

Minutes

Talbot County Board of Elections
215 Bay Street
Easton, MD 21601
April 20, 2016 and April 28, 2016

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
Sylvia Brown, Director, Personnel Services Division, State Board of
Elections
Kimberly Meiklejohn, State Manager, Field Support Division, State Board
of Elections
Joyce Scharch
Walter L. Johnson
Christine Polk, *Star-Democrat*

A meeting of the Talbot County Board of Elections was held on April 20, 2016, beginning 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 March 16, 2016

Mr. Secrist asked if the Board had any corrections or additions to the minutes of the meeting of March 16, 2016, a copy of which had been forwarded to the Board Members by email in advance of the meeting. Ms. MacKinnon asked that a new

paragraph be inserted before the topic header "Maryland Association of Election Officials" to read as follows:

"Mr. Secrist suggested that Ms. MacKinnon meet with Mr. Cronan to further explain the Open Meetings Act violation that she contended had occurred."

Mr. Black asked that the second sentence of the topic header "State Retirement Contribution" be corrected to read:

"Mr. Black stated that Ms. 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."

Mr. Secrist asked that Ms. Polk be identified as being a reporter for the *Star-Democrat*, and further pointed out that, on page two, in the topic header Additions/Changes to the Agenda, the "Maryland Association of Election Officials" had been incorrectly identified as "Maryland Association of Employment Officials."

Mr. Black moved that the minutes be approved as amended; Mr. Bulman seconded. The minutes, thus amended, were approved unanimously.

Addition/Changes to the Agenda

Mr. Secrist asked if there were any requests for changes to the agenda. Ms. MacKinnon asked that she report on her meeting with Mr. Cronan and her visits to the two high schools. Mr. Secrist asked that the evaluation of the polling places be considered. Mr. Hall asked that a discussion of the progress of the customer satisfaction survey be included. Mr. Bulman asked that the Legislative Report which had been distributed by the Election Director and the preparation of a policy manual be discussed. He further asked that the subject of the audit report be included in the closed session. Upon motion duly made (Mr. Black) and seconded (Mr. Bulman), the agenda, as amended, was approved unanimously.

Public Comment

Mr. Secrist asked if the members of the public present wished to make any comments. Ms. Scharch stated that Mr. Franchot, the State Comptroller, had visited the early voting site and had commented that everything was running smoothly. Ms. ~~Mrs.~~ Scharch attributed the success to the training provided to the Election Judges by Ms. Mitchell.

Election Director's Report

Ms. Mitchell provided her report in writing, a copy of which is attached hereto as Exhibit A. Mr. Bulman asked her to provide some context for the Directors' Meeting. She responded that much of the conversation had to do with the new voting system. No minutes of the meetings were prepared. She added that the meeting was by telephone to avoid the necessity of traveling.

Mr. Bulman observed that her report states that 173 absentee applications received, while the monthly Statistical Report under Inactive Registration shows a number "2" for Absentee Ballot Applications. Ms. Mitchell responded that the number "2" shows the number of "Inactive Registrations" which had been brought current.

Mr. Secrist asked Ms. Mitchell to provide, by email, copies of the "County Bulletin" which had not been previously forwarded.

Mr. Bulman asked why there was a difference in the number of registered voters in two of the documents she had forwarded. Ms. Mitchell stated that one report reflected registration through March 31, and the other through April 15.

Mr. Hall asked about progress in preparing the "customer satisfaction" survey. Ms. Mitchell responded that the form had been prepared and a few had been distributed to people who visited the office. Mr. Hall asked that a copy of the form be forwarded by email.

Attorney's Report

Mr. Cronan reported that he had participated in a series of "Pre-election Attorney Calls" organized by the SBE. The telephone discussions primarily concerned (1) the permitted activities of challengers and watchers, (2) electioneering and (3) public observation of the collection of election results. He stated that members of the public who wished to be present when totals were announced were required to sign confidentiality agreements, to prevent disclosure before official publication of those results.

Old Business

Early Voting Center.

Mr. Secrist asked about the usefulness of the new parking arrangements. Ms. Mitchell said the new parking space was being utilized and that few people parked in front of the fire house. She was not aware of any complaints about people walking across the concrete apron utilized by emergency equipment to leave the fire house. In response to a question from Mr. Bulman, Ms. Mitchell said that the cost of marking parking spaces had proved to be so expensive that she decided not to do so. She felt that parking had worked well without the lot having been marked.

