



**State of Vermont
Office of the Secretary of State**

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**Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary**

February 7, 2024

**To: Hon. Ruth Hardy, Chair
Senate Committee on Government Operations**

From: S. Lauren Hibbert, Deputy Secretary of State

Re: S.55 An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law; Draft 2.1

Section 1:

SOS continues to support the new definition of Advisory Body. We recommend that the inclusion of sub-committees who meet the definition of an advisory body be expressly included because we anticipate this will be an area where questions will arise.

Recommendation: "which may include committees and other derivative public bodies of non-advisory bodies."

Section 4:

SOS supports the inclusion of the intent for this bill. The committee should be aware that the AGO will not be able to enforce the best practices established by SOS. We will do our best to ground each best practice in the law since that is the legal authority and ultimately that is what is enforceable.

Accordingly, the facilitation of hybrid meetings, run based on best practices established by the Secretary of State, and for which members of the public body and the public regularly attend through a combination of in-person and remote participation, should be the standard.

Section 5:

SOS supports clarifying that a hybrid mandate in the local elections context extends only to the *public informational meetings* held in conjunction with Australian ballot votes, and not meetings of the voters conducted from the floor. To that end, we recommend moving the proposed language from 17 V.S.A. 2640 (which authorizes towns to move their floor meetings to the three days prior to town meeting day proper) to 17 V.S.A. 2680(g) (which requires towns to conduct an Australian ballot vote to post the warning for a public informational hearing at least 10 days prior to the Australian ballot vote). We also recommend amending that language as follows:

(g) Hearing.

(1) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question or budget, except the budget revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk's office. A public informational hearing held pursuant to this section shall be conducted as a hybrid meeting pursuant to 1 V.S.A. section 312.

We note that this change would apply to all public informational hearings held in conjunction with Australian ballot votes, and not just those held for practical purposes back-to-back with floor meetings of the voters held in the three days preceding town meeting day (in those towns that vote some articles from the floor and others by Australian ballot). We think this consistency is helpful and further assists in distinguishing between public informational hearings (arguably considered public meetings of the select board) and meetings of the voters.

Section 6: Written Report by SOS regarding Electronic Voting at Annual Meetings due January 15, 2025

SOS is responsible for overseeing federal and statewide elections. The annual meeting is a function of local government. SOS provides guidance and support to clerks for annual meeting but SOS is not the expert in this important function. SOS recommends that the Clerks Association or the League of Cities and Towns be the entity primarily responsible for this report. SOS would be happy to play a supporting role.

Section 10: Effective Date.

SOS supports the effective date of January 1, 2025. We do recommend that the authority for advisory bodies to be able to meet 100% remotely be effective on passage because Act 1 (2023) expires on July 1. If that authority is not effective on passage, then those bodies will need a physical location until January 1, 2025. After the expiry of Act 1 (2023), non-advisory bodies would be able to meet in person or a hybrid manner.