

1 S.55

2 An act relating to updating Vermont's Open Meeting Law

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. LEGISLATIVE INTENT

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

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

10 (2) subject to any exceptions in the Open Meeting Law, the
11 deliberations and decisions of public bodies be transparent to members of the
12 public; and

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

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

16 § 310. DEFINITIONS

17 As used in this subchapter:

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

1 the State in which the public body has jurisdiction, and to any person who has
2 requested under subdivision 312(c)(5) of this title to be notified of special
3 meetings.

4 ~~(6)~~(8) “Quasi-judicial proceeding” means a proceeding ~~which~~ that is:

5 * * *

6 (9) “Undue hardship” means an action required to achieve compliance
7 would require significant difficulty or expense in light of factors including the
8 overall size of the entity, sufficient personnel and staffing availability, the
9 entity’s budget, and the costs associated with compliance.

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

11 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

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

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

2 * * *

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

11 (3) State nonadvisory public bodies; hybrid meeting requirement. Any
12 public body of the State, except advisory bodies, shall:

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

16 (B) electronically record all meetings; and

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

20 (4) State and local advisory bodies; electronic meetings without a
21 physical meeting location. A quorum or more of the members of an advisory

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

6 (5) State nonadvisory public bodies; State and local advisory bodies;
7 designating electronic platforms. State nonadvisory public bodies meeting in a
8 hybrid fashion pursuant to subdivision (3) of this subsection and State and
9 local advisory bodies meeting without a physical meeting location pursuant to
10 subdivision (4) of this subsection shall designate and use an electronic platform
11 that allows the direct access, attendance, and participation of the public,
12 including access by telephone. The public body shall post information that
13 enables the public to directly access the designated electronic platform and
14 include this information in the published agenda or public notice for the
15 meeting.

16 (6) Local nonadvisory public bodies; meeting recordings.

17 (A) A public body of a municipality or political subdivision, except
18 advisory bodies, shall record, in audio or video form, any meeting of the public
19 body and post a copy of the recording in a designated electronic location for a
20 minimum of 30 days following the approval and posting of the official minutes
21 for a meeting.

1 (4) A public body shall have the burden of proving that compliance
2 under subdivision (3) of this subsection would impose an undue hardship on
3 the public body.

4 Sec. 4. COMMUNICATIONS UNION DISTRICTS; STATE

5 NONADVISORY PUBLIC BODIES; DESIGNATED PHYSICAL
6 MEETING LOCATION EXCEPTION

7 Until January 1, 2025, notwithstanding the provisions of 1 V.S.A.
8 § 312(a)(3), communications union districts and State nonadvisory public
9 bodies shall not be required to designate a physical meeting location for
10 regular and special meetings or hold regular and special meetings in a hybrid
11 fashion.

12 Sec. 5. 1 V.S.A. § 312(k) is added to read:

13 (k) Training.

14 (1) Annually, the following officers shall participate in a professional
15 training that addresses the procedures and requirements of this subchapter:

16 (A) for municipalities and political subdivisions, the chair of the
17 legislative body, town manager, and mayor; and

18 (B) for the State, the chair of any public body that is not an advisory
19 body.

20 (2) The Secretary of State shall develop the training required by
21 subdivision (1) of this subsection and make the training available to

1 municipalities and political subdivisions and public bodies. The training may
2 be in person, online, and synchronous or asynchronous.

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

4 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

5 (a) As used in this section:

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

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

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

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

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

15 (4) “Local incident” means a weather event, loss of power or
16 telecommunication services, public health emergency, public safety threat,
17 received threat that a member of the public body believes may place the
18 member or another person in reasonable apprehension of death or serious
19 bodily injury, or other event that directly impedes the ability of a public body
20 to hold a meeting 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. 10. WORKING GROUP ON PARTICIPATION AND ACCESSIBILITY
12 OF MUNICIPAL PUBLIC MEETINGS AND ELECTIONS;
13 REPORT

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

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

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

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

1 (1) two designees of the Vermont League of Cities and Towns, who
2 shall represent municipalities of differing populations and geographically
3 diverse areas of the State;

4 (2) two designees of the Vermont Municipal Clerks' and Treasurers'
5 Association, who shall represent municipalities of differing populations and
6 geographically diverse areas of the State;

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

8 (4) one designee of Disability Rights Vermont;

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

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

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

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

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

15 (1) recommend best practices for:

16 (A) running effective and inclusive meetings and maximizing
17 participation and accessibility in electronic, hybrid, and in-person annual
18 meetings and meetings of public bodies;

19 (B) the use of universal design for annual meetings and meetings of
20 public bodies;

1 (C) training public bodies for compliance with the Open Meeting

2 Law; and

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

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

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

10 (4) produce a guide for accessibility for polling and public meeting
11 locations;

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

14 (6) analyze voter turnout and the voting methods currently used
15 throughout the State;

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

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

1 (d) Assistance. The Working Group shall have the administrative,
2 technical, and legal assistance of the Office of the Secretary of State. The
3 Office of the Secretary of State may hire a consultant to provide assistance to
4 the Working Group.

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

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

11 (g) Meetings.

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

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

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

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

1 Sec. 11. EFFECTIVE DATES

2 This act shall take effect on July 1, 2024, except that Sec. 5 (1 V.S.A.

3 § 312(k)) shall take effect on January 1, 2025.