



**City of Mount Rainier  
Board of Elections Meeting  
City Hall  
Mount Rainier, Maryland  
7:10pm  
27 April 2015**

**Minutes**

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**Attendees:**

**Board Members:** Ophelia Baxer; Maxine Drakeford; Abby Greenwell; Karl Jones; Nichole Logan; Matt Weber; and Dina Williams

**Public:** Jesse Christopherson, Council Member; Bryan Knedler, Council Member and Ward 2 Candidate; Tracy Loh, Ward 1 Candidate; Veronica Owens, Assistant City Manager; Shivali Shah, Ward 2 Candidate

**Call to Order**

The Supervisor of Elections, Maxine Drakeford called the meeting for the Mount Rainier Board of Elections (MRBOE) to order at 7:10pm. The appearance by the public was duly noted.

**Agenda**

Abby read the agenda. It was moved by Nichole Logan to change the agenda to move Candidate Financial Disclosure to the top since the public was there to witness the discussion. Abby Greenwell seconded the motion.

**Candidate Financial Disclosure:**

Background:

- Candidate Shivali Shah submitted an email to the Board of Elections on Sunday, April 26, that raised concerns about the Financial Disclosure Statement (FDS) required to be submitted by all candidates.
- Specific concerns raised in Shah's email:
  - ✓ Shah stated she has been unable to get an answer about what is done with the financial disclosure forms after candidates submit them to the City.
  - ✓ Shah raised issues with the security at City Hall, including questions about data security.
  - ✓ Shah expressed that no one has been able to answer her questions.
  - ✓ Shah wrote she had two weeks after the election to submit the documents.
- On April 6, 2015, Shah was certified as a candidate for City Council.
- Although the candidate Nomination Petition Form was received by the Supervisor of Elections, Maxine Drakeford, the FDS was not provided.
- Drakeford repeatedly reminded Shah that Shah needed to submit her FDS.
- Shah agreed to bring her FDS to the first Candidate Forum held on April 18, at City Hall.
- Shah failed to honor her commitment and did not bring the FDS to the forum, her reason being she was running late to attend the forum.
- The City of Mount Rainier Elections Procedures do not state a specific deadline for a candidate to submit said form.
- Shah brought her FDS to City Hall on April 27 when she appeared at the MRBOE meeting.

- The other certified candidates turned in FDS on the day Nomination Petitions were due, April 6.

### **Meeting Discussion**

- The MRBOE referred to page 20 of the Mount Rainier Elections Procedures that states, "Candidates for office must submit their preliminary financial disclosure statement to the supervisor of elections prior to their name being placed on the ballot."
- The MRBOE asked Shah if she would like to come to the table to speak and answer questions about why she did not turn in her FDS.
- Shah appeared before the MRBOE at the table.
- Shah was asked why she did not submit the FDS at the first forum as promised.
- Shah stated she was unclear if there was a separate form, as the Election Procedures refer to a "preliminary" financial disclosure form, but the form she was given by the City did not have that wording.
- Shah stated she had been unable to get a clear answer from the City or MRBOE in regards to her questions about the form.
- MRBOE asked Shah exactly who did she speak to at the City or from the MRBOE. Shah then replied that current Council members gave her guidance and that she did not speak to anyone from the City or MRBOE.
- Shah stated she did not realize the FDS "was that big of a deal."
- MRBOE asked if Shah would be comfortable turning in the form now, given security concerns raised in her email. Shah said she was okay with submitting the form. Shah stated she had the FDS with her and left it on the table.
- Board Member Williams expressed her dissatisfaction in Shah's continued emails, including the tone delivered.
- Shah apologized for causing problems.
- Members of the public brought up several issues:
  - ✓ Council Member, Bryan Knedler, remarked this year was the first time he submitted a FDS before the election.
  - ✓ Candidate Tracy Loh commented that while she understands all sides and clearly there is confusion, removing Shah's name from the ballot would create much confusion.
  - ✓ The public voiced and agreed that previous election procedures have varied as to what was required.

### **Board Discussion**

- MRBOE agreed that while previous elections have been unclear, there really was not an operating Board. The Board essentially consisted of registered citizens in the City of Mount Rainier who worked the polls on Election Day. It was pointed out that Drakeford had been operating solo, from certifying candidates to hand-delivering absentee ballots. Drakeford was commended for her past efforts.
- MRBOE agreed that post-election, there would be meetings to revisit and amend the City Charter and Elections Procedures manual.
- Williams noted she was at City Hall that day (April 27) to work on Absentee Ballots. While there, Williams sought advice from City Manager, Jeannelle Wallace about the ballots and the Shah situation. Wallace contacted the City attorneys and the Maryland State of Elections via telephone.
- MRBOE discussed the sudden interest in the "public" attending a meeting.
- MRBOE was told by Council Members Christopherson and Knedler that since the meeting was not posted, then the gathering was not considered a meeting.

- MRBOE noted being unclear about a meeting to discuss the possible removal of a candidate being public.

