



Electronic Communication for Public Meetings Policy

1. Scope

This policy explains the requirements for and rules of electronic communication while participating in public meetings where attendees cannot physically meet with each other pursuant to [Indiana Code 5-14-1.5](#).

2. Responsibilities

The **Indiana Bureau of Motor Vehicles/Bureau of Motor Vehicles Commission (BMV/C)** and **public agencies advising the BMV/C** are responsible for adhering to this policy.

The **Board Chair** is responsible for determining whether or not a member may participate in the meeting via electronic communication.

BMV Legal Department is responsible for enforcement and periodic review of this policy.

3. Summary of the Law

In order to facilitate member participation in meetings when physical presence is not possible, electronic communication is expressly permitted under this policy and pursuant to Indiana Code 5-14-1.5-3.6.

4. Definitions

Electronic communication: A means of communication that permits all members participating in the meeting, including members physically present at the place of the meeting and members that are not physically present at the place of the meeting, and all members of the public physically present at the place where the meeting is conducted, to simultaneously communicate with each other during the meeting. (See IC 5-14-1.5-3.6(b)).

Governing body: Two or more individuals who are:

1. A public agency that is a board, a commission, an authority, a council, a committee, a body, or other entity; and takes official action on public business;
2. The board, commission, council, or other body of a public agency which takes official action upon public business; or
3. Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. An agent or agents

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appointed by the governing body to conduct collective bargaining on behalf of the governing body does not constitute a governing body for purposes of this chapter.
(See IC 5-14-1.5-2(b)).

Meeting: A gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include:

1. Any social or chance gathering not intended to avoid this chapter;
2. Any on-site inspection of any project; program; or facilities of applicants for incentives or assistance from the governing body;
3. Traveling to and attending meetings of organizations devoted to betterment of government;
4. A caucus;
5. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources;
6. An orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action; or
7. A gathering for the sole purpose of administering an oath of office to an individual.
(See IC 5-14-1.5-2(c)).

Official Action: Means to receive information; deliberate; make recommendations; establish policy; make decisions; or take final action.
(See IC 5-14-1.5-2(d)).

Primary location: A designated physical location from which the electronic meetings originate or to which participants are connected.

5. Policy Statement

The Indiana BMV/C authorizes members of governing bodies of the agency/commission who are not physically present at a meeting of the governing body to participate in a meeting of the governing body by electronic communication as set forth in this policy, and in accordance with Indiana Code 5-14-1.5-3.6. Unless specifically stated by this policy, or otherwise excluded under statute, all other policies and rules governing meetings (relating to notice, meetings being open to the public, and other matters) also apply to meetings held using electronic communication.

Electronic communication guidelines include:

1. Electronic communication is permitted only if the member uses a means of communication that permits all members participating in the meeting, and all members of the public physically present at the place where the meeting is conducted, to simultaneously communicate with each other during the meeting.
(See IC 5-14-1.5-3.6(b)).
2. The minimum number of members who must be physically present at the primary location where the meeting is conducted must be the greater of: two of the members; or one-third of the members.
(See IC 5-14-1.5-3.6(c)(1)).



3. All votes of the governing body during the electronic meeting must be taken by roll call vote. (See IC 5-14-1.5-3.6(c)(2)).
4. Each member of the governing body is required to physically attend at least one meeting of the governing body annually. (See IC 5-14-1.5-3.6(d)).
5. A member who participates in a meeting by electronic communication is considered to be present at the meeting; shall be counted for purposes of establishing a quorum; and may vote at the meeting. (See IC 5-14-1.5-3.6(e)).
6. A member who wishes to participate in a meeting by electronic means shall make reasonable efforts to notify the Board Chair no fewer than three days prior to the meeting in order for arrangements to be made for the electronic meeting. The Board Chair shall make a determination on whether or not the member may participate in the meeting via electronic means based on some or all of the following factors:
 - If the member's presence via electronic communication will not allow for the greater of two or one-third of the members to be physically present at the primary location;
 - How many requests the member has made to participate via electronic communication;
 - The basis for the request to participate via electronic communication.

(See IC 5-14-1.5-3.6(g)).

7. The member's electronic presence at a meeting shall be announced at the meeting and noted in the minutes. (See IC 5-14-1.5-3.6(g)).
8. Any member who participates in a meeting via electronic communication must confirm in writing the votes cast by the member during the meeting within 14 days after the date of the meeting. (See IC 5-14-1.5-3.6(g)).

In accordance with IC 5-14-1.5-3.6(h), this policy will be posted and maintained on our Internet web site.

6. Exceptions

N/A

