



# Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland since 1963

## **EFFECTIVE MEETINGS**

# Facilitator – Bill Voelp



# Panelist – Jack “Jay” Gullo, Esq.



# Panelist – Alan J. Dunklow, Esq.



# Effective Meeting Basics



- **Background in running a meeting**
  - **Mayor**
  - **Councilman**
  - **Maryland Municipal League President**
  - **Committee Chairman**
  - **Registered Parliamentarian**





**"A party  
without cake is  
just a meeting"**

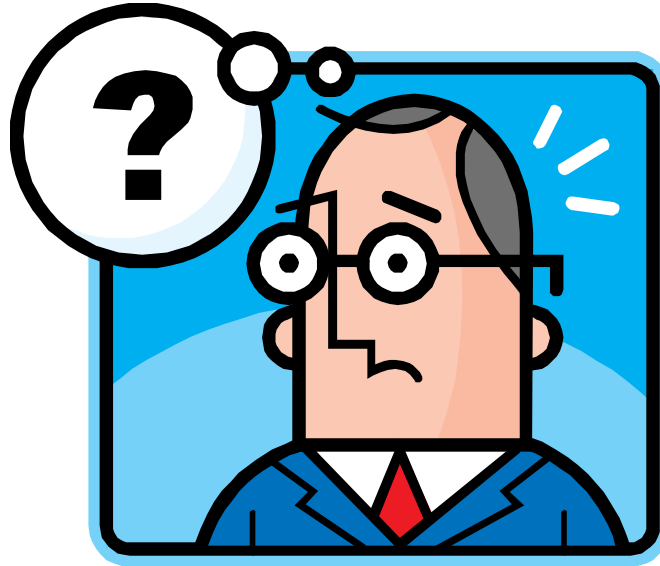
**- Julia Child 🍰**







# What is “Effective”?



- Producing a desired result

# So How Do We Get There?



# **“The Five “P” Rule”**

- **Prior**
- **Planning**
- **Prevents**
- **Poor**
- **Performance**



# *Barebones of a meeting:*

- Goal for meeting
- Agenda
- Meeting set-up
- Conduct meeting





# Goals for Meeting

**What do you want to accomplish?**

**Goals - - - - - >> Agenda**

- **Set in advance**
  - **Allows for preparation**
  - **Focus**
  - **Better participation**
  - **Shorter meetings**



# A Good Agenda:

- **Allows body to be prepared**
- **Alerts the public**
- **Informs the media**
- **Keeps the meeting on track**



## Contents:

- ✓ Specific Detail
- ✓ Identification of speaker
  - ✓ Time limits
- ✓ Discuss/Review/Action



# ***Carroll County Board of Elections***



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## **AGENDA**

Carroll County Board of Elections

300 S Center Street, Westminster

July 28, 2021

10:00 a.m.

- I. Call Meeting to Order and Declaration of Quorum
- II. Welcome
- III. Approval of Agenda
- IV. Approval of Meeting Minutes: June 16, 2021
- V. Reports
  - a. Jay Gullo, Attorney
  - b. Katherine Berry, Election Director
- VI. Unfinished Business
  - a. Public Education/Outreach Campaign
- /II. New Business
  - a. County Redistricting
  - b. Facilities and warehouse planning
- III. Disclosure of Campaign Contributions of Members
- IX. Schedule of Subsequent Meeting
- X. Adjournment

