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Ad Hoc Committee to Study the 2013 Municipal Election

January 8, 2015

Co-Chair Kagan called the public meeting of the Ad Hoc Committee to Study the 2013 Municipal Election (ACSME) to order at 7:00pm in City Council Chambers.

Members Present: **Co Chair** Kagan, **Co Chair** Furth, Wright, O'Shea, Hammond, Parmele, Weber, Culham, Hoyle, Dye, Coleman, Lipsetts, Collins

Advisory Members: Leahy, Smith (**Myers**)

Staff: M. Leahy R. Eldridge-Watkins, A. Leonard, J. Bierman

Opening Remarks and Review of City Resolution 9-14

Co-Chair Kagan explained that the Committee held an open public meeting on November 13, 2014 at which time the floor was opened to the public to voice concerns or comments specific to the November 5, 2013 election, as well as other issues that arose as the result of that election. Today's meeting is a work session that the Committee is holding to solicit comments in order to move forward in its process, and to address one of the topics raised at the public meeting about notifying and inviting some of the people involved in the 2013 Election to a meeting to discuss some of the experiences that they may have for the Committee to consider. One of the goals of the Ad Hoc Committee is to provide recommendations to the City Council on ways to improve the elections process.

Vote to Approve Subcommittee

Co-Chair Kagan distributed a handout titled "Issues for Committee Review." He explained that the Committee went through the City resolution (R-9-14 amended), and narrowed the topics down to nine (9) areas of concern that coincide with the number of subcommittees established. Ms. Culham asked to be added to subcommittee #7 – Non Partisan Elections.

Mr. Hammond moved to approve the subcommittee assignments as revised to assign Ms. Culham to subcommittees #7. Mr. Weber seconded the motion. The motion passed unanimously in a vote of 13-0.

Vote to approve Draft Planning Schedule for Committee

Co-Chair Kagan provided a copy of the draft planning schedule for members to review and indicated that he shared a copy of the draft schedule with the Board of Supervisors of Election while attending one of their meetings. He received some suggested edits that he shared with the Committee. The scheduled was revised to remove the Fall public hearing scheduled for September 28, 2015 and the final report has been moved up to June 8, 2015. It was suggested that final approval of the subcommittee reports be moved up to May to be added to the schedule.

Ms. Coleman moved approval of the revised planning schedule. Mr. Dye seconded the motion. The motion passed unanimously in a vote of 13-0.

Remarks from the City Clerk

Ms. Watkins-Eldridge did not have any remarks, but was available for questions from the Committee. **Co-Chair** Kagan asked about an issue raised regarding procedures in place by the City for absentee ballots and provisional ballots. Ms. Watkins-Eldridge detailed the process for accepting and processing applications for absentee and provisional ballots. Some of the additional questions related to how mailings are handled; the logging process; whether new elections staff will be hired; and if there is a benefit in aligning the City election with

other jurisdiction elections. Ms. Watkins-Eldridge addressed these questions, and added that she believes that public education on the election process as it relates to candidacy signs as well as voting boundaries would be beneficial. She also discussed the concerns regarding the taped ballots explaining that the City received taped ballots from specific areas of the City where the older population resides and that the ballots were not taped by City staff.

Board of Supervisors of Elections Members Remarks

Ms. Eileen Leahy thanked **Co-Chair** Kagan for attending the Board's last meeting, because there was a good exchange of thoughts and ideas on what will be the next steps once the Ad Hoc Committee recommendations are received. She believes that it is a good idea for the Committee to expedite this process, and she looks forward to hearing the Committee's recommendations. She reported that Mr. Myers has been working on increasing communications with the County, so this is on the Board's agenda as well.

Mr. Smith reiterated that Board of Elections is concerned about setting the standard for the State of Maryland and to take the opportunity to make the system better than it currently is.

Remarks 2013 Mayor Candidates and Candidate Attorney Remarks

Mayor Cohen thanked the Committee for putting in their time. He noted that one of the challenges of off year elections is that the polling places are not normal places that voters are used to and so it is the job of the Board of Elections to make voting accessible, as well as convenient to all the voters. He believes that geographical consistency is important as it reduces the need for education, because it provides consistency of polling place location. He stated that there needs to be more communication and education at the polling places in advance of the election, as well as sufficient notification with mailings etc. As it relates to campaign finance fees, he recommended that the Committee consider whether there needs to be provisions made when attorney services are needed during voting canvassing. He observed that early voting started as an experiment, but believes that the City voting process should also allow for early voting.

