City of Salisbury Election Board - Minutes

Tuesday, January 30, 2024

Salisbury HQS Building

Members Present: Susan Carey, President, Harry Basehart, Secretary, Lou Rimbach.

Others Present: Kim Nichols, City Clerk, Julie English, Assistant City Clerk, Ashley Bosche, Law Office of Cockey, Brennan, Maloney, and two members of the public.

**Call Meeting to Order**

Susan Carey, President of the Salisbury Election Board, called the meeting to order at 10:01 a.m.

**Approval of December 5, 2023**

* Dr. Basehart moved for the approval of the December 5 minutes. Motion was seconded by Mr. Rimbach. Motion was approved, 3-0.

**Review and Discussion of Drafts of Changes to Election Laws and Procedures**

**(Ms. Ashley Bosche)**

* Salisbury Charter 1-1 – Incorporation.

Add the following: All references to the “City,” or “city,” or “Salisbury” in this Charter or the Salisbury Municipal Code shall mean the “City of Salisbury.”

This change clarifies that SC1-1 refers to the “corporate limits” of the City of Salisbury, which is further identified in SC1-2.

After discussion, the board’s consensus was to move forward with this change.

(Note: Underlining of material above and later in these minutes indicates recommended new language.)

* Salisbury Charter 2-2 Qualifications and Salisbury Charter 3-2 Qualifications.

Clarification of Mayor and Council qualifications (SC2-2 and SC3-2). Change “resided” to domiciled.

Domicile is a better term than resides because a person can have several residences in different locations but only one domicile or primary residence. Extensive case law exists on the legal meaning of domicile.

Also, change qualified voter to qualified registered voter, which further defines the meaning of voter.

After discussion, the board’s consensus was to move forward with these changes.

* Salisbury Charter 6-6 – Nomination.

Adds that information given by candidates on the certificate of nomination shall be filed under oath and any other information required by the City of Salisbury Election Board must be submitted.

These changes will assist the board in making decisions on whether a person meets candidacy qualifications.

After discussion, the board’s consensus was to move forward with these changes.

* Salisbury Charter 6-9 – Election of Mayor and Council.

Add the following: and in accordance with Maryland State Law and regulations. If the Salisbury Charter or Code is silent on an election procedure, the board will defer to Maryland law and regulations.

After discussion, the board’s consensus was to move forward with this change.

* Salisbury Charter 6-16 – Write-in Campaigns.

An individual who seeks election for any public office in the government of the City of Salisbury as a write-in candidate shall file a certificate of candidacy with the City Clerk in the form and by the deadline as required by Maryland State Law and regulation. Any write-in campaign and voting for a write-in candidate shall be governed by Maryland State law and regulation.

A description of write-in candidacy is missing from the current charter.

This language is consistent with current local practice. Write in candidates will complete a certificate of candidacy with the City Clerk and not a certificate of nomination.

After discussion, the board’s consensus was to move forward with this change.

* Salisbury Code 1.08.220 – Application for mail-in ballots.

Changes the date that mail-in ballot applications are to be received so it is consistent with the deadline set by current Maryland State law and regulation for mail-in ballots to be received by mail, fax, or internet.

This amendment will avoid voter confusion that can result from different dates.

After discussion, the board’s consensus was to move forward with this change.

* Salisbury Code 1.08.280 Canvassing of Ballots, B.1, C.1.d and D.1.a.

Changes the start time for canvassing of mail-in ballots from any time after four p.m. to 10:00 a.m. Deadline to receive mail-in ballots is changed four p.m. to ten a.m. and the same change is made for ballots received from locations outside United States.

New times are consistent with USPS delivery schedule.

After discussion, the board’s consensus was to move forward with this change.

* Candidate Packet Revisions

Revisions to the Certificate of Nomination to the City of Salisbury include the following: signed affirmation that contents of the Certificate are true, sworn before and signed by a Notary Public, and a statement that the Salisbury Election Board may seek additional information on domiciliary intent and status.

Notarized certificate and statement that additional information may be requested on domicile helps to ensure accuracy.

After discussion, the board’s consensus was to move forward with this change.

* Formal Hearing Procedures for Complaints to the Salisbury Election Board.

Proposed written procedures for complaints include the following: opening paragraph references the Board’s mission refers to relevant sections of the City Code and then sections on How to File a Complaint, Where to File a Complaint, Administrative Determination Process, and Board Decision.

At the present time, the board does not have a formal process for complaints.

After discussion, the board’s consensus was to move forward with this change. It was recommended that the 30-calendar day period for filing a complaint be changed to 20 days. Board was informed that the City Council is considering a similar proposal and perhaps it should be looked at for ideas before adopting this proposal.

* It was agreed that if everything is in order, the package of changes should be sent to the City Council at the next work session, scheduled for Tuesday, February 20.

**Miscellaneous**

* Dr. Basehart asked if the City of Salisbury Election Board’s home page could include a link to the Salisbury Charter (sections SC6-2 and SC6-3) on the membership and duties of the Salisbury Election Board. Request is based on communication with citizens in the community.
* Public comments covered a number of items: number of days for complaints to be filed, scheduling of closed session after open session is adjourned, advance notice of meetings and not changing meeting times are important, difficulty in finding names that were written in as write-in candidates, among others.

Next meeting: 10a.m., Thursday, February 22, Council Chambers, SBY HQS

**Meeting Adjourned at 11:44 a.m.**

Harry Basehart, Secretary

Approved February 22, 2024