**CITY COUNCIL  
A G E N D A**

- 7:30 PM                    Opening – Pledge – Roll Call**
- 7:35 PM                    Review of Minutes for September 5, 2007 and September 10, 2007**
- 7:55 PM                    Review:**  
**Resolution No. 2007-19, State Retirement System Tax Pickup Program**  
**Resolution No. 2007-20, Water Allocations through November 1, 2007**  
**Ordinance No. 7-2007, General Obligation Bond Anticipation Notes**  
**Ordinance No. 8-2007, General Obligation Bonds**
- 8:00 PM                    Legal: See Attached Written Report for October 2007**
- 8:20 PM                    City Manager’s Report: See Attached Written Report for October 2007**
- 8:35 PM                    Unfinished Business:**  
**1. Financial Report**  
**2. Other**
- 8:45 PM                    New Business**  
**1. Accounts Payable**  
**2. Police Car Bids**  
**3. Other**
- 8:55 PM                    Council Comments**
- 9:30 PM                    Adjournment**
- 9:05 PM                    Closed Session for Legal Advice and Property Acquisition by Authority of  
Annotated Code of Maryland, Section 10-508 (a) (7) and (3) and Personnel  
Discussions by Authority of Annotated Code of Maryland, Section 10-  
508(a)(1) Personnel**
- 9:30 PM                    Adjournment**



**The Key Factor ....**

***You need to follow the agenda!***



# Public Comment & Agenda Items

- **Structure agenda to incorporate meaningful public comment.**
- **Pitfalls to avoid**
- **“6<sup>th</sup> Board Member”**



# MAYOR AND CITY COUNCIL

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## AGENDA MAYOR AND CITY COUNCIL WORKSHOP WEDNESDAY, JUNE 5, 2019 7:30 PM

Opening – Pledge of Allegiance and roll call

Review of Minutes – Review of the minutes of the May 8, 2019 and May 13, 2019 regular meetings.



Public comment pertaining to non-agenda items

Councilmember statement regarding conflicts of interest on agenda items

Resolution, Ordinances and Agreements

Approval:

Sustainable Communities Application

Introduction:

Ordinance 07 – 2019 – Amendment to Taneytown Zoning Code

Adoption:

Resolution 2019 – 07 – Water Allocation for June 2019

City Manager Report:

Department Reports:

Legal Report:

Old Business:

New Business:

1. Monthly Financial Report
2. Accounts Payables
3. Boards and Commissions nominations



Public comment pertaining to agenda items:

Adjournment:

Poste

# **Final Thoughts on Agendas**

- **Set an Agenda Policy**
  - **Deadline for submission**
  - **Requests in writing**
  - **Approval process for Agenda**
- **Post the Agenda**
- **Distribute Agenda/materials in advance**

# MEETING SET-UP



- Perfection/Professionalism is in the details
- *“All the world is a stage and we are merely players upon it”*



Shakespeare



# **Items to Consider:**

- **Agenda for public**
- **Charts/Exhibits for public**
- **Nameplates**
- **Speaker podium**
- **Sign-in sheets**
- **Space/seating**
- **Dress code**
- **Clock**



