

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 a public body that does not have  
11 supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or  
12 budgetary matters.

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

16 (2)(3) “Deliberations” means weighing, examining, and discussing the  
17 reasons for and against an act or decision, but expressly excludes the taking of  
18 evidence and the arguments of parties.

19 (3)(4)(A) “Meeting” means a gathering of a quorum of the members of a  
20 public body for the purpose of discussing the business of the public body or for  
21 the purpose of taking action.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

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

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

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

\* \* \*

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

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision

1 313(a)(2) of this title. A meeting of a public body is subject to the public  
2 accommodation requirements of 9 V.S.A. chapter 139. A public body shall  
3 electronically record all public hearings held to provide a forum for public  
4 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall  
5 have access to copies of such electronic recordings as described in section 316  
6 of this title.

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

8 \* \* \*

9 (D) If a quorum or more of the members of a public body attend a  
10 meeting without being physically present at a designated meeting location, the  
11 agenda required under subsection (d) of this section shall designate at least one  
12 physical location where a member of the public can attend and participate in  
13 the meeting. At least one member of the public body, or at least one staff or  
14 designee of the public body, shall be physically present at each designated  
15 meeting location. The requirements of this subdivision (D) shall not apply to  
16 advisory bodies.

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

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

1           (B) electronically record all meetings; and  
2           (C) for a minimum of 30 days following the approval and posting of  
3 the official minutes for a meeting, retain the audiovisual recording and post the  
4 recording in a designated electronic location.

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. A member of the public, or a member  
20 of a public body, may request that a public body designate a physical meeting  
21 location or provide electronic access to a meeting. The request shall be made

1 in writing not less than three business days before the date of the meeting. The  
2 public body shall grant the requested accommodation unless providing the  
3 accommodation is infeasible due to a declared state of emergency or a local  
4 incident pursuant to section 312a of this subchapter.

5 \* \* \*

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

7 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

8 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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







1 (h) Hearing.

2 \* \* \*

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

7 \* \* \*

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

11 Sec. 7. WORKING GROUP ON PARTICIPATION AND ACCESSIBILITY  
12 OF MUNICIPAL PUBLIC MEETINGS AND ELECTIONS; REPORT

13 (a) Creation. There is created the Working Group on Participation and  
14 Accessibility of Municipal Public Meetings and Elections to study and make  
15 recommendations to improve the accessibility of and participation in meetings  
16 of local public bodies, annual municipal meetings, and local elections.

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

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

20 (2) two designees of the Vermont Municipal Clerks' and Treasurers'  
21 Association;

1           (3) two designees of the Vermont School Boards Association;

2           (4) one designee of Disability Rights Vermont;

3           (5) one designee of the League of Women Voters; and

4           (6) the Secretary of State or designee, who shall be Chair.

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

6           (1) recommend best practices for:

7           (A) running effective and inclusive meetings and maximizing  
8           participation and accessibility in electronic, hybrid, and in-person annual  
9           meetings and meetings of public bodies; and

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

12           (2) investigate means for increasing voter interest in serving on local  
13           public bodies;

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

16           (4) study the current level of accessibility to the physical locations and  
17           polling places where annual meetings and meetings of public bodies are held  
18           and what improvements are necessary for siting these locations;

19           (5) study the feasibility of:

20           (A) using electronic platforms to support remote attendance and  
21           voting at annual meetings; and

1           (B) expanding use of the Australian ballot system for increased voter  
2 participation in local elections;

3           (6) investigate whether increased use of accommodations such as  
4 childcare, hearing devices, translators, transportation, food, and hybrid  
5 meetings could increase participation in local public meetings; and

6           (7) 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) Report. On or before November 1, 2025, 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) A majority of the membership shall constitute a quorum.

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

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

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

10        Sec. 8. EFFECTIVE DATE

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

12

13

14

15        (Committee vote: \_\_\_\_\_)

16

\_\_\_\_\_

17

Senator \_\_\_\_\_

18

FOR THE COMMITTEE