

Goochland County Electoral Board

~~DRAFT~~ Minutes 3/2/2016

RKL

The Goochland County Electoral Board convened at 9:05 am in the Director of Elections' conference room. Present: Chair Keith Flannagan, Vice Chair Wanda Taylor, Secretary Robin Lind, and Director of Elections Frances Ragland.

The Chair was recognized as having being reappointed to the board for a regular three-year term beginning February 29 and continuing through February 28, 2019. His letter of appointment is hereby incorporated in these minutes.

Discussion ensued on the importance of further recruitment of officers of election and the need for alternates to be available for service in the November presidential election.

On a motion by the secretary, seconded by the vice chair, the board voted unanimously to instruct the director of elections to have the Electronic Poll Book thumb drives used in the March 1 Primary election copied by IT staff to ensure preservation of party preference participation.

Discussion ensued on anomalies in the screen presentation on EPBs during the primary. The director elections reported that discussions and review was already underway with the vendor. Further discussion ensued about the possible upgrade of all EPBs to Windows 10 operating system before next November.

Canvass of primary election results commenced at 9:15 am.

At 9:20 the board recessed to provide time for the director of elections to deliver EPB thumb drives to the IT staff for copying.

At 9:30 the canvass resumed.

On the recommendation of the director of elections four provisional ballots were unanimously accepted by the board and results added to the machine tallies.

Upon query of a possibly improper vote cast by a voter who may not have been registered the board directed the director of elections to conduct a further investigation for possible referral to the Commonwealth's Attorney.

In a review of ballot count sheets turned by several precincts the board voted unanimously to adopt, as policy, the requirement that Precinct Chiefs insist on the use of provided forms and to emphasize that requirement during training.

The board further voted unanimously to require, as policy, that voter IDs submitted for Outside Poll voting be retained by the Officers of Election until the returned

ballot has been successfully read by the optical scanner, and only then returned to the voter.

At 11:18 the board recessed to help load ballots for transportation to the Clerk's office,

At 11:30 the canvass resumed.

The canvass of results was completed at 12:30 and a copy of the county-wide vote tallies is included with these minutes.

When the canvass had been completed and double-checked, the board addressed incident reports and directed the secretary to draft letters of response to voter complaints that had been received.

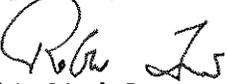
The secretary described seeing an exit poll pad beside a chair stationed beyond the 40-foot prohibited zone at the Blair Precinct but was unable to speak to the exit poll observer. Photographs of two pages of questions are attached to these minutes as a matter of historical interest.

The secretary reported that, in his role as legislative director for the Virginia Electoral Board Association, he has been asked to facilitate a meeting with Del. Rich Anderson to discuss potential legislation for 2017 regarding electronic signatures on Absentee Ballot applications.

The secretary said he would be unable to attend the scheduled May 2 regular meeting and the board agreed that, since June primaries do not appear to be necessary, that meeting will be cancelled.

There being no further business the voted unanimously to adjourn at 12:42 pm.

Respectfully Submitted,


Robin Lind, Secretary

2.2-3708: no ...meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

B. Except as provided in subsection G or H of this section or subsection D of § 2.2-3707.01, state public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subsection C, and (iii) the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location.

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of a public body as authorized under subsection A shall be

only under the following conditions:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, 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;
2. A quorum of the public body is physically assembled at the primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

§ ~~24.2-106~~. ~~At least one~~ *Each* member of the electoral board shall attend an annual training program provided by the State Board *during the first year of his appointment and the first year of any subsequent reappointment.*

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