

NELSON COUNTY ELECTORAL BOARD

Meeting Minutes

February 2, 2021

I. Call to order

Chairman Bailey called to order the regular meeting of the Nelson County Electoral Board at 10:44 am on February 2, 2021 at the Old Board of Supervisors Room in the Courthouse.

II. Roll call

Chairman Bailey conducted a roll call. Present: Don Bailey, Chairman; Linda Hughes, Vice Chairwoman; Susan Greene, Secretary; Jacqueline Britt, Director of Elections; and Jacquelynne Harris, Assistant Registrar as attendee.

III. Approval of minutes from previous meetings

The minutes from November 2, 2020, November 4, 2020 and November 6, 2020 were approved as presented.

IV. Old Business

A. Electoral Board member Update and Training

Electoral Board member Susan Greene has been reappointed for another term which will run through December 2023. The Board voted unanimously to appoint Don Bailey as Chairman, Linda Hughes as Vice Chairwoman, and Susan Greene as Secretary. Training courses for Electoral Board members are being offered online through ELECT, and VEBA is offering an in-person daylong training with an online option.

B. November General Election De-brief

A number of new laws, policies and guidelines were rolled out prior to the election and things ran smoothly, especially in the midst of the pandemic. There was an unprecedented number of voters including a high volume of people who voted early. Staffing of poll workers during in-person Early Voting hours was critical to running the No Excuse/Early Voting portion of the election successfully.

C. Budget Update

The Electoral Board Budget request for 2021 was submitted. Increased funds are requested for the following: temporary staffing of poll workers to handle in-person voters during the 45 day period before the November 2021 election; postal services to cover the increased cost of absentee voting; office supplies to cover expenses of No Excuse/Early Voting; and replacement/upgrade of voting machines and equipment to meet the State mandated certification changes for 2021. The Board reviewed the Summary of Capital Needs and Estimated Costs for the Nelson County Registrar and Electoral Board 2021-2025.

D. Electronic Meeting Policy

The Board reviewed a draft to establish a policy that provides for the Electoral Board to properly conduct meetings with electronic participation of Board members if

needed. This includes having one member of the Board participate via conference call if he/she is unable to attend in person and having access to remote meetings using Zoom if the Board is unable to meet in person.

Secretary Greene moved that the Board approve the Electronic Meeting policy. The motion was seconded by Vice Chairwoman Hughes and unanimously approved by the Board. Chairman Baily moved to approve the purchase of a pro-level Zoom package. The motion was seconded by Secretary Greene and unanimously approved by the Board.

V. New Business

A. Legislative update

The Board reviewed the list of bills that are slated for the 2021 Legislative session.

B. Risk Limiting Audit

There will be a state-wide risk limiting audit of the November 2020 election which will begin on February 16. The audit is a random draw regarding which locations are involved and the number of ballots that are submitted.

C. 2021 Equipment Certification Standards

The Board reviewed ELECT's new voting machine certification changes. The requirements affect the TM's, Election Manager and tabulation Software.

D. EPB Demo

The board discussed the upcoming State Board certified standards for voting equipment and electronic pollbook equipment and software. The EPB demo is to be scheduled within the next few months

E. Officer of Election Appointment

Chairman Bailey moved that the Electoral Board of Nelson County go into closed session of the meeting as authorized in subsection A of § 2.2-3711, applicable exemption from open meeting requirements to discuss a personnel matter and that the Director of Elections and Assistant Registrar be allowed to remain in the room. The motion was seconded by Secretary Greene and unanimously approved by the Board. The Board went into closed session at 11:55 am.

At 12:19 pm Chairman Bailey moved that the closed meeting of the Nelson County Electoral Board stand adjourned. The motion was seconded by Secretary Greene and unanimously approved by the Board. At 12:20 pm Chairman Bailey moved that the meeting of the Nelson County Electoral Board reconvene in open session. The motion was seconded by Vice Chairwoman Hughes and unanimously approved by the Board and a roll call was taken to certify the closed meeting. All members of the Board were present and each Board member certified that to the best of that member's knowledge, the meeting heard, discussed and considered only the personnel matter.

VI. Good of the Order

A. 2021 Deadline Calendar

The 2021 deadline calendar for June and November elections was reviewed. The calendar can be viewed on the Department of Elections website.

B. Voting Systems Security Plan

Board members were given a copy of the Nelson County Voting Systems Security plan to be reviewed and discussed at the next meeting.

VII. Adjournment

The Board voted unanimously to adjourn at 12:31 pm. The next scheduled meeting is Wednesday, April 14th at 10:00 am.

Approved: April 14, 2021

Electoral Board Policy for Electronic Meeting Participation

PURPOSE: To establish a policy that provides for the Electoral Board (the Board) to properly conduct meetings with electronic participation of Board members.

REFERENCES: Va. Code §§ 24.2-107, 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 permit 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 REQUIRED:

Annually, each member of the Board may participate remotely in 25% of the meetings of the Board or a maximum of two (2) meetings if the Board meets more than eight (8) times. Each member must physically attend at least 75% of meetings annually.

NO EFFECT ON EXECUTIVE SESSIONS:

This policy does not affect the Board's right to enter into executive session, or to appropriately exclude public participation during such executive session, during a meeting in which one or more members are participating remotely in accordance with the adopted policy.

DECLARED EMERGENCIES:

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

- (i) the nature of the declared emergency makes it impracticable or unsafe for the Board to assemble in a single location;

- (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Board and the discharge of its lawful purposes, duties, and responsibilities;
- (iii) the Board shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ [2.2-3707](#) and [2.2-3707.1](#) of the Code of Virginia; and
- (iv) the Board shall distribute minutes of a meeting held pursuant to this subdivision to the public by the same method used to provide notice of the meeting.

The Board, when convening a meeting in accordance with this subdivision, shall:

- a) Give notice to the public using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Board conducting the meeting;
- b) Make arrangements for public access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public with an opportunity to comment; and
- c) The Board must otherwise comply with the provisions of § [2.2-3708.2](#) of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the Board.