

1 S.55

2 An act relating to authorizing public bodies to meet electronically under  
3 Vermont's Open Meeting Law

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

5 Sec. 1. LEGISLATIVE INTENT

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

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

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

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

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

17 § 310. DEFINITIONS

18 As used in this subchapter:

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



1 requested under subdivision 312(c)(5) of this title to be notified of special  
2 meetings.

3 ~~(6)~~(7) “Quasi-judicial proceeding” means a proceeding ~~which~~ that is:

4 \* \* \*

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

6 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

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

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

18 \* \* \*

19 (D) If a quorum or more of the members of a public body attend a  
20 meeting without being physically present at a designated meeting location, the  
21 agenda required under subsection (d) of this section shall designate at least one

1 physical location where a member of the public can attend and participate in  
2 the meeting. At least one member of the public body, or at least one staff or  
3 designee of the public body, shall be physically present at each designated  
4 meeting location. The requirements of this subdivision (D) shall not apply to  
5 advisory bodies.

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

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

11 (B) electronically record all meetings; and

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

15 (4) Electronic meetings without a physical meeting location. A quorum  
16 or more of the members of an advisory body may attend any meeting of the  
17 advisory body by electronic or other means without being physically present at  
18 or staffing a designated meeting location. A quorum or more of the members  
19 of any public body may attend an emergency meeting of the body by electronic  
20 or other means without being physically present at or staffing a designated  
21 meeting location.

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

8           (6) Meetings of local public bodies; recordings. To the extent feasible,  
9           any public body of a municipality or political subdivision, except advisory  
10           bodies, shall:

11                   (A) record, in audio or video form, any meeting of the public body;  
12           and

13                   (B) post and retain a copy of the recording according to subdivision  
14           (3)(C) of this subsection (a).

15   \* \* \*

16           (j) Request for access. A resident of the geographic area in which the  
17           public body has jurisdiction, a member of a public body, or a member of the  
18           press may request that a public body designate a physical meeting location or  
19           provide electronic or telephonic access to a regular meeting or series of regular  
20           meetings. The request shall be made in writing not less than three business  
21           days before the date of the meeting. The public body shall not require the

1 requestor to provide a basis for the request. The public body shall grant the  
2 request unless providing the requested form of access is infeasible due to a  
3 declared state of emergency or a local incident pursuant to section 312a of this  
4 subchapter. This subsection (j) shall not apply to special meetings, emergency  
5 meetings, or field visits.

6 (k) Annually, the following officers shall participate in a professional  
7 training that addresses the procedures and requirements of this subchapter:

8 (1) for municipalities and political subdivisions, the chair of the  
9 legislative body, town manager, and mayor; and

10 (2) for the State, the chair of any public body that is not an advisory  
11 body.

12 Sec. 4. 1 V.S.A. § 312a is amended to read:

13 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

14 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4       ~~(g)~~(g) An affected public body of a municipality shall continue to post  
5       notices and agendas in or near the municipal clerk’s office pursuant to  
6       subdivision 312(c)(2) of this title and shall provide a copy of each notice or  
7       agenda to the newspapers of general circulation for the municipality.

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

9       § 314. PENALTY AND ENFORCEMENT

10                         \* \* \*

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

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

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

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

16       § 2640. ANNUAL MEETINGS

17                         \* \* \*

18       **(b)(1)** When a town so votes, it may thereafter start its annual meeting on  
19       any of the three days immediately preceding the first Tuesday in March at such  
20       time as it elects and may transact at that time any business not involving voting  
21       by Australian ballot or voting required by law to be by ballot and to be held on

1 the first Tuesday in March. A meeting so started shall be adjourned until the  
2 first Tuesday in March.

3 (2) An informational meeting held in the three days preceding the first  
4 Tuesday in March pursuant to this subsection shall be video recorded and a  
5 copy of the recording shall be posted in a designated electronic location until  
6 the results of the annual meeting have been certified.

7 \* \* \*

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

9 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

10 \* \* \*

11 (h) Hearing.

12 \* \* \*

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

17 \* \* \*

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

1       Sec. 8. WORKING GROUP ON PARTICIPATION AND ACCESSIBILITY  
2                   OF MUNICIPAL PUBLIC MEETINGS AND ELECTIONS;  
3                   REPORT

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

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

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

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

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

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

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

19                   (4) one designee of Disability Rights Vermont;

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

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

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

4           (8) 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;

10                   (B) the use of universal design for annual meetings and meetings of  
11 public bodies;

12                   (C) training public bodies for compliance with the Open Meeting  
13 Law; and

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

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

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

1           (4) produce a guide for accessibility for polling and public meeting  
2 locations;

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

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

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

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

12           (d) Assistance. The Working Group shall have the administrative,  
13 technical, and legal assistance of the Office of the Secretary of State. The  
14 Office of the Secretary of State may hire a consultant to provide assistance to  
15 the Working Group.

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

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

1        (g) Meetings.

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

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

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

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

12       Sec. 9. EFFECTIVE DATE

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