THE FAIRFAX COUNTY ELECORAL BOARD POLICY FOR ALL-VIRTUAL PUBLIC MEETINGS

1. AUTHORITY AND SCOPE

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Fairfax County Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

c. This policy must be reviewed and readopted annually. Va. Code § 2.2-3708.3(D).

d. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. See Va. Code § 2.2-3708.3(D).

2. DEFINITIONS

a. "**BAC**" means the Fairfax County Electoral Board or any committee, subcommittee, or other entity of the Fairfax County Electoral Board.

b. "**Member**" means any member of the Fairfax County Electoral Board.

c. "**All-virtual public meeting**" means a public meeting conducted by the Fairfax County Electoral Board using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.

d. "**Meeting**" means a meeting as defined by Va. Code § 2.2-3701.

e. "**Notify**" or "**notifies**," for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.

3. WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED

An all-virtual public meeting may be held under the following circumstances:

a. It is impracticable or unsafe to assemble a quorum of the Fairfax County Electoral Board in a single location, but a state of emergency has not been declared by the Governor or Fairfax County Board of Supervisors; or

b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and

c. The Fairfax County Electoral Board has not had more than two all-virtual public meetings, or more than 50 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and

d. The Fairfax County Electoral Board's last meeting was not an all-virtual public meeting.

4. PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING

a. The Fairfax County Electoral Board may schedule its all-virtual public meetings at the same time and using the same procedures used by the Fairfax County Electoral Board to set its meetings calendar for the calendar year; or

b. If the Fairfax County Electoral Board wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Fairfax County Electoral Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

5. ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS

The following applies to any all-virtual public meeting of the Fairfax County Electoral Board that is scheduled in conformance with this Policy:

a. The meeting notice indicates that the public meeting will be all-virtual and the Fairfax County Electoral Board will not change the method by which the Fairfax County Electoral Board chooses to meet without providing a new meeting notice that comports with VFOIA;

b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Fairfax County Electoral Board

c. Audio-visual technology, if available, is used to allow the public to see the members of the Fairfax County Electoral Board;

d. When audio-visual technology is available, a member of the Fairfax County Electoral Board shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is

voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

e. A phone number, email address, or other live contact information is provided to the public to alert the Fairfax County Electoral Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the Fairfax County Electoral Board takes a recess until public access is restored.

f. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Fairfax County Electoral Board.

g. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and

h. There are no more than two members of the Fairfax County Electoral Board together in one physical location.

6. RECORDING IN MINUTES:

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

7. CLOSED SESSION

If the Fairfax County Electoral Board goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.