(iv) a listing of the topics of discussion, persons present, and each action taken during the session.

We find that the minutes failed to include all these details. Although the minutes disclose the time of the closed session and specify that no action was taken, they do not make clear where the closed meeting took place, who was present, the citation of authority that authorized the closure, the topics of discussion, or the purpose of discussing these topics behind closed doors. To be sure, the minutes indicate that the closed session involved "personnel matters." But as we have previously stated, a public body may not, as the Board of Elections did here, "merely paraphras[e] the applicable statutory exemption." 6 *OMCB Opinions* 171, 174 (2009). We thus find a violation of § 3-306(c)(2).

As for the August 12, 2025, meeting, we are not sure whether the closed session was administrative in nature and, thus, whether § 3-104 or § 3-306(c)(2) applied. Regardless, we find a violation of the Act. Although the Board asserts that its internal records reflect that minutes were prepared, the Board has been unable to locate them. Thus, we cannot determine whether the minutes contained the necessary content, but we find that the Board of Elections violated § 3-306(e)(1), which requires a public body to retain minutes for at least five years.

B. Preparing and posting minutes online

In her second complaint, the Complainant alleges that the Board of Elections violated the Act by failing to prepare and "make publicly available" minutes for meetings that took place on October 4 and 8, 2024, and on August 12, 2025.

This allegation implicates two different obligations that a public body has with respect to meeting minutes. First, "as soon as practicable after a public body meets, it shall have minutes of its session prepared." § 3-306(b)(1).[6] Second, the public body must, "[t]o the extent practicable," post those minutes online. § 3-306(e)(2).

As already noted, the Board asserts that it prepared minutes for the August 12, 2025, meeting but has been unable to locate them, for which we have already found the Board in violation of the retention requirement of § 3-306(e)(1). The Board represents that the same is true with respect to the October 4, 2024, meeting minutes. We thus find another violation of § 3-306(e)(1).

[6] "A public body need not prepare minutes of an open session if: (i) live and archived video or audio streaming of the open session is available; or (ii) the public body votes on legislation and the individual votes taken by each member of the public body who participates in the voting are posted promptly on the Internet." §3-306(b)(2).