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Act No. 133 (S.55). An act relating to updating Vermont’s Open Meeting Law

Subjects: Open Meeting Law; general provisions; general rights; electronic meetings

This act amends the Open Meeting Law (1 V.S.A. §§ 310–314) to authorize some public bodies to meet through electronic means without designating a physical meeting location.

Sec. 1 states the legislative intent of the act.

Sec. 2 amends 1 V.S.A. § 310 (definitions), adding the terms “advisory body,” “hybrid meeting,” and “undue hardship.”

Sec. 3 amends 1 V.S.A. § 312 (right to attend meetings of public agencies) to distinguish types of public bodies and what their duties are under the Open Meeting Law. This section establishes duties for State nonadvisory public bodies, State advisory public bodies, local nonadvisory public bodies, and local advisory public bodies.

- State nonadvisory public bodies must hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform. These meetings must be electronically recorded, and the recording must be retained and posted in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes for a meeting.
- Local nonadvisory public bodies may hold all regular and special meetings entirely in person or in a hybrid fashion. These bodies shall record their meetings in audio or video form and post the recording in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes for a meeting, unless recording the meeting so would impose an undue hardship on the municipality.
- State advisory bodies may hold all regular and special meetings entirely in person, in a hybrid fashion, or entirely by electronic or other means without being physically present at or staffing a designated meeting location.
- Local advisory bodies may hold all regular and special meetings entirely in person, in a hybrid fashion, or entirely by electronic or other means without being physically present at or staffing a designated meeting location.

This section also enables residents and the press to request that a public body designate a physical meeting location or provide electronic or telephonic access to a regular meeting, but not to a series of regular meetings, special meetings, emergency meetings, or field visits. The public body shall grant the request unless there is an all-

hazards event, a local incident, or if compliance would impose an undue hardship on the municipality.

Sec. 4 exempts, until January 1, 2025, State nonadvisory public bodies and communications union districts from having to designate a physical meeting location for regular and special meetings or hold regular and special meetings in a hybrid fashion.

Sec. 5 adds 1 V.S.A. § 312(k) to require annual training for certain officers on the Open Meetings Law, specifically the chair of any State nonadvisory public and the town manager, mayor, and the chair of the legislative body of a political subdivision. The Secretary of State shall develop and make available this training. This section shall take effect on January 1, 2025, six months after the rest of the bill.

Sec. 6 amends 1 V.S.A. § 312a (meetings of public bodies; state of emergency) to permit a public body to switch from a designated physical location to an electronic meeting platform and from an electronic meeting platform to a designated physical location if there is a “local incident,” meaning: a weather event, loss of power or telecommunication services, public health emergency, public safety threat, death threats, or other event that directly impedes the ability of a public body to hold a meeting electronically or in a designated physical location.

Sec. 7 amends 1 V.S.A. § 314 (penalty and enforcement) to require municipalities to post on their website—if a website exists—an explanation of the procedures for submitting a complaint regarding an Open Meeting Law violation to the public body or the Attorney General.

Sec. 8 amends 17 V.S.A. § 2640 (annual meetings) to require that any informational meeting held in the three days preceding the first Tuesday in March shall be video recorded and that a copy of the recording shall be posted in a designated electronic location within 24 hours until the results of the annual meeting have been certified.

Sec. 9 amends 17 V.S.A. § 2680 (Australian ballot system; general) to require that a municipality’s informational hearing for a public question be held within the 30 days preceding an election using an Australian ballot system, and that such a hearing be video recorded and posted in a designated electronic location until the results of the election have been certified.

Sec. 10 creates the Working Group on Participation and Accessibility of Municipal Public Meetings and Elections to study and make recommendations to improve the accessibility of and participation in meetings of local public bodies, annual municipal meetings, and local elections, and to increase transparency, accountability, and trust in government.

Multiple effective dates, beginning on July 1, 2024