

Minutes

Talbot County Board of Elections
215 Bay Street, Easton, MD 21601
Training Room

Monday, June 09, 2025- Work Session

Present:

Board

Susan J. MacKinnon, President
Denise Lovelady, Vice President
Gugy Irving, III, Secretary
Walter W. Black, Member
Barbara H. Perry, Member

Board Attorney

Lyndsey Ryan

Staff

Tammy Stafford, Election Director
Donna Kegley-Hacker, Election Program Manager II

Members of the Public

Gary Judy, Citizen
Terrence Bernard, Citizen
Mark Harrison, Citizen
Jason Bell, Citizen

Ms. Stafford announced that the Board meeting would be streaming on the TCLBE YouTube channel. She added that the meeting is being recorded and if anyone in attendance was not in favor of being recorded they should leave the meeting.

DECLARATION OF QUORUM PRESENT

Ms. MacKinnon called the meeting to order at 9:30 a.m. She stated that a quorum was present. Ms. MacKinnon reminded the Board that the purpose of this work session was to discuss meeting protocols and public comment policy, with the intention of supporting the orderly conduct of business of the Board of Elections and pursuant to the bylaws.

DISCUSSION ON MEETING PROTOCOLS

A. Public Comment Policy

Ms. MacKinnon started by reading from the By-laws Section 3.2 Rules of Order, B. Participation in meetings, B.3. She stated that public comments should be related to agenda items or general policy over which the Board has authority and public comment should be pre-scheduled and pre-approved. Ms. MacKinnon added that the Board was given examples of public comment policies in their packets last month and they were encouraged to do additional research on their own.

Ms. MacKinnon stated that henceforth, the By-laws would be followed with public comment being pre-scheduled and pre-approved by the President. The President has the discretion to allow public participation that is not pre-scheduled and pre-approved. Ms. MacKinnon added that the Board should discuss protocols and policies for allowing public comment so that, once decided upon, they would be posted on the website and the public would be aware.

Ms. MacKinnon highlighted (but did not limit the discussion to) seven key points to be discussed:

1. Time frame for submission of public statements
2. Pre-approval
3. Written submission protocols
4. Time limit
5. Handouts from the public
6. Signs & posters
7. Other

Ms. MacKinnon highlighted these topics from the State Board of Elections (SBE), Montgomery County Local Board of Elections (LBE), Washington County Local Board of Elections (LBE), Anne Arundel County Local Board of Elections (LBE), and the Talbot County Board of Education.

When discussing handouts, Ms. MacKinnon asked if these are the same as written statements that should be included as part of the public record. She added that sometimes a member of the public has presented handouts and the Board is unaware of the source. Ms. MacKinnon asked the Board Attorney for any guidance she could give.

Ms. Ryan, Board Attorney, stated that the new Election Law 2-208 requires that the LBE make publicly available on its website each open meeting agenda, summary of any finalized documents, written testimony from the public, and materials that the local board will vote on at the open meeting at least 48 hours in advance of each meeting. She stated that the Board's policy would need to require that written statements from the public be submitted at least 48 hours in advance, and arguably at least 72 hours to

allow time for review and pre-approval. Any submissions received less than 48 hours in advance would have to be held for the next meeting.

Ms. Ryan added that the Board can make decisions about handouts. The Board can define what is written testimony and what is a handout. Ms. Ryan also added that the Board can also choose to not accept handouts.

Ms. Stafford asked how to determine something submitted in writing is testimony or agenda driven or general comments not related to the functions of the Board.

Ms. Ryan stated that the Board would need to determine this or could leave it to the discretion of the Director. She added that written testimony should be clearly addressed to the Board and state that it is written testimony.

Ms. Stafford gave a generic example of the public not liking a response from the office or comment that may or may not border on closed meeting material.

Ms. Ryan stated that the written testimony is what the public is saying and should be heard. Ms. Ryan stated that regardless if the topic is related or not, if the public submits in writing a document addressed to the Board and labeled as written testimony, it must go to the Board. The communication is public information; the discussion may be part of a closed session, but the written testimony is public information.

Ms. MacKinnon stated that the written statements that the public wish to read must be related to the agenda. The review by the Board President would be based on if the statement is agenda related.

Ms. Ryan stated that the Board can set its policy to state that written testimony must be related to the agenda.

Ms. Perry added that if it wasn't it could be kept on file but done heard at the meeting.

Ms. Stafford added that the Talbot County Board of Education has a set of guidelines of what is/is not appropriate for written testimony/ public comment.

Ms. Ryan stated that the Board could create this as part of their policy if they wish to do so.

