

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 710

An Act to amend and reenact § 2.1-343.2 of the Code of Virginia, relating to the Freedom of Information Act; exemption for certain electronic communications.

[S 1322]

Approved March 26, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-343.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-343.2. Transaction of public business other than by votes at meetings prohibited.

Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. No public body shall vote by secret or written ballot, and unless expressly provided by this chapter, no public body shall vote by telephone or other electronic communication means.

Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit (i) separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, *whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting as defined in this chapter* or (ii) the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by members of standing committees. *Nothing in this paragraph shall operate to exclude any public record from the provisions of this chapter.*