Regarding the October 8, 2024, meeting, the Board of Elections has provided us a link to the minutes online.[7] We thus find no violation based on the allegation that the Board failed to prepare or post minutes of the October 8 meeting online.[8]

*C. Allegedly improper closed sessions*

Finally, the Complainant alleges that the Board of Elections violated the Act by improperly invoking the personnel matters exception of § 3-305(b)(1) to meet in closed sessions to "discuss and approve elections judges."[9]

As already noted, the Act generally requires a public body to meet in open session unless the body is performing a function that is not subject to the Act's openness requirements, or the body properly invokes one of the fifteen exceptions in § 3-305(b). Here, the Board asserts that it properly invoked the personnel matters exception and, alternatively, that the Board was performing an administrative function.

We begin with the Board's second contention—that the closed sessions involved the performance of an administrative function—specifically, the administration of § 10-203 of the Election Law Article. That provision states:

> The election director, *with the approval of the local board*, shall appoint the election judges for each polling place for a term that begins on the Tuesday that is 13 weeks before each statewide primary election.

Md. Code Ann., Elec. Law § 10-203(a) (emphasis added). The Board of Elections says that it was administering this provision in the closed sessions and, thus, performing an administrative function.

We disagree. Although a public body performs an administrative function when the body *itself* makes an appointment or engages in certain preliminary discussions leading up to that appointment, 19 *OMCB Opinions* 56, 61 (2025), the body performs a *legislative* function when it "consider[s] the confirmation of an appointment made by someone else," 2 *OMCB Opinions* 45, 47 (1999) (emphasis); *accord* 1 *OMCB Opinions* 123, 125 (1995)

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[7] *See* https://www.talbotcountymd.gov/uploads/File/Electionboard/Minutes-Agendas/EB_2024.10.08_Minutes.pdf (last visited Jan. 12, 2026).

[8] In a reply, the Complainant did not dispute that the minutes had been prepared and posted online but asserted that "the posted minutes reveal" other "compliance problems." We do not address allegations raised for the first time in a reply. *See, e.g.*, 19 *OMCB Opinions* 152, 156 (2025).

[9] The Complainant alleges that the Board of Elections improperly invoked the personnel matters exception to close meetings on January 25, March 20, April 17, and September 18, 2024. The Board did not, however, invoke that exception for the March 20 meeting. Thus, we focus our attention on the three other closed sessions.