

1 **HANOVER COUNTY ELECTORAL BOARD**

2 **MEETING MINUTES**

3 **Hanover County Government Center Wickham Building,**

4 **7497 County Complex Rd, Hanover, VA 23069**

5 **Feb 6, 2026**

6 **Present:**

7 **Board Members:** Margaret J. “Peggy” Lavinder, Michael C. Carter, Scott O. Konopasek.

8 **Staff members:** Director of Elections/General Registrar Teresa ‘Teri’ Smithson, Chief Deputy
9 Registrar, Aimee Wilson.

10 **Guests:** Deputy County Attorney Leah Dubuisson Han, and Information Technology
11 Infrastructure Division Director, Jeff Waters

- 12 1. Call to Order by Chair Peggy Lavinder at 10:00 AM Pledge of Allegiance
- 13 2. Public Comment - none
- 14 3. Approval of Minutes from Nov. 5, 2025 Electoral Board Meeting. Mr. Carter made
15 motion to approve minutes as written and submitted. Motion passed. Mr. Konopasek did
16 not vote as he was not on the Board at that time.
- 17 4. Recognition of visitors present for specific business. Leah Dubisson Han, presented
18 training/overview of Freedom of Information Act as it relates to Electoral Board duties,
19 Supplied EB members with copy of VaFOIA as required. Jeff Waters to present later in
20 the meeting.
- 21 5. Reorganization of the Electoral Board for 2026
22 Motion by Mr. Konopasek to reorganize the Electoral Board as follows;
23 Chair-Michael C. Carter (R)
24 Vice Chair-Scott O. Konopasek (D)
25 Secretary-Margaret J. ‘Peggy’ Lavinder (D) Motion passes 3-0.
- 26 6. Reports of Registrar and Staff
27 -Calendar Review- related to planning for scheduled (possibly subject to change as
28 litigation is ongoing)-April 21st Election. Arrangements are set to work around
29 renovations occurring in Wickham Building where early voting takes place. Estimated
30 completion of renovation is July 2026.
31 -Election Staffing report from Aimee Wilson gave overview of staffing (sufficient),
32 reports lots of current interest in serving as EOs from applicants.
33 -Legislative Overview from Teri Smithson. Staff is monitoring and implementing as laws
34 are signed by the Governor.
- 35 7. Old Business-none
- 36 8. New Business
37 a. Mr. Konopasek made a motion to have Ms. Smithson, her staff along with County
38 Attorney’s staff draw up/combine Electoral Board Rules Document to include:
39 required Delegation of Duties, an Electoral Board Member Meeting Remote
40 Attendance Policy, Rules for Public Comment. Motion passes 3-0

41 Board Chair Mike Carter called for recess. 11:10 AM

42 Board Chair Mike Carter calls for return from recess. 11:20 AM

43 b. Security Review-at 11:20 AM, Ms. Lavinder motioned to go into Closed Session,
44 pursuant to Code of Virginia 2.2- 3711 (A) (34) for the purpose of discussing
45 protocols for maintaining security of the election process and election office. The
46 motion passed 3-0.

47
48 At 12:16 PM Ms. Lavinder moved that the Electoral Board certify that, to the best of each
49 member's knowledge, only those public business matters lawfully exempt from the open
50 meeting requirements pursuant to subdivision (A) (34) of Section 2.2-3711 of the Code of
51 Virginia were hear, discussed or considered in the close session. The motion was
52 approved unanimously.

53
54 At 12:21 PM Ms. Lavinder moves to adjourn. Motion passes 3-0.

55
56
57 Respectfully submitted,
58 Margaret J. 'Peggy' Lavinder
59 Secretary, Hanover County Va Electoral Board

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61
62 _____
63 Michael C. Carter, Chairman

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65 _____
66 Scott O. Konopasek, Vice Chairman

67
68 _____
69 Margaret J. Lavinder, Secretary

Electoral Board of Hanover County

Board Member TRAINING

February 2026

VIRGINIA FREEDOM OF INFORMATION ACT

Virginia Code §§ 2.2-3700 *et*
seq.



Your Role

- Read Statutes
- Recognize FOIA requests sent to you only
- Realize casual chats/e-mail exchanges among Board members can become “meetings”
- Realize when you might have a conflict of interest
- Be willing to contact Registrar or Counsel with questions

Policy



ACCESS TO PUBLIC RECORDS



ACCESS TO PUBLIC MEETINGS

RECORDS ~ Key Points

"Public records" means **all writings and recordings** that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and **regardless of physical form or characteristics, prepared or owned by, or in the possession of** a public body or its officers, employees or agents in the **transaction of public business**.