She said that she had excused and replaced some judges.

Ms. MacKinnon asked how the percentage of those voting early in this primary compared to other elections. Ms. Mitchell said that it was comparable to the last primary, but was less than the last general election.

Ms. Mitchell said that same-day registration was being handled by a member of her staff, rather than by election judges.

Mr. Black asked how the public reacted to the new method of ballot marking. Ms. Mitchell responded that there appears to be a preference for the touch-screen method of earlier voting. She speculated that the complaint would be alleviated by the use of the new ballot-marking device in the general election.

Mr. Secrist asked how voters were made aware of the option to use the ballot-marking device. Ms. Mitchell stated that the election judges attempted to identify those who might benefit from using it and inform that voter of the option. She said the suggestion had to be made diplomatically out of concern of offending the voter.

In response to a question from Mr. Secrist, Ms. Mitchell stated that two judges were in the room where ballots were marked.

Mr. Secrist said that he was aware of complaints that the entrance to the voting area was difficult to find. Ms. Mitchell stated that, one day, the Emergency Medical Service personnel had left the ambulance outside the entrance and, in doing so, blocked the view of the entrance. However, she was reluctant to be confrontational with that service. Signs directing voters to the entrance from the parking had been posted on all days.

Mr. Bulman thought that the vertical sign near the entrance containing voting instructions was too low for comfortable reading. Ms. Mitchell explained that owners of

voting sites often objected to signs being posted on walls. She said that the difficulty with the vertical sign was that, if it were placed too high, the instruction higher on the sign could not be read.

Mr. Bulman stated that he had observed a dangling electric cord supplying power to the poll books. Ms. Mitchell said that she would ask that more tape be used to secure the cord.

Review of Invoices

Ms. Mitchell stated that the sample ballots printed by imPRESSive Printing Co., Inc., had been mailed to all active and pending registered voters. In addition, 50 sample ballots were on hand at the Board office for those who might stop at the office and ask for one.

Mr. Secrist inquired as to whether the Board was entitled to a credit from the printer, who had been paid for voter identification notices that were not printed. Ms. Mitchell said that she would check with the County finance office to see if the Board had been credited for that cost. Mr. Secrist asked about the cost of postage for the imPRESSive Printing's mailing of the sample ballot. Ms. Mitchell said that the final amount due could not be determined because, if a sample ballot were returned, then the postal service charged the full amount.

In response to a question by Mr. Bulman regarding the invoices for shredding, Ms. Mitchell identified Sandy Evans as a former employee. She explained that the reason that no cost was shown on the invoice was that the vendor was paid by the County's credit card.

Budget Review

Mr. Secrist distributed the county's preliminary budget and read Mr. Hollis's letter explaining that the figures were preliminary and subject to revision.

Training related to MDVOTERS

Ms. Mitchell reported that Ms. Fischell had not yet been restored to full report authorization but she expected her to be restored in 30 days. Mr. Hall asked that Ms. Mitchell ask for the appropriate review by the State Board. In response to a question from Ms. MacKinnon, Ms. Mitchell described how the State Board monitors performance and addresses mistakes. The exchange between the State Board and the local Board employees is accomplished by on-line meetings to avoid the need for travel.

Election Judges – Appointment and Training.

Ms. Mitchell stated that there were no vacancies. She has a list of substitutes in case an election judge is unable to act as such.

Mr. Secrist referred to the list of election judges and indicated his displeasure that, at the Easton Fire House (1-1 & 1-3), there was an imbalance in number of judges from each party, being 12 Democrats and only 7 Republicans. He also noted that both the Chief Judge and the Provisional Judge were both Democrats, when those two positions should have been divided equally between the two major parties. He pointed out that such imbalances violated the Election Law.

Mr. Secrist asked if it were still possible to train election judges who might be found, on Saturday, April 23. Ms. Mitchell said that it was possible.

Mr. Secrist questioned the payment of judges for early voting as compared to the regular voting. He noted that all were to be paid \$225.00 per day, even though early voting judges worked three hours less each day. He said it was wrong to increase the payment to early voting election judges and decrease the pay to Election Day judges from what they had been paid in previous elections.

