

Minutes

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

Present:

Board

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

Staff

Teresa Goode, Data Application Specialist II

Guests

Michelle Holland, Director, Finance & Budget Management and Procurement Division, State Board of Elections
Erin Perrone, Director, Election Management and Reform Division, and Equal Employment Opportunity Division, State Board of Elections
Mary-beth Goll
Eugene Goll
Richard Lynch
Joyce Scharch
Robert Potter

A meeting of the Talbot County Board of Elections was held on February 17, 2016 in Conference Room # 1 at the Board office indicated above. Mr. Secrist called the meeting to order at 7:00 p.m. Mr. Secrist noted that a quorum was present.

Approval of Minutes of January 20, 2015

Mr. Secrist asked if the Board had any corrections or additions to the minutes of the meeting of January 20, 2016, a corrected copy of which had been forwarded to the Board Members by email in advance of the meeting. Ms. MacKinnon asked that the third sentence of the fifth paragraph on page four of the Minutes be revised to insert the word "Mitchell" between "Ms." and "pointed." She also asked that the first sentence of

the sixth paragraph on that same page be amended by deleting the words "those who might respond" and substituting, in the place thereof, the words, "the form itself." She further asked that the first full sentence of the first line on page 6 be changed by deleting the words "asked Ms. Mitchell" and by substituting in the place thereof the words "offered." She also stated that she had not seen the two statements regarding the two closed sessions. Mr. Hall gave Ms. Goode both statements, which Ms. Goode copied and gave the copies to Ms. MacKinnon. Upon motion duly made (Mr. Bulman) and seconded (Mr. Hall), the minutes, as amended, were approved unanimously.

Ms. MacKinnon further objected to the lack of specificity as to which Board members approved and which opposed the holding of the second closed session. Mr. Hall pointed out that the details appeared on the document titled "Written Statement for Closing a Meeting Under the Open Meetings Act," which was attached to the Minutes. After discussion, it was the consensus of the Board that, in the future, such detail would also appear in the Minutes.

Upon motion made (Mr. Bulman) and seconded (Mr. Hall), the Minutes, as amended, were approved unanimously.

Addition/Changes to the Agenda

Mr. Secrist asked if there were any requests for changes to the agenda. Mr. Bulman suggested that the agenda be amended by moving the time for the closed session to take place right before the Election Director's report, in view of the uncertainty regarding the status of the Election Director. Mr. Black was opposed. Mrs. MacKinnon was likewise opposed, because she perceived it as an inconvenience to the members of the public in attendance. Mrs. MacKinnon asked that two new items be added under New Business. Mr. Secrist stated that he wanted two new items added under New Business. Upon motion duly made (Hall) and seconded (Bulman), the amendments to the agenda were approved by a majority vote (Bulman, Hall and Secrist), with two in opposition. (Black and MacKinnon).

Public Comment

Mr. Secrist asked if the members of the public present wished to make any comments. Several voiced their opposition to the moving of the closed session and questioned its legality. Mr. Secrist responded that the published agenda was merely a draft which would be altered by a majority of the Board.

Mr. Goll asked why Mr. Cronan was not present, and asked who would act as legal counsel in his absence. Mr. Secrist answered that Mr. Cronan's presence had been excused due to an illness in his family, and that, in Mr. Cronan's absence, the Board would proceed without legal counsel.

Closed Session

Mr. Bulman moved that the Board enter into closed session to discuss the status of the Election Director. Mr. Hall seconded. The motion was approved by a majority (Secrist, Hall and Bulman), while two were opposed (Black and MacKinnon). The Board entered into closed session at 7:35 p.m. The Board resumed open session at 7:55 p.m., at which time Mr. Secrist announced that the Board had determined that it would hold its prior termination of Ms. Mitchell's employment in abeyance until the Board could consult with legal counsel. A copy of the "Written Statement for Closing A Meeting Under the Open Meetings Act" is attached hereto as Exhibit A.

Reports

Patricia Mitchell, the Election Director was on medical leave. She nevertheless submitted her report in writing, a copy of which is attached hereto as Exhibit B.

Board Attorney's Report

As previously noted, Mr. Cronan had notified the Board that he was not able to be available due to illness in his family.

Old Business

Early Voting Center.

Mr. Secrist noted that the following day (February 18, 2016) was the deadline for submitting a security plan for early voting centers. He proposed that such plan would state that, at the end of each day of early voting, the poll books would be moved into the room in which the voting machines were located, which room would then be locked. In discussing the matter, the Board heard from Ms. Perrone, who stated that the form which the State Board expected to be filed consisted of approximately seven or eight pages. By consensus, the Board decided to direct Mr. Secrist to first contact Ms. Mitchell to determine if she had prepared the form.

Review of Invoices

In the absence of the Election Director, discussion of the invoices was deferred.

Budget Review

In the absence of the Election Director, discussion of the budget was deferred.

