Here, the Board of Elections asserts that four of the meetings—those that took place on June 20 and July 9, 2024, and on January 15 and June 18, 2025—involved the performance evaluation of the election director. We have long said that a public body performs an administrative function when it evaluates the performance of someone the body supervises. *See, e.g.*, 3 *OMCB Opinions* 218, 221 (2002) (concluding that a public body was performing an administrative function when it "considered the performance of certain employees")[4]; 11 *OMCB Opinions* 12, 15 (2017) (noting that, "[o]ften, a public body, when charged with making an appointment, . . . is merely administering its statutory duty when it evaluates its employees"). The Board of Elections is statutorily required to appoint an election director, Md. Code Ann., Elec. Law § 2-202(b)(2), and "the power to appoint generally carries with it the power to remove," *e.g.*, 68 *Opinions of the Attorney General* 315, 316 (1983). Thus, we agree that, when the Board of Elections was evaluating the performance of the election director, the body was performing an administrative function; and because the closed sessions involved no other business, those sessions generally were "not subject to the Open Meetings Act." 3 *OMCB Opinions* 159, 161 (2001) (concluding that a local school board, responsible for appointing a superintendent, implicitly had "oversight responsibility for the school superintendent's performance," and the board was performing an administrative function when it was evaluating the superintendent's performance).

The Board of Elections asserts that a fifth meeting—on August 12, 2025—also involved the performance of an administrative function, specifically the discussion of "the findings of a personnel investigation and the conduct of that particular employee." The Board asserts that it is "required to conduct employee investigations for pertinent employees over which it has authority pursuant to the State Personnel and Pensions Article." But the Board has cited no specific provisions of law that it was allegedly administering; thus, we are unable to determine whether the August 12 meeting involved the performance of an administrative function.

For the four meetings that *did* involve the performance of an administrative function, the Board did not have the same obligations with respect to public disclosures. As already noted, the Act's openness requirements generally do not apply to meetings that are administrative in nature. Thus, for these four meetings, the Board of Elections was not required to prepare a written closing statement. *See, e.g.*, 9 *OMCB Opinions* 206, 214 (2015) (recognizing that a public body acted "prudently" in preparing a written closing statement for a closed session to perform an administrative function, given some uncertainty about the scope of the exclusion, but concluding that the body was not required to do so). Although the Board apparently did so anyway, "we have never said that, if the Act does not apply, a public body nonetheless violates the law if the body voluntarily

[4] Before 2006, our opinions used the term "executive function," but that term has since been replaced, without substantive change, by "administrative function." *See* 2006 Md. Laws, ch. 584.