced that the next meeting would be held April 20, 2016, beginning at 9:30 a.m.

Upon motion by Mr. Bulman, seconded by Mr. Hall, and duly approved by the Board, the Board entered into closed session at 11:50 a.m. to review with Mr. Cronan his memorandum of January 27, 2016. A copy of Mr. Secrist's statement regarding the purpose of the closed session, the statutory authority for closing the meeting and the listing of topics to be discussed is attached hereto as Exhibit C. The Board adjourned its closed session at 12:26 p.m. and resumed its meeting. Mr. Secrist noted that the only action taken at the closed session was to approve the minutes of the February 17, 2016 closed session.

Mr. Bulman moved that the January 2016 termination of Ms. Mitchell as election director be rescinded, without any determination being made as to the proper procedure to be followed for terminating Ms. Mitchell's employment. Mr. Hall seconded; the motion was approved unanimously.

Mr. Black moved the adoption of the following procedure: each Board member is to advise Mr. Secrist and Ms. MacKinnon of each's concerns regarding Ms. Mitchell's performance by March 31, 2016, following which Mr. Secrist and Ms. MacKinnon were to meet for the purpose of preparing a list of the improvements which this Board would like to see Ms. Mitchell make to her performance as election director. Thereafter, Mr. Secrist and Ms. MacKinnon are to meet with Ms. Mitchell to review those requests and to receive her response. Ms. MacKinnon seconded. The motion was approved unanimously.

At 12:41 p.m., upon motion duly made, seconded and carried, the meeting was adjourned.

Attested,

Respectfully submitted,



Joseph H. Secrist, President



John F. Hall, recorder

NVSR Update

Meetings are still being held every week for instruction and inquiries to where the state is to date with the new system. It is getting easier to understand all the different parts of this voting system. There has been afternoon call in meetings just like the morning meetings. For Early Voting, SBE has decided to use paper ballots instead of the Ballot Marking Devices. However, there will be one BMD for the ADA voters.

Voter Registration

Attached is a copy of the Monthly Statistical Report. I have also attached the Precinct Voter Count Report which is used for the website page.

Ballot Preparation

Ballots have been proofed and are being printed. Specimen Ballots have also been sent to the printer and will be proofed by this office and the state before it goes to print.

Election Judge Trainings and Public Demonstrations

Election Judge trainings have started and continue through the whole month of March. We also have scheduled Public Demonstrations for voters. We have posted flyers in the News Center, Amish Market, St. Michaels area and have posted it on the website.

Daily Data Entry

The office staff has completed their daily data entry each day. Each Tuesday one staff member goes to MVA and picks up the weekly work that they have and mails it to the appropriate county. We currently have 181 accepted Absentee Applications for Absentee Ballots.

Daily Phone Calls and In-Person Visits

We have received 125 phone calls, 27 in person visits.

Sabrina - 72 calls and helped 8 people at the front window.

Teresa - 53 calls and helped 19 people at the front window.

Critical Oversight Report

For the month of February, I audited Dorchester County.

ERIC Reports

State hopes to have one more set of reports before the deadline of April 5, 2016.

Meetings

Listened to Directors Meeting via the phone on Monday, March 7, 2016.

Exhibit A

Ladies Auxiliary of the
Cordova Volunteer Firemen's Assn., Inc.
P O Box 133
Cordova, MD 21625

March 1, 2016

Joseph Secrist, President
Talbot County Election Board
9017 Treesdale Drive
Easton, MD 21601

Re: Election Day Luncheon

Dear Joe;

The Cordova Ladies Auxiliary is planning to potentially sell food during the primary election day, April 26, 2016 and Presidential Election Day, November 8, 2016, pending approval of the election board. We would be using the kitchen, which can be closed off from the main room and accessible through a separate entrance off the hallway that leads to the engine room. Food sales would take place in the engine room. This event would no way interfere with the election process being held in the main room.

Please acknowledge by return letter this event is acceptable with the Election Board.

Sincerely,



Renee Pearson, President

Exhibit B

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: March 16, 2016 Time: 11:50 a.m. Location: 215 Bay Street, Easton, MD 21601

Motion to close meeting made by: Mr. Bulman Seconded by Mr. Hall

Members voting in favor: Secrist, Black, Bulman, MacKinnon, Hall

Opposed: _____

Abstaining _____ Absent _____

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) – (6) Omitted; not within the authority of a local election board;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) through (11) Omitted; not within the authority of a local election board;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (7) To consult with legal counsel concerning the procedure for terminating the employment of the Election Director

§3-305(b) () _____

§3-305(b) () _____

This statement is made by Joseph H. Secrist, Presiding Officer:

Joseph H. Secrist
Signature

Exhibit C