New Voting Equipment – update on training

Mr. Secrist noted that three members of the Board (Ms. MacKinnon, Mr. Hall and Mr. Secrist) as well as two staff members (Ms. Fishell and Ms. Goode) had attended a training session regarding the new voting equipment conducted by James Butts on February 16. Of special note was the need for at least ten voters to use the Ballot Marking Device in order to preserve the confidentiality of the ballots of those who had voted by using that device.

Website

Mr. Secrist observed that the listing of posted materials on the web page still did not appear in chronological order, something that needed to be addressed when the Election Director returned.

Mr. Hall moved the adoption of a resolution, a copy of which is attached hereto as Exhibit C, directing the Election Director to post a full set of the June 1, 2015 minutes, including the exhibits, on or before March 31. Mr. Bulman seconded. Mr. Black opposed, saying that it should be dealt with as a simple request. He felt that such a motion constituted micro-managing the office.

Mr. Hall pointed to the failure of Ms. Mitchell to comply with this Board's direction to learn Excel, and, upon being questioned why she had failed to do so, had responded that the Board had set no deadline for her doing so. Mrs. MacKinnon stated that once a deadline had been established, Ms. Mitchell had cooperated and by now had likely completed the training. She felt the motion was heavy-handed.

The motion was approved by a majority (Bulman, Hall, Secrist); with two in opposition (Black and MacKinnon).

Training (related to State audit)

Mr. Hall moved the adoption of a resolution, a copy of which is attached hereto as Exhibit D, directing Ms. Mitchell to take appropriate action on or before March 30, and to report that action to the Board members on or before March 31, 2016, to see that Ms. Fishell is authorized to enter records of the reactivation of canceled voters' registration into the State Board of Election's automated system of voter registration. Mr. Bulman seconded.

Mr. Black asked if anyone had discussed the matter with Ms. Mitchell. Mr. Bulman responded that it had been discussed at every meeting since Ms. Fishell had

lost her access to MDVOTE. Mrs. MacKinnon asked what would happen if it were quite impossible to accomplish the instruction. Mr. Bulman stated that there would be an additional meeting between this meeting and the deadline. If there were an insurmountable obstacle to accomplishing the instruction, she would have a chance to fully explain what that impossibility is.

The motion was approved by a majority (Bulman, Hall, Secrist) with two in opposition (Mr. Black and Ms. MacKinnon).

Training for spreadsheets

In the absence of the Election Director, discussion of the budget was deferred.

Election Judges

Ms. Mitchell had submitted a list of potential judges. Mr. Secrist pointed out that, at the Community Center, the selection of chief judges was not balanced between the two major parties, and there were insufficient judges at some locations. One judge was mistakenly identified as a Democrat who was actually a Republican. He observed that we needed additional people and that there should be a better balance between the parties.

Mr. Bulman pointed out that the 2016 Presidential Election Calendar, published by the State Board of Elections, called for election judges to have been appointed by January 28. Ms. Perrone observed that very few jurisdictions had met that deadline, and those who had met the deadline were now receiving notice of the judges selected that they would not be available on Election Day or the days for early voting.

Voter Outreach

Ms. Perrone discussed the activities which the Howard County Board had undertaken. In that County, the local Board staff had taken the voting equipment to grocery stores and to senior centers, where they had demonstrated use of the equipment. In some instances, off-duty county deputy sheriffs, whose services were particularly valuable because the voting equipment could not be released to someone who had not received clearance, had joined the effort.

Ms. MacKinnon suggested that the Board seek help from the League of Women Voters. She further suggested that the Election Director contact the Talbot County Free Library to request that the Board be allowed to hold a demonstration of the use of the equipment at its facilities.

Ms. MacKinnon stated that she had been in contact with Easton High School and had secured the dates of March 29, 30 and 31, between 10:14 and 11:56 a.m. Mr. Bulman stated that he was available those dates. Ms. MacKinnon stated that she had not heard from St. Michaels High School, nor from any of the private schools.

Ms. Perrone observed that the voter-outreach to the High Schools could combine information about registration as well as use of the voting equipment. She added that election judges could be recruited at the High Schools. Mr. Secrist added that the potential judges had to be at least 17 years old and had to have a his or her parents' permission.

New Business

Budget 2016-17

Mr. Secrist informed the Board that the Talbot County Council had asked that a budget be submitted by February 5, which had not been done. He also said that the County Council had given the Board a time to present its request for a budget on March 2nd or 3rd.

Mr. Hall presented the Board with a copy of his projected budget for fiscal year 2016-17, which he noted, with a few exceptions, was based on the current year's budget. An exception was much larger figure for salaries, which were significantly understated in this year's budget.