Mr. Bulman asked for clarification on the amount paid to Election Day judges. Ms. Mitchell said that each Chief Judge will receive \$275.00 plus \$25.00 for the training session. Other election judges, including provisional judges, will receive \$225.00 for Election Day plus \$25.00 for the training session.

Mr. Secrist asked how the number of poll books at Easton Fire House had been determined, noting that the total of Democrats and Republicans eligible to vote at the firehouse is 6,018, since, previously, the number of poll books had been determined by taking a percentage of the total votes at each polling place. Ms. Mitchell explained there would be one poll book for each 1000 voters.

Regarding training, Ms. Mitchell stated that the election judges who served both early voting and Election Day voting were, in effect, receiving on-the-job training during early voting. She also stated that the chief judges would be coming in for extra training this coming Monday (4/25/16).

Voter Outreach

Ms. MacKinnon stated that she had visited Easton High School on March 21 and March 22 and on April 4 at St. Michaels High School. Mr. Bulman had accompanied her at Easton, and Mr. Black at St. Michaels. She said that the students had responded positively, asking questions about the process. A number had been registered. She said the effort was worthwhile.

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.

Ms. Mitchell was asked about the public response to "open house" sessions, conducted four Saturdays, to explain the voting equipment. Ms. Mitchell said that a number of people had attended.

Swearing in for Canvas.

Mr. Secrist announced that all board members had taken the required oath to serve as board of canvassers for the primary election.

Retirement Application Filings

Mr. Black and Mr. Hall each said that he intended to visit the County office in the next few days to file the necessary forms.

Ethics Commission Filing

Mr. Secrist reminded the Board members that the deadline for each to file the financial disclosure was April 30.

Sale of food at Cordova Fire Hall polling site.

Ms. Mitchell had forwarded a copy of her letter to the Cordova Ladies' Auxiliary to the Board members prior to the meeting.

Legislative Report

Mr. Bulman asked Ms. Mitchell if there were any bills that the Board members should be aware of. Ms. Mitchell said that there were none.

Maryland Association of Election Officials meeting.

Mr. Secrist noted that a meeting of MAEO was scheduled for June 14 through June 16, but added that attendance was not mandatory.

Evaluation of Early Voting and Election Day

Mr. Bulman had turned in an evaluation of early voting. Mr. Secrist said he would do so at a later date. Ms. Mitchell stated that if anyone else chose to do so, they might request a copy of the evaluation form from the chief judge.

The Board then, by agreement, selected voting site to be evaluated by each Board member.

New Business

Use of Schools for the General Election

The Board had received a letter from the Board of Education stating that the schools would be open on Election Day. Board members then identified a number of problems which that will create. Among others, parking spaces would be utilized by the students that would otherwise be available to voters; in St. Michaels, voters would have to use the auditorium, where the voting site would have to be placed on a stage, creating the possibility of someone falling. Ms. MacKinnon expressed her frustration that these issues, with which the Board had been forced to deal in the past, were again being presented. She pointed out that there was no alternate site in St. Michaels. Ms. Mitchell agreed, stating that the Chesapeake Bay Maritime Museum required a rental fee that was very high.

Ms. MacKinnon stated she felt this Board should ask the Board of Education to reconsider closing the schools on Election Day. Mr. Secrist expressed his pessimism that such an appeal would be successful, because the school calendar has already been set.

Mr. Black moved that this Board request a meeting with the Superintendent of Schools and the president of the Board of Education to discuss the closing of the schools on Election Day. Ms. MacKinnon seconded and the motion was approved unanimously. Mr. Secrist asked Ms. Mitchell to write the letter.

Mr. Bulman asked if the board had a policy manual. No one was aware of one. Since there is none, he moved that Ms. Mitchell review the minutes of the actions taken by this Board over the past several years, and prepare a proposed policy manual for the board to consider that would set forth the policies adopted by this Board, on or before this Board's June meeting. Ms. Mitchell agreed that she could do so by this date. Mr. Hall seconded and the motion carried unanimously.

Ms. MacKinnon stated that she had met with Mr. Cronan and had explained to him why she felt that this Board had violated the Open Meetings Act.

Ms. MacKinnon and Mr. Black each announced that they had attended a meeting of the Democratic Forum on April 3.

Mr. Secrist announced that the next meeting would be held May 18, 2016, beginning at 7:00 p.m.

