

1 VMA Elections Committee Meeting

2 **January 6, 2022**

3 Attendees:

4 Members: George McAleese; Paul Weller; Leah Craft

5 7:03: Call to Order

6 7:04: Election of Officers

- 7 • Paul nominates Andrew Kauders.
 - 8 ○ Andrew: Unclear if I can serve.
 - 9 ○ Niles: Believe that it is not possible for Council members to serve on the Committee and
 - 10 cannot serve as the Chair.
- 11 • **Leah nominates George. Paul seconds. Vote 3-0.**

12 7:06: Chair recognizes Andrew for opportunity to speak.

- 13 • Andrew: Have had a number of conversations since our last Council meeting. Want to commend
- 14 Committee members for all of the work the members have done on this.
 - 15 ○ Saddened by the resignations. Hope that the Council did not play a role by asking
 - 16 questions that led to those resignations.
 - 17 ○ There is too much finger-pointing and kneejerk reactions and attacks that have occurred
 - 18 during these meetings.
 - 19 ○ Should move forward and hope for trusting that the intentions of volunteers and residents
 - 20 are pure and there is no malign intent.
 - 21 ○ Saddened that there are factions that point fingers at each other.
- 22 • Ask that tonight's meeting is about addressing the issues that were discussed at the last Council
- 23 meeting. Lets do what is right and lets get on with the work.
- 24 • Paul: I have 2 different drafts of the plan – a draft from 12/16 and a draft from 12/29.

25 7:11 Resident Comments

- 26 • Peter Kahn provided comments raising objections to the plan being discussed, saying it is not
- 27 the plan that had been previously approved by the Committee and citing prior Committee
- 28 votes. He also raised objections that the changes to the prior drafts were not annotated in the
- 29 draft shared publicly. He raised objection to the entire meeting.
- 30 • George: The 12/29 draft is the Nov. 15 draft, with the line edits from the Dec. 16
- 31 incorporated and the changes voted on by the Committee at those meetings incorporated.
- 32 Then performed issue spotting and flagged the questions and concerns for discussion at the
- 33 meeting tonight. Changes are reflected in the Track Changes version that was circulated
- 34 through the Committee.
- 35 • Katie Howard asked about the drafting process.
 - 36 ○ Peter Kahn explained that the Committee voted on a version at the November
 - 37 meeting but objections were raised.
 - 38 ○ Andrew expressed that he was unsure how this could be described as a “new plan”.
 - 39 ○ Peter Kahn expressed his belief that there are a number of changes made to the
 - 40 document.

- 41 ○ George expressed that he had shared both a clean copy and a track changes copy of
42 the draft with the Committee in late December.
- 43 ● Marty Langelan expressed her belief that the 2022 plan is an improvement over the past year,
44 but expressed her concern about changes in the new draft, including changes to the
45 certification of the voter roll. She expressed her belief that removing the certification process
46 last year produced a lot of illegitimate votes during the 2021 election. She expressed her
47 belief that there are a number of other changes that favor incumbents. She expressed her
48 concern about the openness of the process.
- 49 ● Lynn Welle expressed his concern that the changes made were not handled in an open
50 meeting by a quorum and his belief that all discussion of them should be terminated. He
51 expressed his objection to the manner in which the drafting has occurred and expressed
52 support for reverting to the Dec. version of the document.
- 53 ● Jean Sperling expressed her belief that the whole community should have seen a paper
54 version of this document.
- 55 ● Andrew Kauders addressed issues of open meetings, saying the process followed the same
56 approach from before: draft changes circulated among the Committee, arriving at a draft that
57 is discussed at a meeting. He expressed that there is no malign intent or anything
58 undermining the OMA.
- 59 ● Peter Kahn expressed that he felt a line by line review is needed since the draft does not show
60 all of the changes, but that the Committee is not in a position to be doing a line by line
61 review. He expressed support for reverting to the Dec. 16 draft and his objection to the
62 current draft.
- 63 ● Susan Kahn cited the prior Committee votes in supporting the prior draft. She expressed her
64 concern and objection to how the December Council meeting impacted the consideration of
65 the prior draft, citing oversights that led to inclusion of the grace period in the new draft
66 creating confusion. She expressed that the process undermined the hard work done by the
67 Committee. She expressed that changing from the prior drafts was hurtful, because of the
68 long hours that went into developing the prior drafts.
- 69 ● Leah expressed her objection to comments made that used language she felt is accusatory and
70 imply malintent by Committee members, noting that the entire Committee has worked hard.
- 71 ● Andrew expressed that he had hoped for an assumption of the best of intentions during this
72 meeting. He said that all that had happened during the Council meeting was asking questions
73 about the draft, saying the draft presented at the Council meeting was not reflective of the
74 votes that had been taken.
- 75 ● Arthur Alexander expressed a suggestion that the Committee should be able to get on with its
76 work during the meeting.
- 77 ● Jeffrey Blander expressed that he wanted to echo how much effort has gone into the work and
78 his desire to try to reduce concerns about the draft and dial down the temperature. He offered
79 a suggestion that the Council could just go back to the earlier draft and the Council could
80 make those edits directly, working with Ron, saying that's what was done last year. He
81 expressed that nothing says the Committee process must be utilized in developing it. He also
82 expressed an interest in looking at potential ways for reducing the amount of work that is
83 required, given how much work was required this year.
- 84 ● Katie Howard expressed her apologies for what happened at the Council meeting in
85 December, saying it was unfortunate that it resulted in resignations. She acknowledges her
86 appreciation for the work done by the 5 member Committee