In addition to increasing the projection for salaries, and its concomitant projection for FICA, health insurance and retirement, he proposed a 2.5% salary increase for Ms. Fishell and Ms. Goode. He noted that, additionally, he had proposed an increase in contractual services, that is to say, legal fees, from \$2,000 to \$6,000, in accordance with Mr. Cronan's projections. Election judges pay had been increased by \$2,000 in anticipation of a need for more judges, due to the new voting equipment.

He observed that the Board has received a single invoice in the amount of \$19,770.02 for the voting equipment lease. He asked Ms. Holland if that were reliable as a quarterly figure for that cost. Ms. Holland said that the bill was sent out quarterly, and that a quarterly bill had just been sent.

Mr. Black asked if the staff had given any input into Mr. Hall's analysis. Mr. Hall said that none had. Mr. Secrist stated that he and Ms. Mitchell had received a request for a budget proposal from Angela Lane, County Finance Director, on January 21, 2016, which included a request for a response by February 5. Neither Ms. Mitchell nor any member of her staff had made any response.

Mr. Secrist suggested that the Board hold a special meeting on either Monday, February 23, or Wednesday, February 24 to discuss the budget proposal in detail. Mr. Secrist said he would check to see which dates Ms. Mitchell was available and would confirm the date by email to all Board members.

Public Information Act filing

Mr. Secrist noted that, effective October 15, 2015, each governmental unit subject to the Public Information Act's requirements must designate a representative and make available the name and contact information of that representative to whom applicants should submit PIA requests. Mr. Hall moved that Ms. Mitchell be designated this Board's representative; Ms. MacKinnon seconded; the motion carried unanimously.

Copies of support documents

Ms. MacKinnon moved that printed copies of all support documents for all items referred to in the agenda be made available to Board members at the meeting. Mr. Bulman seconded. The motion carried unanimously.

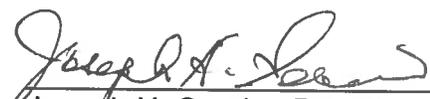
Ms. MacKinnon moved that printed copies of all support documents for all items referred to in the agenda be made available to members of the public at the meeting. Mr. Hall seconded the motion. The motion failed, drawing only two affirmative votes (Ms. MacKinnon and Mr. Black) against three negative votes (Mr. Bulman, Mr. Hall and Mr. Secrist).

Mr. Secrist announced that the next regular meeting would be held March 16, 2016, beginning at 9:30 a.m.

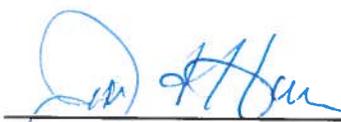
Upon motion duly made, seconded and carried, the meeting was adjourned at 9:50 p.m.

Attested,

Respectfully submitted,



Joseph H. Secrist, President



John F. Hall, recorder

STATEMENT FOR CLOSING A MEETING

Location: 215 Bay Street, Easton, MD

Date: 2/17/14
Time: 7:35

Motion By: Mr Bulman Seconded By: Hall

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Joseph H. Secrist Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susam MacKinnon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walter W. Black	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richard R. Bulman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John F. Hall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (1) To discuss:
 - (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - (ii) Any other personnel matter that affects one or more specific individuals.
- (2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

EXH A.

Form of Statement for Closing a Meeting

- (5) To consider the investment of public funds.
- (6) To consider the marketing of public services.
- (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) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (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.
- (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Form of Statement for Closing a Meeting

TOPICS TO BE DISCUSSED:

STATUS OF ELECTION DIRECTOR

REASON FOR CLOSING:

To discuss status of Election Director - Personnel
Issue

Signature of Presiding Officer

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.

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. The State Board of Elections gave training in MDVoters on January 28, 2016. Janet Smith gave the 3 hour training.

Daily Phone Calls and In-Person Visits

We have received 89 phone calls, 18 in person visits.

Sabrina - 17 calls and helped 4 people at the front window.

Teresa - 68 calls and helped 11 people at the front window.

Critical Oversight Report

For the month of December, I audited Kent County.

ERIC Reports

Teresa completed the ERIC reports on January 27.

Meetings

Listened to a conference call from the State Board on Tuesday, February 2, 2016.

Exh. B

Be it resolved, by the Talbot County Board of Elections, that Patricia L Mitchell be and is hereby directed to forward a complete copy of the minutes of this Board dated June 1, 2015, including all three exhibits, to the State Board of Elections, and to post, or cause to be posted, a complete copy of such minutes, including all exhibits, on this Board's webpage, in each case on or before March 31, 2016.

Exh. C

Be it resolved, by the Talbot County Board of Elections, that Patricia L Mitchell take whatever action is, or actions are, needed with a result that Sabrina Fishell is thereby authorized to enter records of the reactivation of canceled voters registration into the State Board of Election's automated system of voter registration, such action to be accomplished on or before March 30, 2016, and, further, that she is directed to report her having successfully done so to the members of the Talbot County Board of Elections by email, on or before March 31, 2016.

Exh. ①