Mr. Black asked that should a person submit written testimony that is not related to the agenda, would he be notified.

Ms. MacKinnon stated that this is part of our discussion today, to decide on our protocols.

Ms. Stafford stated that when viewing the SBE Board meeting with public comment, it was stated that they had 30 days to respond. This is something this Board could do.

Ms. MacKinnon asked if this would be whether the written statement was approved to be presented at the meeting or denied.

Ms. Stafford replied that it could be either. She added that the Board is not required to answer questions in the meeting. Public comments allow for the person to speak. It is the Board's decision how to respond; that can be decided by policy.

Ms. Lovelady stated that her observation was that SBE policy allows them to move uniformly; they need to be deal with the entire State. She added that Talbot County is small and doesn't think that the Local Board needs to be quite as regulated or strict and we should be able to answer things a lot quicker.

Ms. Stafford stated that she disagreed, especially when public comment is taking up one third of the meeting and hindering your Board from moving forward with other business.

Ms. Lovelady replied that the Board currently allows for public comment but does not respond so it really does not impede the meeting. She added that the public is the Boards bosses.

Ms. Stafford offered that open meetings allows for the public to observe the Board doing business. It does not afford the public the right to participate. Ms. Stafford added that without any real structure the public is allowed to take over the meeting.

Ms. Lovelady stated that she thought that was fixed. She asked if a time limit was already in place.

Ms. MacKinnon stated that she did not think so.

Ms. Ryan stated that there needs to be a discussion whether public comment (vs. written testimony) must be written and if so, it would have to be submitted at least a week in advance to be mailed with the Board packet.

Ms. Stafford added that with the passage of the new law to post all meeting materials on the website, an option could be that the Board pull the packet from the website.

Ms. MacKinnon refocused the discussion on Key Point #1- Time Frame for Approval of Submission. She stated that the public comment could be written or verbal.

Ms. Ryan stated that might be difficult.

Ms. Lovelady asked how SBE determines approval. Ms. MacKinnon read from SBE's policy. Ms. Ryan, Board Attorney, stated that she did not know the specifics of how SBE approves public comment submissions.

Ms. Lovelady stated that the TCLBE agendas are fairly vague. Ms. MacKinnon replied that there have been public comments made in past meetings that were unrelated to the meeting's agenda. The public comments need to relate to the agenda and the business of the Board.

Ms. Lovelady stated that the agenda needs to be more specific then. Ms. Stafford stated that now the meeting materials will be posted with the agenda and will be available for the public to review in advance.

Ms. MacKinnon refocused the discussion on Key Point #4- Time Limit, meaning the amount of time a speaker has to make his public comment.

Mr. Black stated that three minutes sounds reasonable.

Ms. Lovelady asked if the Board would address the speaker's comments.

Ms. Ryan stated that public comments is generally just an opportunity for the public to speak.

Ms. MacKinnon added that we give the public the opportunity to make statements but we are not required to respond. If someone wishes to do so, you can.

Ms. Ryan cautioned the Board about responding individually. She stated that responses should be uniform. The Board could follow up.

Ms. MacKinnon asked Ms. Ryan to draft a statement of policy for the Board to consider.

Ms. Perry asked about having Board responses at the end of the meeting, asking that if a Board member wanted to acknowledge the speaker and ask that the topic be placed on the next meeting agenda, would this be ok.

Ms. Ryan stated that this would be fine.

Mr. Black asked what if a member of the public wants to make a public comment that is not related to the agenda.

Ms. MacKinnon stated that he could write a letter to the Board to request a topic for the agenda. Ms. Ryan cautioned about this, adding that this has not been a practice in the past.

Ms. MacKinnon recapped for the Board that thus far, they had determined Key Point #4-Time Limit as three minutes per speaker (representing self or a group).

Ms. Perry asked in there was a total time limit for the public comment portion of the agenda. Ms. MacKinnon stated that she did not see one in any of the documents she reviewed.

Mr. Irving asked if the Board was going to discuss when public comments would fall on the agenda. Ms. MacKinnon replied that the Board would stick to the by-laws for that placement.

Ms. MacKinnon turned the discussion to handouts. She asked if the Board would be agreeable to having handouts given to the staff but not be part of the public record.

Mr. Black asked what would staff do with the handout.

Ms. MacKinnon stated the staff could just put it in a file. The handout would not be part of the public record and would not be posted online.

Ms. Perry asked what if the handout was attached to a written statement.

Ms. MacKinnon stated that the handout would not be included.

Ms. Perry stated that the handout would need to be quoted within the public statement. Ms. MacKinnon affirmed this, if this is what the public commenter wished to do.

