

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 55 entitled “An act relating to authorizing public bodies to meet
4 electronically under Vermont’s Open Meeting Law” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE INTENT

8 It is the intent of the General Assembly that regardless of the form and
9 format of a meeting, whether in-person, remote, or a hybrid fashion, that:

10 (1) meetings of public bodies be fully accessible to members of the
11 public who would like to attend and participate, as well as to members of those
12 public bodies who have been appointed or elected to serve their communities;

13 (2) subject to any exceptions in the Open Meeting Law, the
14 deliberations and decisions of public bodies be transparent to members of the
15 public; and

16 (3) the meetings of public bodies be conducted using standard rules and
17 best practices for both meeting format and method of delivery.

18 Sec. 2. 1 V.S.A. § 310 is amended to read:

19 § 310. DEFINITIONS

20 As used in this subchapter:

1 (1) “Advisory body” means a public body that does not have
2 supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or
3 budgetary matters.

4 (2) “Business of the public body” means the public body’s
5 governmental functions, including any matter over which the public body has
6 supervision, control, jurisdiction, or advisory power.

7 (~~2~~)(3) “Deliberations” means weighing, examining, and discussing the
8 reasons for and against an act or decision, but expressly excludes the taking of
9 evidence and the arguments of parties.

10 (~~3~~)(4)(A) “Meeting” means a gathering of a quorum of the members of a
11 public body for the purpose of discussing the business of the public body or for
12 the purpose of taking action.

13 * * *

14 (~~4~~)(5) “Public body” means any board, council, or commission of the
15 State or one or more of its political subdivisions, any board, council, or
16 commission of any agency, authority, or instrumentality of the State or one or
17 more of its political subdivisions, or any committee or subcommittee of any of
18 the foregoing boards, councils, or commissions, except that “public body” does
19 not include councils or similar groups established by the Governor for the sole
20 purpose of advising the Governor with respect to policy.

1 ~~(5)~~(6) “Publicly announced” means that notice is given to an editor,
2 publisher, or news director of a newspaper or radio station serving the area of
3 the State in which the public body has jurisdiction, and to any person who has
4 requested under subdivision 312(c)(5) of this title to be notified of special
5 meetings.

6 ~~(6)~~(7) “Quasi-judicial proceeding” means a proceeding ~~which~~ that is:

7 * * *

8 Sec. 3. 1 V.S.A. § 312 is amended to read:

9 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

10 (a)(1) All meetings of a public body are declared to be open to the public at
11 all times, except as provided in section 313 of this title. No resolution, rule,
12 regulation, appointment, or formal action shall be considered binding except as
13 taken or made at such open meeting, except as provided under subdivision
14 313(a)(2) of this title. A meeting of a public body is subject to the public
15 accommodation requirements of 9 V.S.A. chapter 139. A public body shall
16 electronically record all public hearings held to provide a forum for public
17 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
18 have access to copies of such electronic recordings as described in section 316
19 of this title.

20 (2) Participation in meetings through electronic or other means.

21 * * *

1 (D) If a quorum or more of the members of a public body attend a
2 meeting without being physically present at a designated meeting location, the
3 agenda required under subsection (d) of this section shall designate at least one
4 physical location where a member of the public can attend and participate in
5 the meeting. At least one member of the public body, or at least one staff or
6 designee of the public body, shall be physically present at each designated
7 meeting location. The requirements of this subdivision (D) shall not apply to
8 advisory bodies.

9 (3) Hybrid meeting requirement. Any public body of the State, except
10 advisory bodies and the Human Services Board, shall:

11 (A) hold all regular and special meetings in a hybrid fashion, which
12 shall include both a designated physical meeting location and a designated
13 electronic meeting platform;

14 (B) electronically record all meetings; and

15 (C) for a minimum of 30 days following the approval and posting of
16 the official minutes for a meeting, retain the audiovisual recording and post the
17 recording in a designated electronic location.

18 (4) Electronic meetings without a physical meeting location. A quorum
19 or more of the members of an advisory body may attend any meeting of the
20 advisory body by electronic or other means without being physically present at
21 or staffing a designated meeting location. A quorum or more of the members

1 of any public body may attend an emergency meeting of the body by electronic
2 or other means without being physically present at or staffing a designated
3 meeting location.

4 (5) Hybrid and electronic meeting requirements. A public body meeting
5 under subdivision (3) or (4) of this subsection shall use a designated electronic
6 platform that allows the direct access, attendance, and participation of the
7 public, including access by telephone. The public body shall post information
8 that enables the public to directly access the designated electronic platform and
9 include this information in the published agenda or public notice for the
10 meeting.

11 (6) Meetings of local public bodies; recordings. To the extent feasible,
12 any public body of a municipality or political subdivision, except advisory
13 bodies, shall:

14 (A) record, in audio or video form, any meeting of the public body;
15 and

16 (B) post and retain a copy of the recording according to subdivision
17 (3)(C) of this subsection (a).