- 87 • Lynn Welle noted the past practices relating to timing of resident comments, saying the
88 changes to give people more time to speak provided benefits to the tone of meetings.

89 8:00 Discussion of Election Plan

- 90 • Adding people to voter roll (“Who Can Vote” section)
91 ○ George: When do we want to have the deadline for adding people to the voter roll?
92 Previous drafts have alternatively had it on Election Night or a week before the deadline?
93 ○ George: Seems like it would be challenging to have it in the evening on Election Night,
94 as the Committee will be also manning the drop box table. What about noon?
95 ○ Leah: Is 5 too late?
96 ○ George: I said noon because it gives us time.
97 ○ Paul: Previous draft said “evening of Election Day”.
98 ▪ Would defer back to the one before with “evening”.
99 ○ Leah: Don’t want to be ambiguous.
100 ○ **George motion to change it to 12:00. Leah second. Vote 3-0.**
- 101 • People requesting ballots be sent to a new location (“Plan for the 2022 Election” Section)
102 ○ George: This is currently written as being a week before the Election. I think it should be
103 the same as the deadline for adding to the voter roll, as it seems to address the same
104 concerns and we’d want to give people as much time as possible.
105 ○ **Motion from George McAleese that we change the draft to have the deadline is May**
106 **10 at 12:00 PM. Second Leah. Vote 3-0.**
- 107 • Paul: Are you comfortable with the process?
108 ○ Leah: Comfortable with going line by line on the issues at hand.
109 ○ Paul: I have specific written opposition relating to these changes that I received from a
110 resident
111 ○ George: Can we work through the identified issues as they come up? Is that an OK way
112 to proceed?
- 113 • Request for replacement ballot is 8:00 on Election Day (“Plan for the 2022 Election” Section)
114 ○ Draft says the request can be made up through 8:00 PM on Election Day (at the table).
115 Does that reflect everyone’s agreement of our prior conversations?
116 ○ **George motion to affirm language setting request deadline as 8:00 PM on Election**
117 **Day. Leah second. Vote 3-0.**
- 118 • Vote Counting night: Moving it to the 23rd (Election Procedures Section – Multiple Lines)
119 ○ George: Currently the draft has ballots due on the 23rd and then we don’t count them until
120 the 26th.
121 ▪ Understanding was that the 3 day gap was to allow us to do ballot curing
122 ▪ Since we’re not doing ballots with no signature, I think we would be able to
123 address everything else on the night. Do we want to keep a gap there?
124 ○ Leah: I think we can move the counting to the 23rd – no sense in having the delay and
125 multiple meetings
126 ○ **George Motion. Leah seconds. Vote 3-0.**
- 127 • Inclusion of language relating to putting the ballot box out earlier (Plan for the 2022 Election;
128 Election Procedures (5)).
129 ○ George: Based on Paul’s comments at Dec. meeting. Proposed language in the draft
130 would give Committee opportunity to put the ballot box out earlier than Election Day for
131 people to drop off ballots.

- 132 ▪ Talked briefly with Niles about this. There are a lot of options we'll be able to
133 explore and decide upon in terms of where the box is located, where its going in
134 the office, and how frequently we check the box.
- 135 ○ **George motions to include the proposed language. Paul seconds. Vote 3-0.**
- 136 ● Grace Period ("Nominations" Section)
- 137 ○ George: Proposal to add a grace period for the nominations and nominations materials.
- 138 ▪ Based on prior comments and input from the Council
- 139 ▪ I see 3 options – a) no grace period; b) a discretionary grace period ("the
140 Committee can approve a grace period upon request..."; or c) a fixed grace
141 period that applies to everyone
- 142 ○ Paul: Favor the discretionary period.
- 143 ○ George: Question about discretionary period – how would we want to vote on that and
144 for what reasons?
- 145 ○ Niles: Would need some established reasons for why to extend the grace period and say
146 we can extend based on a predetermined set of reasons (i.e. "The Committee can
147 approve, by a vote, a grace period for the following reasons: hospitalization, technical
148 issues, etc.).
- 149 ▪ Want to make it fair to everyone.
- 150 ○ Leah: I think we should do a 30 min. grace period for everyone. We don't want to show
151 preferred treatment.
- 152 ○ Paul: What do we do about a derecho? If there are long-lasting or major challenges?
- 153 ▪ Niles: General vs. specific situations. Emergencies would always take
154 precedence and we would be able to meet and make changes in that case.
- 155 ▪ George: My understanding is that is something where we'd wind up wanting to
156 vote to extend by a longer period. The grace period is for smaller, individual
157 items.
- 158 ○ **George motions to insert the language with a fixed/universal grace period. Paul
159 seconds. Vote 3-0.**
- 160 ● Vote Counting Procedures (Election Procedures Section 4)
- 161 ○ George: In the old draft, it has us checking ballot return envelopes dropped off on
162 Election Night to sort out the non-conforming envelopes prior to sending to the vendor.
- 163 ▪ Do we sort the non-conforming ourselves or send them to the vendor and let
164 them check for non-conforming?
- 165 ○ George: I favor striking that and we send all of the ballots to the vendor to check for non-
166 conforming. Ensures that all of them are being treated the same.
- 167 ▪ This is just about how the envelopes are handled prior to the determination of if
168 they are conforming. Sending them to the vendor is not us endorsing they are
169 conforming.
- 170 ○ All ballots (including non-conforming ballots) are returned to the Village after the
171 counting as part of our records keeping.
- 172 ○ **George: Motion to strike language in section 4 about us checking for non-
173 conforming on the night. Paul seconds. Vote 3-0.**
- 174 ● Changes to Section 3(b)(c)
- 175 ○ George: These changes take language that was in a parenthetical and convert them into
176 being lines in the draft.
- 177 ▪ Language about requirements for ballot return envelopes when looking for
178 conformity.

- 179 ○ **George: Motion to include proposed language. Leah seconds. Vote 3-0.**
- 180 • Vote Counting Procedures (Proposed Election Procedures Section 7(b))
- 181 ○ George: Proposed this language relating to us developing and agreeing to vote counting
- 182 procedures detailing how we count ballots and deal with objections/non-conforming in
- 183 very specific, very detailed steps.
- 184 ▪ Do we include this? Do we leave it and work off of assumed requirement that it
- 185 will be developed and approved? Do we put in more steps on this front into this
- 186 plan?
- 187 ○ Niles: we will have Vote Counting Procedures last year were approved by the Council.
- 188 ▪ Vote counting procedures are approved by the Council. That's how we did it last
- 189 year.
- 190 ▪ Committee develops and submits it to the Council.
- 191 ○ Discussion of new potential language identifying that the Committee will develop and
- 192 submit to the Council for approval.
- 193 ○ **George motions to include modified language. Leah seconds. Vote 3-0.**
- 194 • Opportunity to cure nomination materials (Nominations Section)
- 195 ○ George: Do we want to adopt a period for people to address issues in their nomination
- 196 materials?
- 197 ▪ We can look over the conflicts form or statement and see if there is an issue so
- 198 they can address it. We can figure out later if we do it on a rolling basis.
- 199 ○ Paul: I think we should have that provision. It's a small neighborhood and we want to
- 200 work together.
- 201 ○ Leah: I feel like we're already giving them a grace period.
- 202 ○ George: Agree that we're being flexible, so this makes sense.
- 203 ○ **George: Motion to give a grace period of 24 hours (which would extend past the**
- 204 **deadline for nomination materials) from when we give them notice to fix it. Paul**
- 205 **seconds. Vote 3-0.**
- 206 • Paul: I've received very pointed opposition to this version of the draft. I'd like to have some of
- 207 this input on the issues. What input should we or could we have from these people's comments?
- 208 They've spent a lot of time reviewing the materials. What can we do to address their concern?
- 209 ○ Do we approve this as a unit? Do we put an addendum on it?
- 210 ○ Should the Council be able to see what comments we received on these and others?
- 211 ○ We're making a determination on the comments that people have given
- 212 • George: I'm happy to hear those and address them as they come up.
- 213 ○ Paul: One example: Dec. 16 Committee Draft: Dec. 16 draft says they can be sent by any
- 214 means the voter finds convenient. New draft says we're using the Committee-approved
- 215 method. Resident concern is that we're limiting the means they can send in questions.
- 216 ▪ George: That was based on my memory of our earlier meeting in early Nov. that
- 217 we would want to clarify means based on record-keeping requirements.
- 218 ▪ Leah: Have no problem with that. Want to set forth what means we will accept.
- 219 Recording it in an accurate way.
- 220 • Paul: On the Hill, will have a minority report. That could work – send it to the Council with a
- 221 document that captures resident objections in one place so they can consider them.
- 222 ○ **George motion. Will make it available to send things to the Election Committee**
- 223 **inbox and then aggregate comments and send them to the Council. Give them one**
- 224 **week. Vote 3-0.**

- 225 • Niles discussion of timelines around the notice requirements for Council meetings and when this
226 is introduced in order for us to have enough time for adoption. Review is ongoing.
227 • **George motions to adopt Dec. 29 draft with the changes agreed to during this meeting as**
228 **version to submit to the Council. Paul seconds. Vote 3-0.**

229 9:12: Other Issues

- 230 • George will build meeting minutes for this meeting and for the meetings in early November
231 where we don't have draft minutes.
232 ○ Can approve Nov. 15 and Dec. meeting minutes, as those drafts are shared.

233 9:19 Resident Comments

- 234 • Peter Kahn expressed his objections to changes made to the timeline relating to the vote counting,
235 specifically relating to removal of time for curing of ballot envelopes. He expressed his
236 objections to changes to language relating to the voter roll, saying there was not a vote on that
237 issue. He expressed his summary of the prior Committee actions and expressed his belief that the
238 Committee was acting in bad faith by not going back to adopt those changes.
- 239 • Lynn Welle expressed his concerns about the drafting process and his belief that the entire draft
240 be made available to everyone in the Village.
241 ○ Andrew expressed that he did not foresee a problem with releasing the draft as soon as it
242 can be written up.
- 243 • Marty Langelan expressed her appreciation for the willingness to make the document available to
244 the public for review, but expressed her objection to other changes in the document, specifically
245 relating to the voter roll. She expressed her belief that the changes increase risk of inaccurate lists
246 and her stance that inaccurate lists lead to invalid elections. She expressed her concern about
247 burden on the staff relating to management of the voter roll. She expressed other concerns about
248 the proposed draft.
- 249 • Jean Sperling expressed her belief in the importance of the Committee communicating with the
250 Village residents. She expressed concern about the complexity of the process and suggested using
251 various tools to improve clarity and communications with the Village. She also expressed her
252 concern about the voter roll and highlighted the Village's proud history of allowing non-citizens
253 to vote.
254 ○ Niles noted that, under state law, anyone who is registered in Montgomery County is a
255 voter in Martins Addition, but that state law provides for a supplemental list, which is
256 how we continue to ensure non-citizens have the right to vote in VMA elections.
- 257 • Susan Kahn expressed her concerns relating to the curing of ballots, and expressed her support
258 that the Council would amend the plan to reinsert time to allow for curing of ballot envelopes.
259 She expressed her concern about what she sees as dismissiveness toward the former Chair of the
260 Election Committee. She expressed her hope that the Committee will continue to solicit input
261 from residents and past Committee members, and expressed frustration with the Council.
- 262 • Andrew expressed his appreciation for everyone for keeping things as civil as can be. He noted
263 the importance of refraining from attacks and ensuring communications with the whole
264 Committee for best results. He expressed his interest in addressing ambiguity in some issues, and
265 that the process was intended to ensure the Committee felt comfortable with its recommendations.
266 He expressed his interest in having more time to address curing of ballot envelopes, and noted
267 that nothing in the conversation made him feel as though anyone is trying to undermine the
268 election.

- 269 • Marty Langelan asked a question about if the Council intends to add new members to the
270 Committee
- 271 ○ Andrew noted that it hasn't been discussed by the Council, but he is happy to raise it.
- 272 • Marty expressed her appreciation for the opportunity for additional public comment and raised
273 concerns about the timing of the introduction/approval process.
- 274 • Niles noted that its an administrative question for the Council that he will address.
- 275 • Marty Langelan expressed her support for changing the meeting process to allow for public
276 comment on each topic/item, rather than only at the start and conclusion of meetings.
- 277 • Susan Kahn expressed her belief in the importance of communicating with the Committee Chair,
278 expressing concerns about communications in the leadup to the Dec. 16 Council meeting. She
279 expressed that “gotcha” moments are hurtful and waste time, and expressed her belief that
280 everyone should have an understanding of their role in the process.
- 281 • Andrew expressed his belief that there was not a “gotcha” moment at the Dec. 16 meeting and
282 that he noticed issued reading through the meeting packet.
- 283 • Katie Howard expressed her support for Andrew's statements and her belief that we should move
284 forward. She expressed that her approach has been to treat this as a draft process and ask
285 questions, and expressed that she did not mean to offend anyone. She expressed her appreciation
286 for everyone still on the call.

287 **10:12 Leah Motion to Adjourn. George seconds. Vote 2-0 (Paul absent).**