

**CITY OF ABERDEEN**  
**Special Council Meeting**  
**November 14, 2016**

**Council Present:** Mayor Patrick McGrady, Councilman Steven Goodin,  
Councilwoman Sandra Landbeck, Councilman Timothy Lindecamp,  
and Councilman Melvin Taylor

**Absent:** None

**Also Present:** Gina Bantum, Aberdeen Board of Elections Chairperson  
Angela Johnson, Aberdeen Board of Elections Member  
Mark Schlottman, Aberdeen Board of Elections Member  
Randy Robertson, City Manager  
Theresa Hartman, Human Resources Manager  
Helen Screen-Rucker, Recording Secretary

Mayor McGrady called the meeting to order at 7:00 p.m. in the Council Chambers. The prayer was delivered by Councilman Taylor and the Pledge of Allegiance was led by Councilwoman Landbeck.

City Personnel Policy Manual

Council discussion included the matters of sick leave, vacation leave, clothing allowance, take home vehicles, disciplinary actions, performance evaluations, and self-evaluations. Mr. Robertson said that a Whistleblower Policy would be added near the front of the manual. He also stated that self-funded insurance might be an option in the future. The Mayor asked that their modifications be made and that the ordinance scheduled for introduction at the next regular Council Meeting.

Charter Amendment Resolution No. 16-CR-02, Resolving Electoral Tie Votes

The Council and the Aberdeen Board of Elections discussed the questions and responses from the October 19, 2016 Meeting of the Aberdeen Board of Elections.

On October 12, 2016, the Harford County Board of Election reviewed and commented on Charter Amendment No. 16-CR-02, Resolving Electoral Tie Votes. The City Attorney provided comments on October 14, 2016. The Aberdeen Board of Election discussed these responses on October 19, 2016, at their regular meeting. Below is an excerpt from the Aberdeen Board of Elections meeting.

**Color designation:**

Harford County Board of Elections, Dale Livingston, Deputy Director

Fred Sussman

Aberdeen Board of Elections

- 1.) Voter Registration Deadline – Who will be allowed to participate in the run-off election? Would only the voters who participated in the original election be the voters who decide the outcome of the run-off election? Currently, Voter Registration Books re-open 11 days after Election Day. If the run-off is 30 days after the election, this will open the door for others to register and participate in the run-off. So the Charter and Code would have to change to keep the books closed if the run-off will be limited to those who voted during the original election. These are good questions. I believe that a run-off is a continuation of an ongoing election and only those individuals who were registered and eligible to cast ballots at the initial election would be able to vote in a run-off. As a practical matter under Sec. VII, 7 of the City Charter, no person is entitled to vote in City elections unless registered at least 21 days prior to the election. According to Mr. Livingston's comments the election books re-open 11 days after Election Day. So, either an individual would not have the opportunity to register after the books reopen but within 21 days prior to the run-off election. Alternatively, the election books should not reopen until the election has concluded and after run-offs have been completed. The Board agreed with the City Attorney that the election books should not reopen until the election has concluded and after run-offs have been completed.
- 2.) In the case of a run-off for Mayor, there would have to be some language in the Charter/Code which stipulated who presides until the election is over, more than likely the incumbent. This is a good comment that should be addressed since under the Charter there is an ambiguity as to whether, in the event of a tie vote for Mayor, the incumbent Mayor would continue to serve if a successor is not sworn in at the first Council meeting after the election. This issue should be clarified. If the Council decides to push back the swearing in time to after the holiday, this would allow additional time for a run-off. The Board was concerned that this would affect the operations of government, passage of legislation, etc. The Board took note of *Charter Section IV. 2. The Mayor shall retain office until a successor is duly sworn at the first Council meeting follow the election.*
- 3.) How and when do you notify the voters that there will be a run-off, i.e.: an ad in the local paper a week before the run-off, 2 weeks before)? The run-off is to be conducted in the same manner as a regular election, so the same advertising requirements would apply. After the election and provisional canvas, a recount should be taken before the certification. The run-off would occur within 30 days after certification of the election. The Clerk was asked to look into advertising requirements. A municipality must advertise according to State Election Law Section 8-102, Notice of Election which covers Notice of Election and specimen ballots. Other advertisements are not dictated by the State.
- 4.) How long do you give the candidates to decline whether they want to participate in the run-off, a day, a week? Forty-eight hours after notification of the date of the special election per Sections IV.8.C and V.17.B.III. The Board added that they would like a written, notarized letter submitted to the Clerk.

- 5.) Do you want to certify the election if you know after the canvass that there is a tie? Would you only certify the part of the election that wasn't a tie (i.e.: tie for mayor, but not for Council, or vice versa)?

The results of the election in its entirety would be certified, but only those candidates who have been elected would be certified as having been elected. Another certification would be made after a candidate is elected following a run-off.

The Board agreed.

- 6.) There will have to be a period of time for a new ballot to be created, proofs approved and then printed. The Election Equipment to tabulate the ballots will have to go through the logic and accuracy testing, etc., just as we do now.

No comment.

The Board asked the Clerk to ask Harford County about this timeline.

The Clerk contacted Dale Livingston.

Dale Livingston responded on October 26, 2016: We would initially contract ES&S to ask if they would create and produce your ballots. There is no reason why they wouldn't, but they need a heads up and deadline information so they can schedule your election in their system. The time to actually create a ballot will depend on how quickly we can get the information for the ballot from you. Once we send the information to ES&S, they will design the ballot send it back to us or to you directly – however you want it set up. Once the ballot is approved by you, ES&S will print the ballots and deliver them. When ES&S produced ballots for the Havre de Grace Election the process took approximately two weeks from the time we received the initial ballot information to the time the ballots were delivered. The machines are L&A'd (Logic and Accuracy Testing) based on the election, precinct information and how the ballots are coded so they can count the votes. You would probably only have one machine tabulating at your precinct so that process wouldn't take any time at all.

Another question they might consider is whether or not they want to offer Absentee Ballots. We would need to know that because we would receive the requests process them in the MDVOTERs system and then send ballots to the voters who requested them. You would have to have a deadline on when these need to be returned – i.e.: 'election day by 5 pm'. Then you would have to schedule a canvass for those ballots.

- 7.) If you have a mail-in election – how long do you give the voters to send their ballots back in? Will they have to apply for the ballot or will you send a ballot to every registered voter as of a certain date?

Per proposed Section VII.10, the Board would establish the procedures which must be approved by the City Council by resolution.

The Board agrees and would conduct in the exact same way, including absentee and provisional.

- 8.) Once the ballots are returned, you then conduct a “canvass” where you will run the ballots through a scanning unit. Will this be a public event and when and where will you conduct this? If so, it will have to be advertised?  
Per proposed Section VII.10, the Board would establish the procedures which must be approved by the City Council by resolution.  
The canvas is a public meeting and should be held in a place assessable to the public (i.e. Council Chambers). In the past, this was posted at the election site but can be advertised on the website, etc.
- 9.) On page 5 of the amendment it talks about yet another run off election if the first run off ends up in a tie. The Mayor and Council may want to think about this and instead of having another full blown run-off election, determine the winner in another way. Waiting another 30 or more days, and then what if there is still a tie, could really tie up the business of the Government.  
This is a policy decision. Perryville recently approved a charter amendment to break a tie vote by a coin flip. This procedure could be an option to break a second tie.  
The Board is open to a quick remedy (i.e. a coin flip), by a member of the Board, in the event that the run-off results in a second tie.
- 10.) They are also going to want to think about how the process is set up.  
No comment.  
The Board asked what Dale meant.  
Dale Livingston responded on October 26, 2016 that she meant that the process needs to be set up so that it works for everyone, should be fair and equitable for everyone, no matter who ends up having to deal with it.

The Council and Board discussion yielded the following:

- 1) The Council and Board agreed with the City Attorney that only the voters who were registered and eligible to cast ballots in the initial election would be allowed to vote in a run-off.
- 2) The Board and Council discussed that the incumbent Mayor should continue until a new Mayor takes office.
- 3) Public notifications would be conducted in the same way.
- 4) The Board asked that the Charter Resolution reflect that the time a candidate is given withdraw from the run-off be changed to business days instead of 48 hours and via a written, notarized letter to the City Clerk.
- 5) The Council and Board agreed with the City Attorney on certification of the election.
- 6) The timeline was reviewed and there were no questions.
- 7) Well in advance, run-off procedures should be established by the Board and approved by the Council.
- 8) The Canvas would be a public meeting.
- 9) The discussion included options on breaking ties for the first and second run-offs with the options of voters, the new Council, and a coin flip. The Charter Resolution would reflect

that, in the event of a second tied run-off election, the new Council would vote and affirm by majority vote.

10) Procedures would be established by the Board and approved by the Council.

The Mayor announced the following meetings:

- Next Council Meeting: Monday, November 21, 2016, 7 PM
- Planning Commission Special Meeting: Monday, November 28, 2016, 7 PM
- Planning Commission Meeting: Wednesday, December 14, 2016, 7 PM

There were no public comments. Being no further business, the meeting was adjourned at 8:10 p.m.