

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. 1 V.S.A. § 310 is amended to read:

8 § 310. DEFINITIONS

9 As used in this subchapter:

10 (1) “Advisory body” means any board, council, or commission of the
11 State or one or more of its political subdivisions; any board, council, or
12 commission of any agency, authority, or instrumentality of the State or one or
13 more of its political subdivisions; or any committee of any of the foregoing
14 boards, councils, or commissions that does not have supervision, control, or
15 jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

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

19 (2)(3) “Deliberations” means weighing, examining, and discussing the
20 reasons for and against an act or decision, but expressly excludes the taking of
21 evidence and the arguments of parties.

1 Sec. 2. 1 V.S.A. § 312 is amended to read:

2 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

3 (a)(1) All meetings of a public body are declared to be open to the public at
4 all times, except as provided in section 313 of this title. No resolution, rule,
5 regulation, appointment, or formal action shall be considered binding except as
6 taken or made at such open meeting, except as provided under subdivision
7 313(a)(2) of this title. A meeting of a public body is subject to the public
8 accommodation requirements of 9 V.S.A. chapter 139. A public body shall
9 electronically record all public hearings held to provide a forum for public
10 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
11 have access to copies of such electronic recordings as described in section 316
12 of this title.

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

14 * * *

15 (D) If a quorum or more of the members of a public body attend a
16 meeting without being physically present at a designated meeting location, the
17 agenda required under subsection (d) of this section shall designate at least one
18 physical location where a member of the public can attend and participate in
19 the meeting. At least one member of the public body, or at least one staff or
20 designee of the public body, shall be physically present at each designated
21 meeting location. **This subdivision (D) shall not apply to advisory bodies.**

1 (3) Hybrid meeting requirement. A public body that exercises
2 legislative, quasi-judicial, taxing, or budgetary authority shall hold all regular
3 and special meetings in a hybrid fashion, which shall include both a designated
4 physical meeting location and a designated electronic meeting platform.

5 (4) Electronic meetings without a physical meeting location. A quorum
6 or more of the members of an advisory body may attend any meeting of the
7 advisory body by electronic or other means without being physically present at
8 or staffing a designated meeting location. A quorum or more of the members
9 of any public body may attend an emergency meeting of the body by electronic
10 or other means without being physically present at or staffing a designated
11 meeting location.

12 (5) Hybrid and fully electronic meeting requirements. A public body
13 meeting under subdivision (3) or (4) of this subsection shall use a designated
14 electronic platform that allows the direct access, attendance, and participation
15 of the public, including access by telephone. The public body shall post
16 information that enables the public to directly access the designated electronic
17 platform and include this information in the published agenda or public notice
18 for the meeting.

19 (6) Request for accommodation; physical meeting location. Upon
20 request that an advisory body hold a meeting in a physical location or a hybrid

1 meeting, an advisory body shall make a reasonable accommodation to
2 designate a physical location where the public may attend a meeting.

3 (7) Video recordings of electronic meetings. A public body, other than
4 an advisory body, shall electronically record all electronic and hybrid meetings
5 conducted pursuant to this subsection. For a minimum of 30 days following
6 the approval and posting of the official minutes for an electronic or hybrid
7 meeting, the public body shall retain the audiovisual recording of the meeting
8 and shall post the recording in a designated electronic location.

9 * * *

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

11 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

12 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~(e)~~(g) An affected public body of a municipality shall continue to post
20 notices and agendas in or near the municipal clerk’s office pursuant to

1 subdivision 312(c)(2) of this title and shall provide a copy of each notice or
2 agenda to the newspapers of general circulation for the municipality.

3 **Sec. 4. PURPOSE AND INTENT; HYBRID MEETINGS**

4 It is the intent of the General Assembly that meetings of public bodies be
5 fully accessible to members of the public who would like to attend and
6 participate. It is also the intent of the General Assembly that meetings of
7 public bodies be accessible to the members of those public bodies.
8 Accordingly, the facilitation of hybrid meetings that run based on best
9 practices established by the Secretary of State and for which members of the
10 public body and the public regularly attend through a combination of in-person
11 and remote participation, should be the standard. The General Assembly
12 recognizes that fully remote and fully in-person meetings may be more feasible
13 for the effective work of advisory public bodies and in certain circumstances
14 where hybrid meetings are not possible due to unforeseen circumstances, but in
15 all cases, accessibility and safety for members of the public and members of
16 the public body should be paramount.

