

City of Salisbury Election Board - Minutes
Tuesday, September 13, 2022
City County Government Building, Room 306

Members Present, Susan Carey, Chair, Harry Basehart, Secretary, Lou Rimbach.
Others Present: Kim Nichols, City Clerk, Council President John “Jack” R. Heath

Ms. Carey called the meeting to order at 12:30 p.m.

Committee discussion focused on city elections with the goal of updating and clarifying the election of the mayor and city council members as described in the Salisbury City Charter and City Code. Specific items discussed are listed below and actions recommended by the committee are in *italics*. “Consensus” signifies that the committee strongly recommends. “If appropriate” signifies that the City Clerk, City Attorney, and the Wicomico County Board of Elections should examine the recommendation during this phase of the committee’s work.

Charter Article VI- Elections

1. City of Salisbury Election Board
Consensus. Name of committee should be Salisbury Election Board and it should be consistent throughout Charter and Code.

2. SC6-6 Nomination-
If appropriate. This section should include a general reference to required filing fees, which are set in SC6-8.

3. SC6-11 Challengers and Watchers
Consensus. City Attorney should be consulted to determine if this MD law (we think it is) and should that be specified.

4. SC6-13 Recall of Elected Officials-
If appropriate. Section G, verification of recall petition signatures should be done by County Board of Elections instead of Salisbury Election Board and City Clerk.
Consensus. The removal of Subsection K-6 as it is no longer applicable.
If appropriate. Recall section is unusually detailed and could be shortened or some details placed in the code

Charter Article II- The Council

5. SC2-1 Number; Selection; Term
If appropriate. What does qualified mean? Is certified better or sworn-in? Revise language that references District 1, District 2 and expiration of terms.

6. SC2-2 Qualifications
Consensus. Change Board of Supervisors of Elections to Salisbury Election Board (SEB) if the latter is the desired name.
7. SC-2-16 Referendum-
Consensus. Language is confusing. City Clerk receives the petition, but verification of signatures is not required, which would raise lots of legal and political challenges. City Election Board is not mentioned as it is in Recall (SC6.13) which means only City Clerk receives petition.

Charter Article III- The Mayor

8. SC3-2 Qualifications
Consensus. What does qualified mean? Is certified (by the County Board of Elections? City Board of Elections?) a better term?

City Code Chapter 1.08- Election Board

9. 1.08.020 - Duties of the city election board.
Consensus. Entire section needs updating to include, observe and inspect polls, observe opening of mail-in ballots (not absentee ballots), hear contests concerning voting and the validity of any ballot, and campaign advertising and campaign finance enforcement (Chapter 1.12). Clarify if City Election Board or Wicomico County Election Board is responsible for canvassing and certifying election results.
10. 1.08.030 - Transfer of certain city board functions and duties to the Wicomico County board of elections.
Consensus: Ask City Attorney to review this section and all of the sections it references to simplify and clarify whether the duties are for the city or county.
11. 1.08.040 - Payment to county board members and election personnel for election-related services.
Consensus. Review language with WCBE for proper terms to refer to "county board members," "county board staff," and "election personnel."
12. 1.08.110 - Additional registrations by same voter prohibited.; 1.08.120 - False answers to material questions prohibited; 1.08.130 - Falsification or removal of records.; 1.08.140 - Aiding or abetting in commission of prohibited acts prohibited.

Consensus: Review above sections with WCBE. Currently, they are city functions. Sections should be placed consecutively with voter registration sections identified in 1.08.030. Transfer of certain city board functions and duties to the Wicomico County board of elections.

13. 1.08.150 Office Hours established for registration-
Consensus. "The County Board shall keep its office in the County Court House opened...." The office is not in the County Court House. Remove phrase.
14. 1.08.190 thru 1.08.270-
Consensus. Sections need to be reviewed with WCBE. In addition to absentee ballots, provisional ballots are mentioned here. Term for absentee ballots is now "mail-in". Sections are very detailed and possibly require revision. Ex- 1.08.190 requires "sufficient reason" for using an absentee ballot, which conflicts with MD State Bd of Elections regulation that a registered voter does not "need a reason." Subsection A requires particular attention.
15. 1.08.280 - Canvassing of ballots –
Consensus. Review with WCBE especially subsections B, D, and F1. "County Board" is the five members appointed by the governor; it is the director and staff that are referenced here. Is there a better term to use than "County Board" so this is clear? Also, in 2019, city board was involved directly in some aspects of canvassing, at least the counting of absentee ballots. No defined role for city board except for rejection of ballots (F1)
16. 1.08.290 - Contests and appeals –
Consensus. Review with WCBE and City Attorney. Use of word appeal is confusing. City board rules on rejecting a ballot in 1.08.280. F.1 and can rule on an appeal to that decision 1.08.290, A, B, C.
17. 1.08.300 - Election districts and precincts established. –
The city shall have one councilmanic district per councilmember, and there shall be one precinct corresponding to each councilmanic district. Voting records shall be kept pursuant to divisional lines as established by the county board.
Consensus. Ask City Attorney if it is suitable to have this section in the City Code or in Article II of the City Charter.
18. 1.08.310 - Map of election districts –
A map of the city, prepared by the engineering department of the city, which is on file in the office of the city clerk, is adopted and made a part of this chapter for the purpose of more clearly defining the boundaries of the election precincts described in this chapter.
Consensus. Ask City Attorney if it is suitable to have this section in the City Code or in Article II of the City Charter.

Chapter 1.12 - CITY CAMPAIGN ADVERTISING AND FINANCE

19. In above chapter title,
Consensus. Change "City" to "Election" or "City Election."

20. 1.12.010 – Advertising -
Consensus. Discuss re-writing subsection B so that any individual or group promoting the passage or defeat of a proposition would be identified in all forms of media used to communicate to voters. The term proposition should be defined.
21. 1.12.20 – Books, records and receipts
Consensus. Add any individual or group promoting the passage or defeat of a proposition.
22. 1.12.030 – Campaign Contributions
Consensus. Discuss changing contribution limit from \$250 to \$500 and loans from \$500 to \$750, forgiveness limit from \$250 to \$500
23. 1.12.040 - Financial disclosure statements to be filed by the candidate or treasurer
Consensus. Change “financial disclosure statement” to Campaign Finance Reports,” which will prevent confusion with personal financial disclosure statements required of all local candidates and elected official (see Ethics, Financial disclosure, 2.04.050). Change due date from seven days to fourteen days (or more) prior to general election. Purpose of reports is to allow the press and voters to identify individuals and groups that support a candidate. At least 14 days is needed for research and communication by individuals and media. Change \$600 to \$750 or \$1,000 in C.
24. 1.12.050 - Enforcement.
Consensus. As noted earlier, enforcement should be in lists of duties of SEB in 1.08.020.
25. 1.12.060 - Late filing of financial disclosure statements
Consensus. Change “financial disclosure statements” to “campaign finance reports”.
26. 1.12.080 – Penalty
Consensus. Change \$400 to \$500.

Meeting adjourned at 1:36 p.m.

Harry Basehart

Harry Basehart, Secretary