# THE MEETING

- **TIME**

- **RULES**

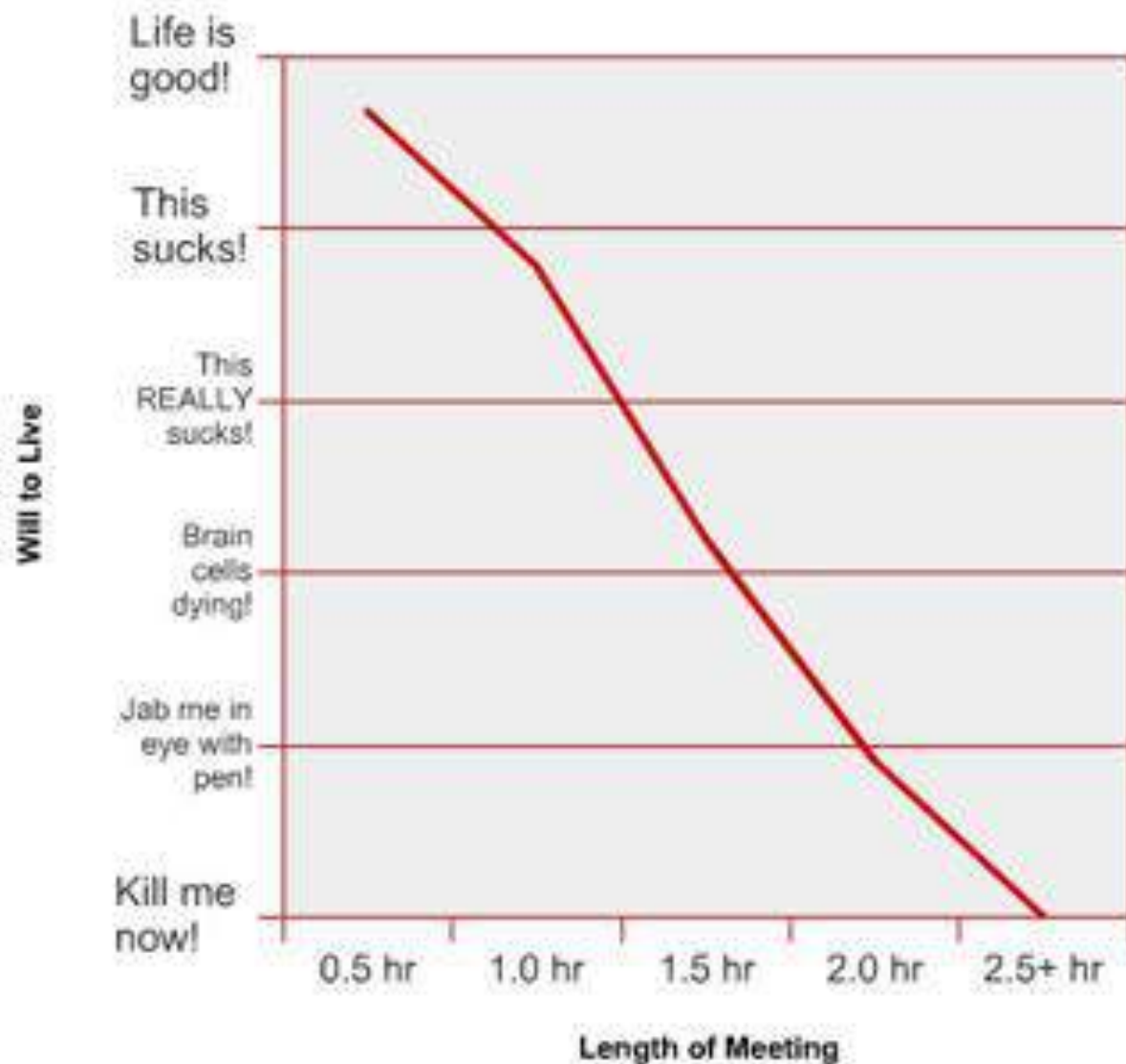


# Time During the Meeting

- Start on Time
  - Shows respect and professionalism
- Agree on time limit for speakers
  - Remind people before they speak
  - Stick to it
- Avoid excessive unrelated banter
- Set Informal Ending Time



# Meeting Length vs. Will To Live



# **MEETING RULES**

- **Bylaw Requirements**
- **Procedural Rules**
- **State Open Meeting Law**
- **State Law Requirements**





# Parliamentary Procedure

- **Set of Rules for the conduct of a meeting**
- **Ensures a fair hearing**
- **Uniformity**
- **Prevents Confusion**
- **Everybody's Favorite**
  - **Robert's Rules of Order**



# Procedure Goals:

- **Run the meeting “As formal as necessary, as informal as possible”**
- **Do not use procedural rules as a weapon**



# **RULES OF ORDER**

- **Motions**
- **Debate**
- **Voting**



# Motions

- Main Motion
- Motion to Amend
- Motion to Table







# Motions to “Table”

- Lay on the table
- Postpone to a time certain
- Postpone indefinitely





# DEBATE

- **Maker of the motion speaks 1<sup>st</sup>**
  - *After there is a second!!!*
- **Time limitation**
- **Decorum**
  - *Use titles; Mr./Ms.; not names!*



# VOTING

- Voice vote – yeah or nay
- Show of hands (division of the house)
- Roll call
- General Consent



# Open Meetings Are Effective

**“The conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society.”**

**Md. Code Ann., Gen. Prov. § 3-102**

**Translation for Election Officials**

**Open Process → Public Trust**

**Informed Citizens = Engaged Voters**

# Open Meetings Are The Law

- **Violations usually occur with**
  - **Staff and/or member turnover**
  - **Meetings held outside regular schedule**
  - **Transition to new practices or technology (virtual)**
- **Violations can be avoided with**
  - **Orientation and training**
  - **Clearly assigned roles and responsibilities**
  - **Planning with both members and the public in mind**
- **Enforcement comes in two forms**
  - **Compliance Board (advisory opinion)**
  - **Circuit Court (injunction, fees, void action if willful)**

# Open Meetings Act

- **Before**
- **During**
- **After**
- **Training**

# What is a Meeting?

- **There is a meeting when**
  - **A majority of members gather (a quorum)**
  - **In person, by phone, or other means (including email)**
  - **To discuss a matter that is not an administrative function (conduct of election under existing regs)**
  - **See 10 OMCB 22 (2016) (discussing which meetings of an election board were subject to the Act)**
- **Per bylaws, for purposes of the Open Meetings Act, a majority constitutes quorum regardless of political party**
  - **Need at least one member from both parties to conduct business, but not to violate the Act**

# Meeting Tips

- **If you want to discuss policy, add it to the agenda**
- **If you have down time, talk about the weather**
- **Avoid “reply all” emails outside of meetings**
- **Avoid text messaging inside of meetings**

# *Before* Meeting: Notice

GP § 3-302

- **“Give reasonable advance notice”**
- **Timing**
  - Standing notice, if accurate
  - Last minute, if urgent AND extra efforts
- **Content**
  - Date, time, place
  - Will any portion be closed? If so, say so
- **Method**
  - In writing...in MD Register, news media, posting on website, posting at or near meeting site, “other”

# Notice Tips

- **Communication is key**
  - If known, do not delay scheduling
  - If unknown, try “save the date” approach
- **Consistency is key**
  - Use the same method every time
  - Multiple methods are preferred
- **Courtesy is key**
  - Notice must be given of cancellations
  - Notice must be given if material element changes



# *Before Meeting: Agenda*

GP § 3-302.1

- **“Make available to the public an agenda”**
- **Timing**
  - If determined, same time as notice
  - If not, ASAP but no later than 24 hours prior
- **Content**
  - Known items of business or topics
  - Will any portion be closed? If so, say so
- **Method**
  - Any of the methods authorized for giving notice
  - May be different than method used for notice

# Agenda Tips

- **View as opportunity to organize and archive, use website**
- **View as planning, not compliance**

# *During Meeting: Open* GP §§ 3-301, 3-305

- **Right to observe, not to participate**
- **To close, public body must**
  - **Hold public vote to close, after notice of open session**
  - **Identify specific exception**
  - **Prepare written closing statement, with citation, topic, reason to exclude**
  - **Have trained member present (or, if trained member is unavailable, complete compliance checklist)**
- **Statutory exceptions include, for example**
  - **Personnel matters**
  - **Receipt of legal advice**
  - **Pending or potential litigation**

# Openness Tips

- **Make sure room is big enough for expected audience (consider prior attendance, topic of discussion)**
- **Have a plan/technology for accommodating overflow crowd (otherwise, consider postponement)**
- **When possible, identify the need for a closed session in advance and prepare for it (written statement = agenda)**
- **At all times, make sure discussion in closed session does not stray beyond exceptions (construed narrowly)**

# Sample Closing Statement

## Maryland Open Meetings Act

Maryland's Open Meetings Act is a statute that requires many State and local public bodies to hold their meetings in public, to give the public adequate notice of those meetings, and to allow the public to inspect meetings minutes. The Act permits public bodies to discuss some topics confidentially. The Act's goals are to increase the public's faith in government, ensure the accountability of government to the public, and enhance the public's ability to participate effectively in our democracy.

The Open Meetings Compliance Board issues advisory opinions in response to written complaints about violations of the Act. The Compliance Board is an independent State entity, and its three members are appointed by the Governor. Although the Compliance Board is not part of the Office of the Attorney General, the Office provides the Board with administrative staff and legal advice and also publishes its opinions and notices on the Office of Attorney General website. The Compliance Board has no office or budget of its own.

For an overview of the Act, including information on when the Act applies and how the complaint procedure works, see [Open Meetings FAQs - A Quick Guide to Maryland's Open Meetings Act](#).

Open Meetings Act FAQs for meetings held during the COVID-19 Emergency

For in-depth information on the Act, see the [Open Meetings Act Manual](#) (Revised January 2021)

Before submitting a complaint to the Open Meetings Compliance Board, please read the [Compliance Board's Complaint Procedure](#)

For the steps that a public body must take when a meeting is subject to the Act, see the [Compliance Checklist](#) and other forms in the "Forms and Checklists" box below.

The Compliance Board's opinions can be researched through the [topical index](#).

### Sample Forms and Checklists:

- Compliance checklist for meetings (Rev'd Effective Oct. 1, 2018)
- Statement for closing a meeting

### Compliance Board:

- Annual Report
- Members and Staff

3. For each provision checked above, the corresponding topic to be discussed and the public body's reason for discussing that topic in closed session, in as much detail as possible without disclosing the information that may be discussed behind closed doors:

Citation (insert # from above)	Topic We expect to discuss these matters:	Reason for closed-session discussion of topic - We are closing the meeting to discuss this topic because:
§ 3-305(b)(1)	1. Applicants for Parks & Rec head	Public discussion of applicants' names and job info could discourage people from applying for Town jobs
§ 3-305(b)(13)	Same topic as #1	Public Information Act, GP §§ 4-310 and 311, requires us to shield recommendation letters and job applications
§ 3-305(b)(15)	2. IT director's security assessment of network	Public discussion of any vulnerabilities and next steps would risk network security

1. Recorded vote to close the meeting: Date: 6/5/19 ; Time: 7:40 p.m.; Location: Council Chambers;  
Motion to close meeting made by: Able Seconded by: Baker;  
Members in favor: Charles, Duff, Edwards Opposed: Edwards (opposes only as to personnel topic)  
Abstaining: \_\_\_\_\_; Absent: \_\_\_\_\_

2. Statutory authority to close session (check all provisions that apply):

This meeting will only be closed under the provision or provisions checked below, all from General Provisions Art. § 3-305(b):

(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; any other personnel matter that affects one or more specific individuals"; (2) \_\_\_\_\_ "To protect the privacy or reputation of individuals concerning a matter 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 matter that concerns the proposal for a

2. This statement is made by: Emma Duff Presiding Officer.

\*\*\*\*\*

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE  
DISCLOSED IN THE MINUTES OF THE NEXT OPEN SESSION (§ 3-306)(c)(2)

For meetings closed under an exception, as disclosed above:

Time of closed session: 7:45 Place: Council Conf. Room

Purpose: Hiring; IT oversight

Members who voted to meet in closed session: 1) all but Edwards; 2) all

Persons attending closed session: All members; H.R. Dir. Lisa Groff - (1) only; IT Dir. Shelby Han - (2) only

Authority under § 3-305 for closing (from chart above): #s 1, 13, (with GP §§ 4-310, 311) 15

Topic(s) actually discussed: 1) Reviewed Applications from people applying for Parks & Rec head; 2) heard IT security assessment

Each action taken: (1) None (2) Approved IT Director's approach, by consensus

# *After* Meeting: Minutes

GP § 3-306

- **“Have minutes of its session prepared”**
- **Timing**
  - As soon as practicable after the meeting
  - Not quantified, but parallel to cycle of meetings
- **Content**
  - Each item considered, action taken, vote recorded
  - Include closed-session summary, if applicable
- **Method**
  - Written, unless live and archived video or audio
  - Post online to the extent practicable

# Minutes Tips

- Like agendas, organize and archive using website
- Don't fall behind, summary not “minutes” until approved

# Remember...

**The Open Meetings Act is the minimum.**

**Election boards may be subject to more stringent requirements, including when conducting activities that might otherwise not be subject to the Act.**

**Be sure to stay current with any changes to the Act as well as any election-specific requirements.**



# 2021 Legislative Session

**Failed bills (HB 344/SB 72) would have required:**

Live and archived streaming

AND

Written minutes or searchable transcript

**Additionally, these bills would have required:**

Posting agenda

AND

All meeting materials 48 hours in advance

# Election-Specific Requirements

## **“Administrative Policy Affecting Voting Rights”**

### **Election Law § 1-305**

Any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place or early voting center

#### Before

Post notice on website at least 48 hours in advance (per bylaws, policy to be discussed should also be specifically identified on meeting agenda)

#### During

Hold open meeting

#### After

Post concise description of the change, including the difference between the new policy and the policy previously in effect, within 48 hours of adopting the change

# Election-Specific Requirements

## **“Selection of Precincts”**

### **COMAR 33.08.05.04**

After 8 p.m. on election day, each local board shall randomly select a specified number of precincts for post-election verification and auditing

#### Before

Select the precincts at an open session of the local board and provide notice as required by Open Meetings Act

#### During

Hold open meeting

#### After

Within 3 days of selecting the precincts, director will forward to the State Administrator a list of the selected precincts

# Canvassing: Before

## “Notice of Canvass”

### COMAR 33.08.01.05-1

A. Each election director shall provide notice of the first and second absentee canvasses and the provisional canvass by:

(1) Mail sent directly to:

(a) The chairman of the county central committee of each political party;

(b) Each candidate who is not a candidate of a political party; and

(c) The State Administrator; and

(2) Posting a notice on the **local board's website** and in a prominent and publicly accessible location at the **local board's office**.

B. The election director shall send the notice **at least 10 days before** the first absentee canvass.

# Canvassing: During

**“Public Attendance at Canvass”**

**COMAR 33.08.01.07**

Throughout the canvass, all sessions, deliberations, and proceedings shall be open to the public and the media

# Training Requirement

GP § 3-213

- Must designate at least one individual who is an employee, officer, or member of the public body to receive training
- Public body may not meet in closed session unless it has designated at least one MEMBER to receive training
  - That member must attend the meeting at which the public body votes to enter closed session
  - If unavailable, the public body must complete "compliance checklist" and attach it to the open-session minutes
- Complete training within 90 days of designation

# Training = Online Class

Offered by the Office of the Attorney General and the University of Maryland's Institute for Governmental Service and Research, the online class can be accessed at the link below:

[https://www.igsr.umd.edu/VLC/OMA/class\\_oma\\_title.php](https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php)

This class is free and takes about 2.5 hours to complete. It is comprised of 6 lessons with quizzes throughout. Be sure to print and keep the *Certificate of Completion* for your records.

**(Today's presentation does not satisfy the requirement.)**

# Resources = OAG Website

The OAG website has an “open government” page that contains the compliance checklist, model closing forms and summaries, FAQs, compliance board opinions, and a topical index:

<https://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>

Also available there is the *Open Meetings Act Manual* (10th ed. 2021), which has 7 chapters covering all aspects of the Act as well as practice notes to assist public bodies with compliance.



# Some Practical Considerations

## **General Considerations**

**All board members should:**

- **Be kind**
- **Be professional**
- **Be transparent**
- **Be prepared**
- **Be available**

# Some Practical Considerations

## **Before the Meeting**

- **Finalize and publish agenda at least one week in before the meeting**
- **President and vice president have a pre-meeting with the election director and deputy**
- **Build trust with your fellow board members and the election staff**
- **Who gets to speak - vetting**

# Some Practical Considerations

## **Before the Meeting**

- **Meet with new board members to bring them up to speed**
- **Be careful not to violate the Open Meetings Act**
- **Write a closed meeting script**

# Some Practical Considerations

## During the Meeting

- **Every board member has an equal voice**
- **Do not allow interruptions**
- **Do not push for votes until all are heard – ask at least twice**
- **Ask questions – know the process for meetings and elections**

# Some Practical Considerations

## **The Canvass**

- **Convey policies in advance to all involved in or observing the canvass**
- **Meet with all candidates or their representatives at the canvass**

Questions?



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