Electoral Board
Isle of Wight County Virginia
03 April 2024

The Electoral Board of Isle of Wight County held its regularly scheduled meeting on Wednesday, 03 April 2024 at the General Registrar's Office at IOW Courthouse. The Chairman called the meeting to order at 2:01 PM. Members present were Inetha Holmes (Chairman), Rod Hallum (Vice Chairman), Geoffrey McFather (Secretary), and Lisa Betterton (Director of Elections (DE)/General Registrar (GR)).

The minutes of the 06 March 2024 and 11 March 2024 Presidential Primary Election Canvas were discussed. Motion was made, seconded, and unanimously approved to accept the minutes following the addition of a couple of small clarifications. Once the corrections have been entered and the minutes signed by the Electoral Board Members, the minutes will be delivered to the DE for filing.

Secretary's Report.

1. The Secretary advanced a motion that the Electoral Board adopt an *Electronic Participation Policy* consistent with the Virginia Code. The motion was offered, seconded, and opened for discussion prior to a vote. Following a lively discussion, the motion was called and voted upon. The motion passed by a vote of 2 in favor and 1 opposed. Accordingly, the Isle of Wight County Electoral Board *Electronic Participation Policy (EPP)* was adopted and is attached to these Minutes as Attachment A.
2. The Secretary provided a very brief Annual VEBA Meeting topics and discussion update to the EB and Registrar. Topics discussed included Ranked-Choice Voting, Risk-Limiting Audits, Recounts, and more. The Vice Chairman also related a VEBA discussion regarding the Registrar's delivery of Precinct Envelope 2A to the Clerk of the Circuit Court on election night. The Vice Chairman also advised the EB and Registrar that, for obvious security reasons, staff needs to acquire new envelope seals/stickers that cannot be opened without physically breaking the seal.

Motion was made, seconded and a unanimous vote rendered to accept the Secretary's Report as delivered.

General Registrar's Report.

1. The GR provided the Electoral Board with a list of the important dates for Registrar activities leading up to the June 2024 Primary and the following Canvas.
2. The GR reminded the Electoral Board that the 2024 Security Report must be largely finalized during the remaining days of April. The Electoral Board and the County Administrator must be prepared to sign the final certification document at the May EB Meeting so the GR can transmit the certification to the State Board of

Elections. The Vice Chairman and the GR continue to liaise with the County IT Lead (Jason Gray) regarding the proper documentation of the Security Report.

Motion was made, seconded and a unanimous vote rendered to accept the General Registrar's Report as delivered.

New Business.

1. None this month.

Old Business.

1. The Secretary reported to the EB that he communicated with the Mayor of Smithfield and to the Smithfield Town Manager to determine who was appointed to fill each of the vacated Smithfield Town Council positions. The Town Manager reported that James Collins was appointed to serve the remainder of Wayne Hall's term and Reynard Gibbs was appointed to serve the remainder of Renee Rountree's term. Wayne Hall's term will have 2 more years remaining as of the November 2024 General Election. Renee Rountree's term will end with the November 2024 General Election.

Good of the Order.

1. None this month.

There being no further business, meeting adjourned by motion and second at 2:54 PM

Inetha Holmes, Chairman Rod Hallum, Vice-Chairman Geoff McFather – Secretary

ATTACHMENT A

The following is the remote or ***Electronic Participation Policy*** of the Isle of Wight County Electoral Board (IOW EB).

Member Remote Participation

Individual IOW EB members may participate in meetings of IOW EB by electronic communication means as permitted by applicable law, including § 2.2-3708.3 of the Code of Virginia.

This shall apply to the EB without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Whenever a member wishes to participate from a remote location, the law requires a quorum of IOW EB to be physically assembled at the primary or central meeting location.

Virtual Meetings

IOW EB may hold all-virtual public meetings to the full extent permitted by applicable law, including Virginia Code § 2.2-3708.3(C), but may not be held consecutively with another all-virtual public meeting.)

Requests

Requests for remote participation or that IOW EB conduct an all-virtual public meeting shall be conveyed to Registrar staff who shall then relay such requests to the Chair of the IOW EB.

The Chair shall approve individual participation from a remote location unless a member asserts that such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.). If a member's participation from a remote location is challenged, then IOW EB shall vote whether to allow such participation.

The request for remote participation or that IOW EB conduct an all-virtual public meeting shall be recorded in the minutes of the meeting. If IOW EB votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by law (see Va. Code §§ 2.2-3707 and 2.2-3708.3), depending on the type of remote participation or all-virtual public meeting.

Electronic Participation Policy

When a meeting is scheduled to be held in person, there are four circumstances set out in subsection B of § 2.2-3708.3 where individual members of IOW EB may participate from a remote location instead of participating in person. In order to use these provisions, the member must notify the chair of the public body of one of the following four reasons for remote participation:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

The limitations to two meetings per calendar year or 25 percent of the meetings held per calendar year does not apply to the first three types of remote participation (member's disability or medical condition, need to provide medical care for a family member or principal residence distance from the meeting location), it only applies when the member participates due to personal matter.

Additional Explanation of Current Requirements for Minutes

- If an individual member remotely participates in a meeting, a general description of the remote location must be included in the minutes (it does not need to be an exact address— for example, the minutes might read that "[Member] participated from his home in [locality]" or that "[Member] participated from her office in [locality]."). The remote location does not have to be open to the public.

- If a member remotely participates due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance,

that fact must be included in the minutes. While the fact that a disability or medical condition prevents the member's physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition.

• If a member remotely participates because the member's principal residence is more than 60 miles from the meeting location, the minutes must include that fact.

• If a member remotely participates due to a personal matter, the minutes must include the specific nature of the personal matter cited by the member.

• As stated above, if remote participation by a member is disapproved because it would violate the participation policy adopted by the public body, such disapproval must be recorded in the minutes with specificity. Note that even if remote participation is disapproved, the member may continue to monitor the meeting from the remote location but may not participate and may not be counted as present at the meeting.

Examples of disability or medical condition that prevents physical attendance:

• Temporary hospitalization or confinement to home;

• Contagious illness; or

• Any temporary or permanent physical disability that physically prevents travel to the meeting location.

Examples of personal matters that may prevent physical attendance:

• Flat tire or other mechanical failure on the way to the meeting;

• Traffic congestion or stoppage;

• Personal, family, or business emergency;

• Blizzard, flood, or other severe weather conditions that prevent travel to the meeting location;

• Business trip;

• Family trip; or

• Scheduling conflict.

Additional Explanation of Current Requirements for All-Virtual Meetings

The provisions under Virginia Code § 2.2-3708.3(C) and the following must be met for allvirtual meetings.

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded

up to the next whole number, whichever is greater, or (ii) consecutively with another allvirtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to these requirements is disapproved because such participation would violate the policy adopted pursuant to subsection D of § 2.2-3708.3, such disapproval shall be recorded in the minutes with specificity.

If an individual member had already reached his limit on participation due to personal matters, but the public body scheduled an all-virtual public meeting, the member could still participate in all virtual public meeting because these numerical limits are counted separately for the different types of electronic meetings.