18 * * *

19 (j) Request for access. A resident of the geographic area in which the public
20 body has jurisdiction, a member of a public body, or a member of the press may
21 request that a public body designate a physical meeting location or provide

1 electronic or telephonic access to a regular meeting or series of regular meetings.
2 The request shall be made in writing not less than three business days before the
3 date of the meeting. The public body shall not require the requestor to provide
4 a basis for the request. The public body shall grant the request unless providing
5 the requested form of access is infeasible due to a declared state of emergency
6 or a local incident pursuant to section 312a of this subchapter. This subsection
7 (j) shall not apply to special meetings, emergency meetings, or field visits.

8 (k) Annually, the following officers shall participate in a professional
9 training that addresses the procedures and requirements of this subchapter:

10 (1) for municipalities and political subdivisions, the chair of the
11 legislative body, town manager, and mayor; and

12 (2) for the State, the chair of any public body that is not an advisory
13 body.

14 Sec. 4. 1 V.S.A. § 312a is amended to read:

15 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

16 (a) As used in this section:

17 (1) “Affected public body” means a public body:

18 (A) whose regular meeting location is located in an area affected by a
19 hazard or local incident; and

20 (B) that cannot meet in a designated physical meeting location due to
21 a declared state of emergency pursuant to 20 V.S.A. chapter 1 or local incident.

1 (2) “Directly impedes” means interferes or obstructs in a manner that
2 makes it infeasible for a public body to meet either at a designated physical
3 location or through electronic means.

4 (3) “Hazard” means an “all-hazards” as defined in 20 V.S.A. § 2(1).

5 (4) “Local incident” means a weather event, public health emergency,
6 public safety threat, loss of power or telecommunication services, or similar
7 event that directly impedes the ability of a public body to hold a meeting
8 electronically or in a designated physical location.

9 (b) Notwithstanding subdivisions 312(a)(2)(D), (a)(3), and (c)(2) of this
10 title, during a local incident or declared state of emergency under 20 V.S.A.
11 chapter 1:

12 (1) A quorum or more of an affected public body may attend a regular,
13 special, or emergency meeting by electronic or other means without
14 designating a physical meeting location where the public may attend.

15 (2) The members and staff of an affected public body shall not be
16 required to be physically present at a designated meeting location.

17 (3) An affected public body of a municipality may post any meeting
18 agenda or notice of a special meeting in two publicly accessible designated
19 electronic locations in lieu of the two designated public places in the
20 municipality, or in a combination of a designated electronic location and a
21 designated public place.

1 (c) Before a public body may meet under the authority provided in this
2 section for meetings held during a local incident, the highest ranking elected or
3 appointed officer of the public body shall make a formal written finding and
4 announcement of the local incident, including the basis for the finding.

5 (d) Notwithstanding subdivision 312(a)(3) of this title, during a local
6 incident that impedes an affected public body’s ability to hold a meeting by
7 electronic means, the affected public body may hold a meeting exclusively at a
8 designated physical meeting location.

9 (e) When an affected public body meets electronically under subsection (b)
10 of this section, the affected public body shall:

11 (1) use technology that permits the attendance and participation of the
12 public through electronic or other means;

13 (2) allow the public to access the meeting by telephone; ~~and~~

14 (3) post information that enables the public to directly access and
15 participate in meetings electronically and shall include this information in the
16 published agenda for each meeting; and

17 (4) if applicable, publicly announce and post a notice that the meeting
18 will not be held in a hybrid fashion and will be held either in a designated
19 physical meeting location or through electronic means.

1 ~~(f)~~(f) Unless unusual circumstances make it impossible for them to do so,
2 the legislative body of each municipality and each school board shall record
3 any meetings held pursuant to this section.

4 ~~(g)~~(g) An affected public body of a municipality shall continue to post
5 notices and agendas in or near the municipal clerk’s office pursuant to
6 subdivision 312(c)(2) of this title and shall provide a copy of each notice or
7 agenda to the newspapers of general circulation for the municipality.

8 Sec. 5. 1 V.S.A. § 314 is amended to read:

9 § 314. PENALTY AND ENFORCEMENT

10 * * *

11 (e) A municipality shall post on its website, if it maintains one:

12 (1) an explanation of the procedures for submitting notice of an Open
13 Meeting Law violation to the public body or the Attorney General; and

14 (2) a copy of the text of this section.

15 Sec. 6. 17 V.S.A. § 2640 is amended to read:

16 § 2640. ANNUAL MEETINGS

17 * * *

18 **(b)(1)** When a town so votes, it may thereafter start its annual meeting on
19 any of the three days immediately preceding the first Tuesday in March at such
20 time as it elects and may transact at that time any business not involving voting
21 by Australian ballot or voting required by law to be by ballot and to be held on

1 the first Tuesday in March. A meeting so started shall be adjourned until the
2 first Tuesday in March.