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

18 **§ 314. PENALTY AND ENFORCEMENT**

19 * * *

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

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

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

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

5 § 2640. ANNUAL MEETINGS

6 * * *

7 (b)(1) When a town so votes, it may thereafter start its annual meeting on
8 any of the three days immediately preceding the first Tuesday in March at such
9 time as it elects and may transact at that time any business not involving voting
10 by Australian ballot or voting required by law to be by ballot and to be held on
11 the first Tuesday in March. A meeting so started shall be adjourned until the
12 first Tuesday in March.

13 (2) An informational meeting held in the three days preceding the first
14 Tuesday in March pursuant to this subsection shall be conducted as a hybrid
15 meeting pursuant to 1 V.S.A. § 312.

16 * * *

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

18 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

19 * * *

20 (h) Hearing.

1 (1) Whenever a municipality has voted to adopt the Australian ballot
2 system of voting on any public question or budget, except the budget revote as
3 provided in subsection (c) of this section, the legislative body shall hold a
4 public informational hearing on the question by posting warnings at least 10
5 days in advance of the hearing in at least two public places within the
6 municipality and in the town clerk's office.

7 (2)(A) The hearing shall be held within the ~~10~~ 30 days preceding the
8 meeting at which the Australian ballot system is to be used. The legislative
9 body shall be responsible for the administration of this hearing, including the
10 preparation of minutes.

11 * * *

12 **Sec. 8. WORKING GROUP ON ACCESSIBILITY OF ANNUAL**
13 **MEETINGS; REPORT**

14 (a) Creation. There is created the Working Group on Accessibility of
15 Annual meetings to study and report on the status of voter accessibility to
16 annual municipal meetings.

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

19 (1) one designee of the Vermont League of Cities and Towns;

20 (2) one designee of the Vermont Municipal Clerks' and Treasurers'

21 Association; and

1 (3) one designee of the Vermont School Boards Association.

2 (c) Powers and duties. The Working Group shall study accessibility to
3 annual meetings, including the following:

4 (1) the current level of accessibility to the physical locations and polling
5 places where annual meetings are held;

6 (2) whether current annual meeting locations and procedures comply
7 with State and federal laws governing accessibility; and

8 (3) the feasibility of using electronic platforms to support remote
9 attendance and voting at annual meetings.

10 (d) Assistance. The Working Group shall have the administrative,
11 technical, and legal assistance of [the Office of the Secretary of State].

12 (e) Report. On or before November 15, 2024, the Working Group shall
13 submit a written report to the House Committee on Government Operations
14 and Military Affairs and the Senate Committee on Government Operations
15 with its findings and any recommendations for legislative action.

16 (f) Meetings.

17 (1) The [Secretary of State] shall call the first meeting of the Working
18 Group to occur on or before September 1, 2024.

19 (2) The Working Group shall select a chair from among its members at
20 the first meeting.

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

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

3 (g) 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 four meetings
6 These payments shall be made from monies appropriated to the Office of the
7 Secretary of State.

8 Sec. 9. SECRETARY OF STATE; BEST PRACTICES FOR ELECTRONIC,
9 HYBRID, AND IN-PERSON MEETINGS

10 The Secretary of State, in consultation with the Vermont League of Cities
11 and Towns, Vermont School Boards Association, Office of the Attorney
12 General, Vermont Access Network, and the Vermont Developmental
13 Disabilities Council shall adopt and publish best practices guidelines for
14 electronic, hybrid, and in-person meetings of public bodies.

15 Sec. 10. SECRETARY OF STATE; GRANTS FOR MUNICIPALITIES;
16 APPROPRIATIONS

17 (a) There is established the Open Meeting Grant Program that shall be
18 administered by the Secretary of State. The grants shall be made available to
19 municipalities for purposes of acquiring equipment, technical assistance, and
20 training necessary to host effective electronic and hybrid meetings under the
21 Open Meeting Law.

- 1 (b) The following sums are appropriated from the General Fund to the
2 Office of the Secretary of State in fiscal year 2025:
- 3 (1) \$250,000.00 for the purpose of providing grants to municipalities
4 pursuant to this section; and
- 5 (2) \$2,000.00 for the purpose of per diems and reimbursement of
6 expenses for members of the Working Group on Access to Annual Meetings.

7 Sec. 11. MUNICIPALITIES; DELAYED REQUIREMENTS FOR
8 COMPLIANCE

9 Notwithstanding the provisions of Sec. 2 of this act, 1 V.S.A. § 312(a), the
10 public bodies of a municipality shall not be required to hold hybrid meetings or
11 meet the 30-day retention and posting requirement for audiovisual recordings
12 of meetings until January 1, 2026.

13 Sec. 12. EFFECTIVE DATE

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

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20 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE