

Minutes

Talbot County Board of Elections
215 Bay Street
Easton, MD 21601
August 17, 2016

Present:

Board

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

Staff

Patricia L. Mitchell

Attorney

Philip T. Cronan

State Board of Elections

Sylvia Brown, Director, Personnel Services Division
Janet Smith, Manager of Audits, Voter Registration Division
Mary Cramer Wagner, Director, Voter Registration Division

Public

Walter Johnson
Eugene Goll
Mary-beth Goll

The monthly meeting of the Talbot County Board of Elections was held on August 17, 2016, in Conference Room # one at the Board office indicated above. Mr. Secrist called the meeting to order at 9:30 a.m. Mr. Secrist noted that a quorum was present.

Approval of Minutes of June 9, 2016, and June 15, 2016

Mr. Secrist asked if the Board had any corrections or additions to the minutes of the meeting of July 14, 2016, a copy of which had been forwarded to the Board Members by email in advance of the meeting.

Mr. Bulman moved that the minutes are approved as amended; Mr. Hall seconded. The minutes were approved unanimously.

Addition/Changes to the Agenda

Mr. Secrist asked if there were any requests for changes to the agenda. Upon motion duly made (Mr. Hall) and seconded (Mr. Black), 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

Mrs. Mitchell provided her report in writing, a copy of which is attached hereto as Exhibit A.

Attorney's Report

Mr. Cronan had no report.

Old Business

Invoices

In response to a question from Mr. Bulman, Ms. Mitchell stated that the cost of moving the equipment was adequately provided for under the equipment lease, such that it was not necessary to amend the budget to include that cost. Ms. Mitchell said that Catherine Asche, the County finance officer would email information to Mr. Secrist to show how the County had received a credit for the canceled work by imPRESSive printing.

Budget

Mr. Bulman noted that, for fiscal year ending June 30, 2016, the election office had spent less than it was allotted. He asked about the excess payment of \$2,087.50 under in the "Registration and Election" portion of the Budget. Ms. Mitchell responded that the overtime charge should have appeared under the "General Fund" portion of the budget report. She further stated that she would ask Ms. Asche to provide a breakdown of that budget item.

Election Judges

Ms. Mitchell reported that she had sent out 104 letters, recruiting judges for early voting. She had asked that each respond before September 2. So far, she had received only three responses. She stated that there was some resistance, because the opening hour had been advanced from 10:00 a.m. to 8:00 a.m., increasing the length of the day

from eight to ten hours. She would have to replace one election judge in Cordova, two in Easton, and one in Wittman.

Mr. Bulman asked about the recruitment of Chief Judges. Ms. Mitchell responded that she knew she would have to replace one in Oxford who asked to be re-assigned to Easton.

Mr. Secrist distributed a printout of information regarding voting in the recent primary election which he had obtained from the State Board of Election's website. He observed that a significant portion of the voters in the Easton District had voted early. He concluded that, as a result, the number of election judges who would be needed in that district on Election Day should be less. Ms. MacKinnon observed that a larger portion of the voting population was voting during Early Voting.

Mr. Bulman asked about training of Chief Judges. Ms. Mitchell responded that she anticipated scheduling training in early October, but as close to the beginning of Early Voting (October 27, 2016) as was convenient. Mr. Bulman asked whether there is enough money in the budget for the training. Ms. Mitchell said that there is.

Mr. Secrist asked if there was a need for a ten-hour day on the weekend during early voting. Ms. Mitchell said that she would recommend that the day begin at 10:00 a.m. on the weekend of early voting.

Mr. Secrist asked if there would be any days before early voting when use of the equipment would be demonstrated. Ms. Mitchell replied that some voting equipment was located at the Board office and its use could be demonstrated at that site. She had in mind to make the equipment available to the public for demonstration at the end of September or in early October. Ms. MacKinnon asked that notice of such time for demonstration be posted in the newspaper.

Mr. Secrist stated that he had heard from election judges who had complained that the chairs assigned to the use of the election judges were too hard for a ten-hour day. He asked Ms. Mitchell to remind people at election judge training that each should bring his or her own cushion.

County Bulletin

Mr. Bulman referred to the "Reminders & Information" section of the August 5, 2016, "County Bulletin" which states "All counties must hire at least one provisional judge for each polling place to ensure the provisional process is followed correctly," and asked if this office would be in compliance. Ms. Mitchell stated that the requirement is nothing new and had been complied with in the past. She characterized the notice in the "County Bulletin" as a mere reminder.

She added that, from now to Election Day, the "County Bulletin" would be received weekly.

Regarding that issue of the "County Bulletin," Mr. Bulman asked if the county's premise liability insurance coverage ("slip and fall") would be in effect. Ms. Mitchell said that Cheril Thomas, Director of Administrative Services for Talbot County, had been made aware of the need to include the site. She further observed that the voting equipment was insured by the State Board, pursuant to a provision of the lease.

Mr. Bulman referred to the deadline of August 5, 2016 for the "2016 Presidential General – LBE Survey," and asked what was meant. Ms. Mitchell stated that the "survey" related to supplies.

He further asked for an explanation of the August 10, 2016 deadline for "confirmation mailings." Ms. Mitchell explained that, after that date, she would no longer be able to mail a follow-up letter to voters whose earlier communications had been returned as undeliverable. It would not prevent her from continuing to register voters.

Use of Schools

Mr. Secrist said that he had contacted Andrew Hollis, the County Manager, and Corey Pack, president of the County Council, regarding a potential change to the State Law which requires that schools in certain counties be closed on Election Day, so that Talbot County would be included in that list. Mr. Pack had asked that the Election Board approach the School Board about such legislation, as he did not wish the Council to be viewed as interfering unduly with School Board operations.

Ms. MacKinnon asked when Mr. Secrist thought that an approach to Senator Adelaide C. Eckhardt and to Delegate John Mautz should be made. Mr. Secrist said that it was best to wait until after the election.

Ms. MacKinnon stated that this Board had the responsibility of pointing out to the School Board the importance of closing the schools to be used as polling sites on Election Day. Reference was made to right of felons, among whom might be sex offenders, to vote. Mr. Cronan was asked to review that provision of the law and advise. Mr. Hall suggested that Ms. MacKinnon draft a letter to each of the school board members, reiterating the importance of closing the schools, for Mr. Secrist's opinion. The letter would be circulated to the Board members and Mr. Cronan for approval. Ms. MacKinnon agreed to do so.

Later, during the meeting, Mr. Cronan reported that sex offenders have the right to vote at polling places which are located within schools. He said that the burden appeared to be on the sex offender to request permission to vote at a different site if schools would be open. Accordingly, the Board suggested changes to the letter to school board members that would refer to the rights of sex offenders to vote and be present at schools.

Mr. Hall moved that Mr. Secrist be authorized to speak on behalf of the Talbot County Board of Elections at what was anticipated to be a hearing of the School Board scheduled for that same day, and that, due to the lack of time, he make reference to a letter that would be forthcoming. Mr. Black seconded and the motion carried unanimously.

Warehouse and early voting site

Mr. Secrist announced that the current owner of the office/plant space at the northeast corner of Glebe Road and the Easton bypass, commonly called the "Black & Decker plant" requested that he apply for a "license agreement" for use of the space. He had submitted the necessary form. He had heard back that it would be reviewed by the owner's attorney upon his return from vacation. However, he was told that no difficulty in granting the license was foreseen.

He then distributed a sketch of the manner in which the space would be utilized for the election. Ms. Mitchell said that the sketch would be sent to the State Election Board, which would review it at their August meeting.

Website

Ms. Mitchell had provided a document showing the text which had been added to the website, which the Board reviewed but made no comment.

Policy Manual

A copy of the draft policy manual, with Mr. Bulman's suggestions for change, was reviewed. Mr. Black objected to the requirement that the Election Director must obtain approval for leave, with certain stated exception. The Board agreed upon a statement that the Election Director should endeavor to schedule her leave (other than medical leave) at times when her appearance so as not to be absent at a regularly scheduled Board meeting.

Ms. MacKinnon expressed concern that requiring that all election judges be approved by the Board in advance of being hired might defeat the necessary flexibility that was need to substitute election judges at the last minute. Mr. Bulman responded that the integrity of the system might be compromised if last-minute substitutions without prior Board approval were allowed. Mr. Hall stated that the names of possible substitute judges should be included in the list of those to be reviewed by the Board. It was agreed that Section 4 be would be re-drafted by Mr. Hall, to recognize the possible need for emergency substitutions.

Ms. MacKinnon suggested that the election calendar published by the State Election Board be included in the policy manual. Mr. Hall opined that it was unnecessary since the calendar appeared on the State Board's webpage, and, at any rate, was

changed with each election cycle. It was agreed that Mr. Hall would draft language that would refer to the election calendar rather than to include it in the policy manual.

Goals

Mr. Bulman referred to the minutes of the previous meeting when the Board has asked Ms. Mitchell to circulate the goals which had been decided on approximately one year ago so that those goals could be reviewed both to see if the local office was achieving those goals and to see if the goals needed to be changed. As those goals had not been circulated, the matter was deferred until the next meeting in order to give the Board members the opportunity to review them in advance of the meeting.

MDVOTERS Audit and Oversight Report

Mr. Hall asked Ms. Smith and Ms. Wagner what had generated the two reports which the Board had received in mid-to-late June. Those reports noted that there had been certain lapses in conduct of audits of counties of a similar size conducted by the Election Director. Ms. Smith stated that the reports were made pursuant to the direction of the oversight board to whom she reported. That Board was acting pursuant to the provisions of the New Voter Registration Act, a federal law. She said that the reports were triggered by a large level of errors in performance of the audit.

Ms. Wagner said that she had reviewed the procedure with Ms. Mitchell and anticipated that the problem had been addressed.

New Business

Signage

Mr. Secrist stated that he thought that the Board alert the public to the change in the location of the early voting site by placing signs on the Black & Decker property near the road. Ms. Mitchell had looked into the cost of obtaining signage. She estimated that the cost would be between \$240 and \$260, unless double-sided signs were obtained, which might increase the cost to \$800. She said that there was sufficient money in the line item for office supplies to cover the cost.

Mr. Hall moved that the Board approve obtaining signs to identify the Black & Decker site as the new location for early voting. Mr. Black seconded; the motion carried unanimously.

Mr. and Mrs. Goll left the meeting at 12:00 noon, during the discussion regarding signage.

Staffing

Ms. Mitchell noted that Ms. Fishell's last day of employment at this office was August 14, 2016. She proposed that she hire Norman Bauer. Mr. Bauer is currently employed as County Election Technician, such that he starts work as a contractual employee eight weeks prior to Election Day (on September 12, 2016) and stays until two weeks after Election Day (through November 22, 2016). He would begin on August 31, 2016 at his rate of \$22.00 per hour (\$880.00 per week) with no benefits, in contrast to Ms. Fishell's salary of \$15.67 per hour with health insurance and retirement. Ms. Mitchell proposed that the recruitment of a replacement for Ms. Fishell be delayed until January. Ms. Brown said that the process could take two months.

Mr. Hall asked why the recruitment would be delayed until January 1. Ms. Mitchell agreed that the process could be begin as soon as the election was over.

Ms. MacKinnon moved that Ms. Mitchell's proposal of August 16, 2016, a copy of which is attached hereto as Exhibit B, be approved. Mr. Black seconded. The motion carried unanimously.

Mr. Hall announced that he had made a contribution of an unknown amount when he attended a dinner earlier this year (which he had disclosed). He estimated that the contribution did not exceed \$25.00. He also announced that he had donated \$125.00 to Delegate Kathy Szeliga, \$150.00 to Congressman Harris and \$250.00 to the Talbot County Republican Central Committee.


Upon motion duly made (Ms. MacKinnon) and seconded (Mr. Bulman), and unanimously passed, the Board went into closed session at 12:40 for the performance of performing the required end-cycle review of the Election Director's performance. A copy of the Closed Meeting Statement is attached hereto as Exhibit C.

Ms. Brown left before the closed session of the meeting. Mr. Johnson left during the closed session.

The Board resumed its open meeting at 1:40 p.m. Mr. Secrist announced that the Board had decided to hold a special meeting at a date and time to be announced, to meet with Ms. Brown to discuss the procedure for performing an end-cycle evaluation.

Upon motion duly made (Mr. Bulman) and seconded (Mr. Black), the Board voted unanimously to adjourn at 1:42 p.m.

Attested,



Joseph H. Secrist, President

Respectfully submitted,



John F. Hall, Secretary

From the Desk of Patricia L. Mitchell July 9, 2016 - August 10, 2016

Hello, there has been a short month for me since I was on vacation from July 15 thru August 1, 2016.

NVSR Update

Meetings are now going to be held on need to basis for now.

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. (Exhibits A & B)

Election Judge Trainings

I have sent 102 letters to all judges about the refresher training classes. 56 letters have also been sent to the judges that did not get to work Early Voting in the Primary. I have given these judges until September 2, 2016 to respond if interested in working the Early Voting during the General Election.

Daily Data Entry

We usually have 4 to 5 batches a day. There have been more requests for Absentee Applications.

Daily Phone Calls and In-Person Visits

We have received 73 phone calls, 26 in person visits.

Sabrina - 34 calls and helped 16 people at the front window.

Teresa - 21 calls and helped 8 people at the front window.

Patti - 18 phone calls and helped 2 person at the front window.

Critical Oversight Report

For the month of July, I audited Caroline County.

ERIC Reports

We received a new ERIC Report and have finished it.

Meetings

I had a meeting with Barbara Heatly and Lorraine Claggett to discuss voter registration for volunteers. There have been 4 groups trained. When I returned from vacation there was a lot to do at the warehouse. It is now organized where we can start getting ready for trainings and the election.

EXH A

Talbot County Staff

August 16, 2016

Election Administrative Assistant II Position

- Sabrina Fishell - Vacant as of August 17, 2016
- Current Salary in the Budget - \$32,679 (\$15.67 per hour)

Recruitment and Selection Process:

- Could be posted by Monday, August 22, 2016
- Must be posted for 14 days - Would close on September 5, 2016
- Review applications - could have ready by September 16, 2016
- Interview applicants - approximately the week of September 26, 2016
- Person in the job approximately by October 12, 2016

Proposed Short-term Solution

- Hire State Contractual Person - could start as early as August 31, 2016
- I am recommending - Norm Bauer - Current County Tech
- Norm is currently paid \$22.00 per hour
- Hire Norm Bauer as a State Contractual Employee at 22.00 per hour (\$880.00 per week plus overtime) with no Benefits

Cost Savings to the County

- \$32,679 plus Benefits. The County would not have Sabrina's salary of \$15.67 per hour and Norm's salary of \$22.00 per hour.

Benefits of Going with this Proposed Short-term Solution

- Cost Savings
- Knowledge of the office, systems, machines, processes, procedures, and election are present
- Little or no additional training needed

As the November 8 Election approaches, it is necessary to look into to back filling this vacancy as soon as possible to avoid any work force disruption. The most effective and quickest way to do this is to bring on Norm Bauer as a State Contractual Employee until after the elections and recruit for the vacancy in January.

This person would also be responsible for all upgrades, charging of pollbooks and voting units. This would take a huge task off of the current staff, with the warehouse being located off site. The person would also help in the packing of all supplies and materials needed for both Early Voting and Election Day. Since our County Tech (Norm) is already knowledgeable about the way things are done, this would be a great help and benefit. The office could also utilize his ability to help with problems that would need immediate attention instead of waiting for feedback from the county or state.

EX# 13

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: August 17, 2016 Time: 12:30 Location: 215 Bay Street, Easton, MD 21601

Motion to close meeting made by: Mackinnon Seconded by Bulman

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 perform the required annual evaluation of the Election Director's performance

§3-305(b) (1) ~~To consult with Janet Smith regarding her notifications to this Board dated June 19, 2016 and June 27, 2016 concerning the Election Director's performance.~~

§3-305(b) () _____

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

EXH. C