Mr. Bulman moved, and Mr. Hall seconded, that the Board enter into closed session to discuss personnel issues. Ms. MacKinnon objected that the reason for closing was not sufficiently detailed. Mr. Hall read from the Written Closed Meeting Statement that the purpose of the closed meeting was "to discuss a personnel issue (evaluation of the election director's performance and discussion of an auditor's report)." The motion was approved unanimously.

Sylvia Brown asked that she be allowed to attend the closed session. Ms. MacKinnon so moved and Mr. Black seconded. The motion carried, with Ms. MacKinnon, Mr. Black and Mr. Bulman voting "aye" and Mr. Hall opposed. The Board entered into closed session at 11:25 a.m. 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 B. The Board adjourned its closed session at 2:08 p.m. and resumed its meeting.

Mr. Secrist announced that the Board had not completed its evaluation of the election director's performance and had not reached the auditor's report. He stated that the Board would reconvene on April 28, 2016, following its meeting as a canvassing board.

At 2:15 p.m., upon motion duly made, seconded and carried, the meeting was recessed until April 28.

On April 28, 2016, the Board resumed its April meeting at 1:00 p.m. Mr. Charles Bennett asked if he might be heard. Ms. MacKinnon moved that the agenda be amended to allow public comment at this point in its meeting. Mr. Hall seconded, and the motion carried unanimously.

Mr. Bennett stated that he had acted as election judge for a number of elections but had not been asked to so act in the recent primary election because he was a relative of Ms. Mitchell. He characterized his exclusion as a "witch hunt." Mr. Secrist responded that Mr. Bennett should refer to the State Ethics Commission ruling.

The Board resumed its closed meeting at 1:10 p.m.

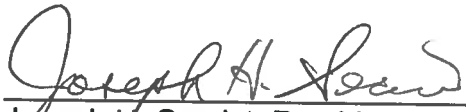
The Board resumed its open session at 3:20 p.m. Mr. Secrist announced that the Board had completed its performance evaluation and had reviewed the matter of the "MDVOTERS Audit and Oversight Summary Report."

The result of the performance evaluation was a part of Ms. Mitchell's confidential personnel file.

Mr. Hall requested that Ms. Mitchell email a copy of her letter explaining the process for dealing with the "Electronic Registration Information Center, or "ERIC" report regarding deceased voters to the State Board and to follow it up with a hard copy by mail. Mr. Bulman asked that he receive a copy of the letter and enclosures.

Upon Motion duly made (Mr. Black) and seconded (Mr. Hall), and approved unanimously, the Board adjourned at 3:25 p.m.

Attested,



Joseph H. Secrist, President

Respectfully submitted,



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.

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.

Election Judge Trainings and Public Demonstrations

Election Judge trainings have continued through the whole month of March and we just did our last one on April 9. We also scheduled Public Demonstrations for voters and turnout was ok. The feedback was good from those who attended.

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 have been very busy with sending and processing absentee applications. The state uses RunBeck to mail all mail applications, so daily we process the applications by 10 a.m. so the company can get them mailed out. We have had voters call and it seems to take about 4 days after they are processed for voters to receive their ballots. This is better than the 2014 election, where it was taking about 6 days for voters to get their ballots. We have issued 649 Absentee Applications, accepted 462 Absentee Applications and have received 173 voted Absentee Ballots.

Daily

It's been very busy in the office with getting everything ready for the upcoming election. We have packed the supplies for the polling places. Ballots have been delivered and counted. Last day to register to vote was slow, however the day after was busy with people wanting to register. They were instructed to go to Early Voting where they could register to vote. We had a lot of inquiries to why there was a deadline if you could register at Early Voting.

Daily Phone Calls and In-Person Visits

We have received 312 phone calls, 77 in person visits.

Sabrina - 168 calls and helped 28 people at the front window.

Teresa - 144 calls and helped 49 people at the front window.

Critical Oversight Report

For the month of March, I audited Garrett County.

ERIC Reports

No more reports until the books reopen.

Meetings

Listened to several Directors Meeting via the phone.

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 4/20 Time: 11:05 .m. Location: 215 Bay Street, Easton, MD 21601

Motion to close meeting made by: Bulman Seconded by Hall

Members voting in favor: unanimous

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) (1) to discuss a personnel issue (evaluation of election directors)
§3-305(b) () disfranchising and discussion of auditor's report
§3-305(b) () _____

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

Exhibit B