Ms. MacKinnon emphasized that the Board should not be a vehicle of posting handouts from unknown sources.

Ms. Stafford added that this Board is nonpartisan and does not have authority over legislation. If someone from the public had a handout on legislation, that would not be for Board business. The Board should consider what it allows as a handout.

Ms. Lovelady stated again that the Board is not a large group, and Talbot County is a small county. We are “turning the public off”. She added that the Board acts nonpartisan.

Ms. Stafford replied that the Board needs to follow policy and legislation.

Ms. Lovelady replied that TCLBE needs to follow Election Law.

Ms. Stafford replied that she is correct. But, accepting a handout about specific legislation is not required.

Mr. Black asked how would the Board know what was the content of a handout.

Ms. Stafford responded that if submitted in advance, the content would be known.

Ms. Ryan stated that a submitted handout does not have to be part of the Board packet.

Ms. MacKinnon stated that the public should understand that public testimony is not a handout. But, we can accept the handout.

Mr. Black and Ms. Lovelady agreed.

Ms. MacKinnon then brought up the topic of signs and posters, stating that though TCLBE had not had any negative experiences with these others have. She asked the Board if this needed to be addressed with a statement.

Ms. Ryan suggested that the Board not prohibit signs & posters and maybe address these in the future if needed. The Board members agreed.

Ms. MacKinnon returned to Key Point #3- Written Submissions.

Ms. Perry asked how detailed does the statement need to be.

Mr. Black asked if this was censorship. Ms. MacKinnon stated that if the policy requires that public comment is agenda driven that is not censorship.

Ms. Perry asked if a general statement of the topic (i.e. the budget) is sufficient.

Ms. Lovelady asked that since public comment is in the beginning of the agenda how will the public know what they want to say.

Ms. MacKinnon stated that it is agenda driven. The Board can respond if it chooses to during Board Remarks.

Ms. Stafford reminded the Board that public comments is the time for the public to speak; the Board is not required to directly respond. She added that the Board could have a policy to respond within 30 days.

Ms. MacKinnon asked next about the time frame for the written statement review.

Ms. Ryan suggested five to seven days.

Ms. Perry asked when would meeting documents generally be posted.

Ms. Stafford replied that currently packets are mailed a week in advance.

Ms. Ryan suggested that a preliminary agenda be posted 72 hours in advance for the public to review and the rest of the meeting packets 48 hours in advance of the meeting.

Ms. Stafford stated that the Board would then need to visit the website 48 hours in advance for any additional materials.

Ms. Ryan suggested that the Board packet could be posted with the preliminary agenda and then post a final agenda closer to the meeting date.

Ms. MacKinnon asked if the preliminary agenda could be posted sooner. Ms. Stafford asked if she meant more than a week in advance to which Ms. MacKinnon replied yes.

Ms. Stafford replied that would require setting the next meeting agenda within 1-2 weeks of current meeting; that may not be feasible.

Ms. Ryan gave an example of the time frames and Ms. Lovelady stated that there is time to work it out.

Ms. MacKinnon stated that the packet must be posted online at least 48 hours in advance of the meeting. The agenda is usually posted a week in advance by Wednesday at 9:30 a.m. The public can submit written testimony by that Friday for review and approval. The packet must then be posted by 9:30 a.m. on Monday.

A statement can be drafted for voting at the next meeting.

Ms. MacKinnon suggested for Key Point #2- Preapproval Statement the following:
"Members of the public may address the Board on any item on the agenda".

Ms. Lovelady and Mr. Black stated that this sounded reasonable.

Ms. Perry asked if the Board had resolved the timeframe. Ms. Ryan stated yes, for now, submissions must be made by Friday afternoon.

Ms. MacKinnon asked if there were any other items for discussion. Hearing none, she reminded the Board membership that this is a work in progress and hopes it will be beneficial to the public and to the Board to conduct its business.

CONFIRMATION OF NEXT MEETING

Ms. MacKinnon announced that the next regular meeting of the Board is scheduled for Wednesday, June 18, 2025, at 9:30 a.m.

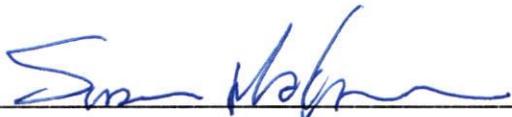
ADJOURNMENT

Mr. Black motioned to adjourn the meeting. The motion was seconded by Ms. Perry. The motion passed unanimously by all members present. The meeting was adjourned at 10:42 a.m.

Minutes prepared by: Donna Kegley-Hacker

Attested,

Reviewed and submitted,



Susan J. MacKinnon, President



Guky Irving III, Secretary