Floyd County, Virginia Electoral Board Policy for Electronic Participation in Meetings

PURPOSE: To establish a policy that provides for the Electoral Board 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

The policy must be applied strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

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

- Subsequent to its adoption by the majority of the Board, this policy is posted on the website normally used for notice of public meetings;
- On the day of or the day before the meeting, a member of the body notifies the Chairperson that he or she will be unable to attend;
- The means of electronic participation permits simultaneous communication;
- The voice of the remote participant can be heard by all persons at the primary meeting location; and
- The meeting complies with all other requirements of the Virginia Freedom of Information Act.

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 approve the third member's participation by electronic means;
- The participation by electronic means must be noted in the minutes;
- Any disapproval of a member's participation due to violation of conditions of the policy must be recorded in the minutes with specificity; and
- All votes must be carried out and recorded by roll call.

MEMBER ATTENDANCE REQUIREMENT

- Each member of the Board may participate remotely in two meetings per calendar year.
- Participant's remote location need not be open to the public.

DOES NOT AFFECT CLOSED SESSIONS

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

DECLARED EMERGENCIES

The Electoral 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 Electoral Board shall:

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Electoral 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 Electoral Board and that have been made available to the Board's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- record 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 Electoral 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 Electoral 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 Electoral Board's experience using electronic communication meetings, including its logistical and technical experience**.**

Approved by the Floyd County, Virginia Electoral Board – January 4, 2024