

**SPECIAL MEETING MINUTES**  
**Howard County Board of Elections**  
**8900 100 Parkway**  
**Columbia, Maryland 21045**  
**March 12, 2009**

Present:

Board:

Ann M. Balcerzak, President  
Donna K. Thewes, Vice-President  
Raymond M. Rankin Member  
Donna L. Rice, Alternate  
Charles M. Coles, Jr., Alternate  
Gerald Richman, Special Counsel

Staff:

Betty L. Nordaas, Election Director  
Guy Mickley, Deputy Director

Guests joined the reconvened Open Meeting at 5:34 PM:

Marc Norman, HCCOG Representative  
Attorneys' Walter Carson, Susan Gray, Paul Kendall,  
Bruce Marcus and Catherine Taylor

Ms Balcerzak reconvened the meeting at 5:34 PM and welcomed the above noted guests.

**President:** This Special Meeting was called to speak with Mr. Norman, as the representative of Howard County Citizens for Open Government (HCCOG), petition drive, opposing zoning matter addressed in CB58 - 2008. The Board wanted to give Mr. Norman the courtesy of addressing recent developments, related to the Petition open setting in lieu of just mailing a letter.

With the goal of ending the meeting by 6:15 PM, Mr. Norman was asked if he wished to address the Board first or following the President's statements. Mr. Norman elected to address the Board, following the President.

**President:** In conversations with Mr. Norman, on more than one occasion, it has be emphasized that the Board is charged with following the law, state guidelines and regulations. The Board, as well as guest attorneys, have become aware of a Case from the Court of Appeals. We have read the Case and Mr. Richman is our Counsel in this matter. The Case is Doe vs. Montgomery County. The section of that decision that affects us today, is how the Court has instructed Boards to verify signatures on petitions. It gives a more detail instruction for verifying signatures. Based on consultation and the advice of Counsel, the Board voted has voted unanimously to follow his advice.

Attorney Richman advised us to look at the initial 3100 signatures, in light of the criteria set forth in Doe. The mandate being, were there a sufficient number of signatures that met the legal requirements of the Doe Case? Ms. Nordaas, Director and Mr. Mickley, Deputy

Director, have gone back and looked at the signatures in accordance with the subject Case. It was determined that there were not a sufficient number (2500 legal signatures), to allow the extension of the Petition to get more signatures. The decision must and will be followed by the Board; because it is the law. President deferred to Attorney Richman.

**Atty. Richmond:** Questions from Mr. Norman and guest Attorneys were addressed by Counsel. The section of Doe under discussion was read verbatim. Specific document requests, challenges to staff actions and debatable discussion, prompted by Mr. Normans Attorneys' Walter Carson and Paul Kendall, were responded to. Throughout the discussion and in conclusion it was emphatically stated that any and all actions taken were taken because "it was and is the law!"

Question for the Record: Did staff "look at the date signatures were placed on the Petitions and compare those dates with the date the Doe case was decided?" Ms. Nordaas shook her head, indicating "no".

**Atty. Kendall:** Stated for the record – If you had reviewed the Doe decision on the 20<sup>th</sup> you could have told us what the decision said and what criteria would be using, and that would have informed (us) to be...guide the people getting all the signatures to make sure they signed it using their initials and all the various criteria that are now being used to reject all those signatures. That is what is principally unfair about what's going on this evening.

**President:** Ms. Balcerzak thanked Mr. Kendall and had Ms. Nordaas to give copies of the letter notifying Mr. Norman of the Board's "final" Decision and prepared press release to all guest. The meeting was deemed to be ended. There being no further business, Special Meeting adjourned at 7:50 PM.

Respectively submitted,

*Vivian L. Dixon 7 July 2009 Ann M. Balcerzak 7 July 2009*

Vivian L. Dixon, Board Secretary

Ann M. Balcerzak, President