Mr. O'Shea commented that it was a good election up to the end, and believes it was an embarrassment to the City when the then-City Attorney provided incorrect information when questions were asked and an opposing (candidate's) attorney would provide the correct information. He believes that the officials that send the date information should be aware of what is the correct or incorrect date for filing financial reports. The City Code does not identify "when someone stops being a candidate" and this needs to be addressed.

Ms. Buchheister mentioned during the primary that when absentee ballots were requested, the response was that they were being printed in another city. She recommended that there should be a deadline for when the City has absentee ballots in hand. She also mentioned there was an issue with the deadline for switching parties or reregistering, and that the City gave out the wrong date deadline on the website. Even though the City corrected this incorrect information, she believes that they could have provided better notification. She believes that the access to City information was limited when she became a candidate, and this limited process was not followed prior to her becoming a candidate – specifically with her requests for information being funneled through the City Manager and a lack of consistency in providing information to her. She also stated there were members of City Boards and Commissions that endorsed specific candidates and that noted their affiliation with these specific Boards or Commission, which is indicative of support from that Board or Commission, and she does not believe that this should be included on endorsements. She discussed campaign financing and strongly endorses electronic filing. She believes that there should be a separate line on the financial campaign report for "walk around money" (i.e. someone agreeing to walk around to get them to vote for a specific candidate) and believes that this should be made open or disclosed.

Mr. Frank Bradley clarified that he knows of voters who received ballots, but sat on the ballot until it became crucial. He believes that there needs to be someone to show or inform the voters of the importance of voting. He believes that "walk around" is slang term and that there needs to be a City Code provision that is enforceable.

Mr. Jason Rheinstein thanked the Committee for their work, and addressed the absentee ballot expressing that it was problematic on how the ballots were issued, kept, tracked, and that the number of absentee requests and the returns were not readily available. He was not sure that staff knew those numbers. He added that the City Charter

language indicates that candidates are entitled to receive information in a timely manner. He believes that a large amount of the absentee ballots in the office were not time date stamped by the City, so he recommended that the City should have time and date stamp all absentee ballots. He believes that the general handling and the safeguarding of ballot storage after the election and prior to the canvass needs to be better. He suggested consideration on trying to explore a relationship or outsourcing to Anne Arundel County elections through an MOU or coinciding elections with Anne Arundel County elections. He believes that if the election was held in connection with the general and gubernatorial it would be cheaper and may improve voter turnout.

Remarks 2013 City Election Judges

Mr. Chatry Perry asked if the City has plans to transition back to the paper ballot from the electronic ballots because it is his understanding that the State Board of Elections will be transitioning to paper ballots. In response, it was stated that if the State is transitioning to paper ballots than the City will most likely follow. Mr. Perry expressed concern explaining that if the City transitions to another system, he as a voting judge will need to be retrained. He explained that election judges are required to take refresher training prior to each election.

Ms. Shari Offer has worked as an election judge for the past five or six elections. She mentioned that the first training session she attended was the best training because it encompassed all areas of the election process. However, the last training had too many election judges in the room making it difficult to hear and the acoustics were bad. The training only covered the area that the election judge was assigned. She found herself training the other election judges at the training and at her polling place because of her experience and their inability to receive much from the training session. She believes that education of the voting process is needed for the citizens. She urged the City to not to move pass the electronic version of the voting machine hastily and to give it good consideration before making a decision. She concluded that election judges should be trained on all areas of the voting process as this will enable them to fill in if the need arises.

Remarks from Rob Richie, Executive Director of FairVote and Randall E. Landis, Chairman of Alderman' Paone' Committee

Ms. Leonard noted that the representative for FairVote was unable to attend, but that he e-mailed her written comments for the Committee to consider that she forwarded to all the Committee members.

Mr. Landis encouraged the Committee not to consider early voting as the evidence shows that it has not increased voting, but it has diminished voting. He agreed to provide the studies that he referenced in his presentation. He discussed the difficulty of obtaining the list of people who requested absentee ballots and briefly discussed his dialogue with the then-City Attorney about those ballots. He stated that the numbers he received from the then-City Attorney regarding the absentee ballot count was inconsistent with information he received later. To which, Mr. Lipsetts responded. He concluded that there needs to be a change in the City Code to allow a no-fault absentee ballots to mirror the State of Maryland and Anne Arundel County.

Co-Chair Kagan closed the work session

Co-Chair Kagan closed the work session at 9:57pm.

VI. ADJOURNMENT

With there being no further business, Mr. Hammond moved to adjourn the meeting at 9:59pm. Mr. Wright seconded the motion. The motion passed unanimously in a vote 13-0.

Tami Hook, Recorder