

State Board of Elections Policy 2015-001

Policy for Electronic Participation in Meetings adopted February 4, 2015

PURPOSE: To establish a policy that provides for the State Board of Elections to properly conduct meetings with the electronic participation of its members.

REFERENCES: Va. Code §§ 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3711, 2.2-3712

GENERAL REQUIREMENTS AND POLICY ESTABLISHMENT

Board members may participate by electronic means in a meeting of the Board under the following conditions:

- The means of electronic participation permits simultaneous communication;
- The meeting complies with all other requirements of the Virginia Freedom of Information Act; and
- Subsequent to its adoption by the majority of the Board, this policy is posted on the website normally used for notice of public meetings.

ACTION DURING THE MEETING

When a meeting with electronic communication is conducted, the Board must comply with the following guidelines:

- A quorum of two members of the Board must be physically present at the meeting place; and
- Any disapproval of a member’s participation from a remote location shall be recorded in the minutes with specificity. Votes must be taken by roll call.

MEMBER ATTENDANCE REQUIREMENT

- Annually, each member of the Board may participate remotely in 25% of the meetings of the electoral board or two meetings if the board meets more than eight (8) times. Each member must physically attend at least 75% of meetings annually.

DOES NOT AFFECT EXECUTIVE SESSIONS

- This policy does not affect the Board’s right to exclude the public from an executive session in which a member participates by electronic communication.

DECLARED EMERGENCIES

The Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and

the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the Board shall

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;
- make arrangements for public access to the meeting;
- make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board and that have been made available to the Department of Elections staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- recorded minutes of the meeting; and
- record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes of the meeting.

If the Board meets by electronic means as provided in this section, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

- the total number of electronic communication meetings held that year;
- the dates and purposes of the meetings;
- the number of sites for each meeting;
- the types of electronic communication means by which the meetings were held;
- the number of participants, including members of the public, at each meeting location;
- the identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
- a summary of any public comment received about the electronic communication meetings;
- and
- a summary of the Board's experience using electronic communication meetings, including its logistical and technical experience.

Effective Date: February 5, 2015