### **Board Decision Regarding Shah**

- Board Members all expressed their concerns with Shah's lack of attention to the importance of submitting a FDS in a timely fashion, particularly on the date the Nomination Petition was received, as done by the other candidates
- Board Members discussed the possibility of the election being recalled due to a candidate improperly being certified.
- Strong concerns were raised about the printing of the absentee ballots, as that process would have to start over, including perhaps changing the date of the election, per Elections Procedure rules about the absentee ballot timeline.
- Board Members grappled with what the procedures mean by "prior to their name being placed on the ballot."
- MRBOE's determination by majority vote was that the meaning, "prior to their name being placed on the ballot, means "official" ballot. Therefore, Ms. Shah's name would not be removed from the ballot.
- MRBOE sent an email to the City Attorney that stated the following: *"On April 6, 2015, Ms. Shivali Shah was certified as a candidate for city council. The Candidate Nomination Petition form was received by the supervisor of elections. The supervisor reminded Ms. Shah she needed to submit her preliminary financial disclosure statement as soon as possible. While Ms. Shah did not submit her preliminary financial disclosure statement in a timely manner, the City of Mount Rainier Election Procedures do not state a specific deadline for a candidate to submit said form. Ms. Shah turned her preliminary financial disclosure statement into City Hall on April 27, 2015.. The other certified candidates turned in their preliminary financial disclosure statements on the day Nomination Petitions were due. It is the opinion of the majority of members of the Mount Rainier Board of Elections that, per the Election Procedures that state "candidates for office must submit their preliminary financial disclosure statement to the supervisory of elections prior to their name being placed on the ballot," Ms. Shah's name will appear on the election ballot. Are we acting in accordance with the Charter and Election Procedures?"*

### **Absentee Ballots**

Several requests for Absentee Ballots were emailed to the MRBOE.

- MRBOE received emails from Shah relating to Absentee Ballots
- MRBOE responded to Shah's requests about Absentee Ballots informing her that a candidate could not request absentee ballots for voters
- Williams worked on Absentee Ballots on April 27, including reviewing and responding to emails, and stuffing and mailing ballots.
- Williams saw Jimmy Tarlau while at City Hall who noted the application request for an Absentee Ballot should have been separate from the actual ballot. Having both application and ballot stapled could be confusing. Voters who do not remove the staple would send in their request and ballot and not have their vote anonymous.
- Absentee Ballots at City Hall have been separated from the application. The voter must request a Ballot from City Hall staff. City Hall staff collects the application and then gives official Absentee Ballot to the voter.

- It is documented that three (3) voters received Absentee Ballots via hand delivery, due to special circumstances.
- MRBOE agreed for consistency and time management, the remainder of the ballots must be mailed to the voter.
- Email requesters were sent the following:

Dear \_\_\_\_\_

**THANK YOU** for your request to receive an Absentee Ballot for the May 4th City of Mount Rainier election. Please provide your reason for voting Absentee as noted by numbers 1 through 4, listed below:

1. I will be absent from the City of Mount Rainier during regularly scheduled polling hours (7:00am – 8:00pm) on Election Day, and this absence is necessary.
2. I am a full-time student at a college or university located outside the City of Mount Rainier and academic requirements will prevent me from personally voting at the polls during regularly scheduled polling hours (7:00am – 8:00 pm) on Election Day.
3. I have a physical disability or I am confined in or restricted to an institution which prevents me from being present and personally voting at the polls on Election Day.
4. I am unable to be present and personally vote at the polls at the polls on Election Day as a result of illness or accident.

You will receive your Absentee Ballot in the mail within the next few days. Please be sure to follow the instructions provided so that your vote will count.

**IMPORTANT:**

If you receive an Absentee Ballot, you must vote by that method--even though your plans may change and you find that you could vote in person at the polls on election day.

Please let us know if you have questions.

**THANK YOU!**

**Election Day**

- Set-up was discussed, including the need to be attentive to accessibility concerns, privacy, and efficiency of the process.
- The voter registration book will be separated in half, alphabetically by last name.
- Each station will have two (2) election judges to check names and ensure voter has the correct ballot.
- Volunteers will be requested through the City website to greet and direct voters. MRBOE has currently one (1) volunteer who assisted with set-up at the second candidate forum on April 25. Volunteers must be neutral--no candidate signs and no campaigning.
- MRBOE will set-up room on Friday evening, May 1, beginning at 7:00pm.
- A second Voter Registration Book will be printed.

**Media**

- A reporter from the *Gazette* has contacted the Board for comment on Write-in candidates and the candidate certification process
- It was agreed by the Board that all media inquiries be directed back to City staff. MRBOE does not comment on the election process.

### **Action Items**

- Conduct final approval for official and provisional ballots. (All)
- Await attorney response regarding Shah. (All)
- Send Shah Board's decision about her name on the ballot. (All)
- Approve and file with the City the Minutes from April 2, 7, 13, 20, and 27 meetings. (All)
- Mail Absentee Ballots on Tuesday, April 28, 2015. (Dina)
- Print the voter registration book and official and provisional ballots. (Matt)
- Post volunteer request on City website. (Veronica)
- Request current volunteer who helped at April 25<sup>th</sup> forum to assist. (Abby)

### **For Record (not discussed at Board meeting)**

- The second candidate forum was held at the Nature Center on April 25, in a meet-and-greet style, because the League of Women Voters informed MRBOE they were unavailable.
- Attempts had been made by MRBOE to secure other moderators, including a professor from the University of Maryland, College Park, but nothing worked out due to the last minute timing.
- Candidates who attended the forum were: Charnette Robinson, Tracy Loh, Shivali Shah and Write-In Candidate, Markita Bryant.
- Approximately 20 attendees were at the forum and interacted with the candidates.
- Refreshments purchased from Costco were provided, which included: chicken, fresh fruit, sandwiches, and a vegetarian grain salad. There was also punch and water. Candidate Robinson brought cupcakes and a sheet cake.

### **Next Meeting**

- The MRBOE will meet at 7:00pm on Friday, May 1, at City Hall.

### **Adjournment**

The meeting ended at 9:35pm.

Respectfully submitted,



Dina Estelle Williams  
30 April 2015

/DEW