Virginia Code § 2.2-3701. Definitions

RECORDS ~ Key Points, *cont.*

- All public records shall be open to citizens of the Commonwealth and media with circulation in or broadcasting in or into the Commonwealth.
- Provide *access* to records or *copies* of records (requestor's choice)
- Request shall identify the records with reasonable specificity.
- Public body must respond within five days.

Virginia Code § 2.2-3704

RECORDS ~ Key Points, *cont.*

- Records that are not prepared for or used in the transaction of public business are not public records.
- The VFOIA does not create an obligation to *create* a new record if the requested record does not exist.
- A request for records **does not have to be in writing and does not have to reference FOIA.**

RECORDS ~ Key Points, *cont.*

Certain records are ***exempt*** from disclosure under VFOIA, including:

- Personnel documents. [Va. Code § 2.2-3705.1(1)].
- Various documents providing legal advice or related to litigation. [Va. Code § 2.2-3705.1(2) & (3)].
- Records that describe protocols for maintaining the security of ballots or voting and counting equipment, or reveal the results of risk assessments of specific local electoral procedures, the release of which would compromise the security of any election [Va. Code § 24.2-625.1 (A)].
- Records recorded in or compiled *exclusively* for use in closed meetings. [Va. Code § 2.2-3705.1(5)].

MEETINGS ~ Key Points

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication...**as a body or entity**, or as an **informal assemblage** of (i) **as many as three members** or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.....

Virginia Code § 2.2-3701

*Electoral Board Exceptions

Two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice of the meeting to all board members.

The presence of two or more board members while:

- Ballots, election materials, or voting equipment are being prepared;
- Current or potential polling places are being inspected;
- Election officials are being trained; or
- A telephone call between two board members preparing for a meeting

Shall not constitute a meeting provided that no discussion or deliberation takes place that would otherwise constitute a meeting

Virginia Code § 24.2-107

MEETINGS ~ Key Points, *cont.*



Notice of meetings must be posted in accordance with specific requirements



Minutes must be taken



Closed sessions are only permitted for specific reasons



Official actions can be taken only in open sessions

MEETINGS ~ Key Points, *cont.*

VFOIA contains requirements that typically must be met for a board member to join the meeting electronically

- Physical quorum in one location
- Member can join electronically for medical reasons
 - Not specified and unlimited in number
 - Your medical condition
 - Medical condition of someone for whom you provide care
- Member can join electronically for personal reasons
 - Must be specified
 - Limited to greater of two times per calendar year or 25 percent of annual meetings

Board Member Responsibility

- Read and become familiar with the VFOIA.
- Avoid discussing public business with **more than one other Board member** outside of formal meetings (*e.g.*, don't talk business if you encounter each other at church, the grocery store, or a birthday party).
- Recognize that there may be an appearance of impropriety if Board members are chatting with one another outside of a formal meeting, even if you are discussing non-business matters.
- Use care when you “reply all” to an e-mail ~ “virtual meeting.”

Board Member Responsibility, *cont.*

- Recognize that your written communications and other documents may become subject to public examination (“front page of the newspaper”).
- If you use a personal laptop or other personal electronic device to communicate about school matters, organize all communications relating to the Board in a clearly marked folder.
- Direct any questions about VFOIA to Counsel.

Legal Counsel Responsibility

- Supply Board members with a copy of the VFOIA upon their appointment and any reappointment.
- Ensure that Board meetings comply with VFOIA.
- Ensure that any VFOIA requests for Board documents are handled in a timely and appropriate manner.
- Ensure that any closed sessions are properly authorized and the motions for going into and certifying such sessions are correctly worded.
- Ensure that Board member and staff questions re VFOIA are accurately and quickly answered.

Penalties

Civil penalties imposed for knowing and willful violation:

- First violation: Not less than \$500 nor more than \$2,000
 - Additional violations: Not less than \$2,000 nor more than \$5,000.
 - Imposed on the Board member in his or her individual capacity.
- Virginia Code § 2.2-3714

Penalties, cont.

In addition to the civil penalties imposed for knowing and willful violation:

- If failure to provide public records was due to the person's altering or destroying the records in an attempt to avoid FOIA and the retention period has not ended:
 - Up to \$100 per record altered or destroyed

Penalties, cont.

In addition to all the other civil penalties imposed for knowing and willful violation:

If the Board improperly votes to certify a closed meeting it may be subject to a civil penalty of up to \$1,000.

Questions?

CONTACT

Leah Dubuisson Han
Deputy County Attorney
Office of the Hanover County Attorney
ldhan@hanovercounty.gov