3 (2) An informational meeting held in the three days preceding the first
4 Tuesday in March pursuant to this subsection shall be video recorded and a
5 copy of the recording shall be posted in a designated electronic location until
6 the results of the annual meeting have been certified.

7 * * *

8 Sec. 7. 17 V.S.A. § 2680 is amended to read:

9 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

10 * * *

11 (h) Hearing.

12 * * *

13 (2)(A) The hearing shall be held within the ~~40~~ 30 days preceding the
14 meeting at which the Australian ballot system is to be used. The legislative
15 body shall be responsible for the administration of this hearing, including the
16 preparation of minutes.

17 * * *

18 (3) A hearing held pursuant to this subsection shall be video recorded
19 and a copy of the recording shall be posted in a designated electronic location
20 until the results of the meeting have been certified.

1 Sec. 8. WORKING GROUP ON PARTICIPATION AND ACCESSIBILITY
2 OF MUNICIPAL PUBLIC MEETINGS AND ELECTIONS;
3 REPORT

4 (a) Creation. There is created the Working Group on Participation and
5 Accessibility of Municipal Public Meetings and Elections to study and make
6 recommendations to:

7 (1) improve the accessibility of and participation in meetings of local
8 public bodies, annual municipal meetings, and local elections; and

9 (2) increase transparency, accountability, and trust in government.

10 (b) Membership. The Working Group shall be composed of the following
11 members:

12 (1) two designees of the Vermont League of Cities and Towns;

13 (2) two designees of the Vermont Municipal Clerks' and Treasurers'

14 Association;

15 (3) one designee of the Vermont School Boards Association;

16 (4) one designee of Disability Rights Vermont;

17 (5) one designee of the Vermont Access Network;

18 (6) one member with expertise in remote and hybrid voting and meeting
19 technology, appointed by the Secretary of State;

20 (7) the Chair of the Human Rights Commission or designee; and

21 (8) the Secretary of State or designee, who shall be Chair.

1 (c) Powers and duties. The Working Group shall:

2 (1) recommend best practices for:

3 (A) running effective and inclusive meetings and maximizing
4 participation and accessibility in electronic, hybrid, and in-person annual
5 meetings and meetings of public bodies;

6 (B) the use of universal design for annual meetings and meetings of
7 public bodies;

8 (C) training public bodies for compliance with the Open Meeting
9 Law; and

10 (D) recording meetings of municipal public bodies and the means and
11 timeline for posting those recordings for public access.

12 (2) report on the findings of the Civic Health Index study by the
13 Secretary of State and how to reduce barriers to participation in public service;

14 (3) identify the technical assistance, equipment, and training necessary
15 for municipalities to run effective and inclusive remote or hybrid public
16 meetings;

17 (4) produce a guide for accessibility for polling and public meeting
18 locations;

19 (5) study the feasibility of using electronic platforms to support remote
20 attendance and voting at annual meetings;

1 (6) analyze voter turnout and the voting methods currently used
2 throughout the State;

3 (7) investigate whether increased use of resources for participants such
4 as child care, hearing devices, translators, transportation, food, and hybrid
5 meetings could increase participation in local public meetings; and

6 (8) study other topics as determined by the group that could improve
7 participation and access to local public meetings.

8 (d) Assistance. The Working Group shall have the administrative,
9 technical, and legal assistance of the Office of the Secretary of State. The
10 Office of the Secretary of State may hire a consultant to provide assistance to
11 the Working Group.

12 (e) Consultation. The Working Group shall consult with the Vermont Press
13 Association, communications union districts, and other relevant stakeholders.

14 (f) Report. On or before November 1, 2025, the Working Group shall
15 submit a written report to the House Committee on Government Operations
16 and Military Affairs and the Senate Committee on Government Operations
17 with its findings and any recommendations for legislative action.

18 (g) Meetings.

19 (1) The Secretary of State shall call the first meeting of the Working
20 Group to occur on or before September 1, 2024.

21 (2) A majority of the membership shall constitute a quorum.

1 (3) The Working Group shall cease to exist on the date that it submits
2 the report required by this section.

3 (h) Compensation and reimbursement. The members of the Working
4 Group shall be entitled to per diem compensation and reimbursement of
5 expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings.
6 These payments shall be made from monies appropriated to the Office of the
7 Secretary of State.

8 (i) \$50,000.00 is appropriated from the General Fund to the Office of the
9 Secretary of State in fiscal year 2025 for the purpose of hiring a consultant and
10 for per diems and reimbursement of expenses for members of the Working
11 Group.

12 Sec. 9. EFFECTIVE DATE

13 This act shall take effect on July 1, 2024.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE