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. INTENT
8	It is the intent of the General Assembly that regardless of the form and
9	format of a meeting, whether in-person, remote, or a hybrid fashion, that:
10	(1) meetings of public bodies be fully accessible to members of the
11	public who would like to attend and participate, as well as to members of those
12	public bodies who have been appointed or elected to serve their communities;
13	(2) subject to any exceptions in the Open Meeting Law, the
14	deliberations and decisions of public bodies be transparent and understandable
15	to members of the public; and
16	(3) the meetings of public bodies be conducted using standard rules and
17	best practices for meeting format and method of delivery.
18	Sec. 2. 1 V.S.A. § 310 is amended to read:
19	§ 310. DEFINITIONS

20 As used in this subchapter:

1	(1) <u>"Advisory body" means a public body that does not have</u>
2	supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or
3	budgetary matters.
4	(2) "Business of the public body" means the public body's
5	governmental functions, including any matter over which the public body has
6	supervision, control, jurisdiction, or advisory power.
7	(2)(3) "Deliberations" means weighing, examining, and discussing the
8	reasons for and against an act or decision, but expressly excludes the taking of
9	evidence and the arguments of parties.
10	(3)(4)(A) "Meeting" means a gathering of a quorum of the members of a
11	public body for the purpose of discussing the business of the public body or for
12	the purpose of taking action.
13	* * *
14	(4)(5) "Public body" means any board, council, or commission of the
15	State or one or more of its political subdivisions, any board, council, or
16	commission of any agency, authority, or instrumentality of the State or one or
17	more of its political subdivisions, or any committee of any of the foregoing
18	boards, councils, or commissions, except that "public body" does not include
19	councils or similar groups established by the Governor for the sole purpose of
20	advising the Governor with respect to policy.

1	(5)(6) "Publicly announced" means that notice is given to an editor,
2	publisher, or news director of a newspaper or radio station serving the area of
3	the State in which the public body has jurisdiction, and to any person who has
4	requested under subdivision $312(c)(5)$ of this title to be notified of special
5	meetings.
6	(6)(7) "Quasi-judicial proceeding" means a proceeding which that is:
7	* * *
8	Sec. 3. 1 V.S.A. § 312 is amended to read:
9	§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES
10	(a)(1) All meetings of a public body are declared to be open to the public at
11	all times, except as provided in section 313 of this title. No resolution, rule,
12	regulation, appointment, or formal action shall be considered binding except as
13	taken or made at such open meeting, except as provided under subdivision
14	313(a)(2) of this title. A meeting of a public body is subject to the public
15	accommodation requirements of 9 V.S.A. chapter 139. A public body shall
16	electronically record all public hearings held to provide a forum for public
17	comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
18	have access to copies of such electronic recordings as described in section 316
19	of this title.
20	(2) Participation in meetings through electronic or other means.
21	* * *

1	(D) If a quorum or more of the members of a public body attend a
2	meeting without being physically present at a designated meeting location, the
3	agenda required under subsection (d) of this section shall designate at least one
4	physical location where a member of the public can attend and participate in
5	the meeting. At least one member of the public body, or at least one staff or
6	designee of the public body, shall be physically present at each designated
7	meeting location. The requirements of this subdivision (D) shall not apply to
8	advisory bodies.
9	(3) Hybrid meeting requirement. Any public body of the State, except
10	advisory bodies and the Human Services Board, shall:
11	(A) hold all regular and special meetings in a hybrid fashion, which
12	shall include both a designated physical meeting location and a designated
13	electronic meeting platform;
14	(B) electronically record all meetings; and
15	(C) for a minimum of 30 days following the approval and posting of
16	the official minutes for a meeting, retain the audiovisual recording and post the
17	recording in a designated electronic location.
18	(4) Electronic meetings without a physical meeting location. A quorum
19	or more of the members of an advisory body may attend any meeting of the
20	advisory body by electronic or other means without being physically present at
21	or staffing a designated meeting location. A quorum or more of the members

1	of any public body may attend an emergency meeting of the body by electronic
2	or other means without being physically present at or staffing a designated
3	meeting location.
4	(5) Hybrid and fully electronic meeting requirements. A public body
5	meeting under subdivision (3) or (4) of this subsection shall use a designated
6	electronic platform that allows the direct access, attendance, and participation
7	of the public, including access by telephone. The public body shall post
8	information that enables the public to directly access the designated electronic
9	platform and include this information in the published agenda or public notice
10	for the meeting.
11	(6) Request for access. A resident of the geographic area in which the
12	public body has jurisdiction, a member of a public body, or a member of the
13	press may request that a public body designate a physical meeting location or
14	provide electronic or telephonic access to a regular meeting. The request shall
15	be made in writing not less than three business days before the date of the
16	meeting. The public body shall grant the request unless providing the requested
17	form of access is infeasible due to a declared state of emergency or a local
18	incident pursuant to section 312a of this subchapter. This subdivision (6) shall
19	not apply to special meetings, emergency meetings, or field visits.
20	* * *
21	Sec. 4. 1 V.S.A. § 312a is amended to read:

1	§ 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY
2	(a) As used in this section:
3	(1) "Affected public body" means a public body:
4	(A) whose regular meeting location is located in an area affected by a
5	hazard or local incident; and
6	(B) that cannot meet in a designated physical meeting location due to
7	a declared state of emergency pursuant to 20 V.S.A. chapter 1 or local incident.
8	(2) "Directly impedes" means interferes or obstructs in a manner that
9	makes it infeasible for a public body to meet either at a designated physical
10	location or through electronic means.
11	(3) "Hazard" means an "all-hazards" as defined in 20 V.S.A. § 2(1).
12	(4) "Local incident" means a weather event, public health emergency,
13	public safety threat, loss of power or telecommunication services, or similar
14	event that directly impedes the ability of a public body to hold a meeting
15	electronically or in a designated physical location.
16	(b) Notwithstanding subdivisions $312(a)(2)(D)$, (a)(3), and (c)(2) of this
17	title, during a local incident or declared state of emergency under 20 V.S.A.
18	chapter 1:
19	(1) A quorum or more of an affected public body may attend a regular,
20	special, or emergency meeting by electronic or other means without
21	designating a physical meeting location where the public may attend.

1	(2) The members and staff of an affected public body shall not be
2	required to be physically present at a designated meeting location.
3	(3) An affected public body of a municipality may post any meeting
4	agenda or notice of a special meeting in two publicly accessible designated
5	electronic locations in lieu of the two designated public places in the
6	municipality, or in a combination of a designated electronic location and a
7	designated public place.
8	(c) Before a public body may meet under the authority provided in this
9	section for meetings held during a local incident, the highest ranking elected or
10	appointed officer of the public body shall make a formal written finding and
11	announcement of the local incident, including the basis for the finding.
12	(d) Notwithstanding subdivision 312(a)(3) of this title, during a local
13	incident that impedes an affected public body's ability to hold a meeting by
14	electronic means, the affected public body may hold a meeting exclusively at a
15	designated physical meeting location.
16	(e) When an affected public body meets electronically under subsection (b)
17	of this section, the affected public body shall:
18	(1) use technology that permits the attendance and participation of the
19	public through electronic or other means;
20	(2) allow the public to access the meeting by telephone; and

1	(3) post information that enables the public to directly access and
2	participate in meetings electronically and shall include this information in the
3	published agenda for each meeting; and
4	(4) if applicable, publicly announce and post a notice that the meeting
5	will not be held in a hybrid fashion and will be held either in a designated
6	physical meeting location or through electronic means.
7	$\frac{(d)(f)}{(f)}$ Unless unusual circumstances make it impossible for them to do so,
8	the legislative body of each municipality and each school board shall record
9	any meetings held pursuant to this section.
10	(e)(g) An affected public body of a municipality shall continue to post
11	notices and agendas in or near the municipal clerk's office pursuant to
12	subdivision 312(c)(2) of this title and shall provide a copy of each notice or
13	agenda to the newspapers of general circulation for the municipality.
14	Sec. 5. 1 V.S.A. § 314 is amended to read:
15	§ 314. PENALTY AND ENFORCEMENT
16	* * *
17	(e) A municipality shall post on its website, if it maintains one:
18	(1) an explanation of the procedures for submitting notice of an Open
19	Meeting Law violation to the public body or the Attorney General; and
20	(2) a copy of the text of this section.
21	Sec. 6. 17 V.S.A. § 2640 is amended to read:

1	§ 2640. ANNUAL MEETINGS
2	* * *
3	(b)(1) When a town so votes, it may thereafter start its annual meeting on
4	any of the three days immediately preceding the first Tuesday in March at such
5	time as it elects and may transact at that time any business not involving voting
6	by Australian ballot or voting required by law to be by ballot and to be held on
7	the first Tuesday in March. A meeting so started shall be adjourned until the
8	first Tuesday in March.
9	(2) An informational meeting held in the three days preceding the first
10	Tuesday in March pursuant to this subsection shall be video recorded and a
11	copy of the recording shall be posted in a designated electronic location until
12	the results of the annual meeting have been certified.
13	* * *
14	Sec. 7. 17 V.S.A. § 2680 is amended to read:
15	§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL
16	* * *
17	(h) Hearing.
18	* * *
19	(2)(A) The hearing shall be held within the $\frac{10}{20}$ days preceding the
20	meeting at which the Australian ballot system is to be used. The legislative

1	body shall be responsible for the administration of this hearing, including the
2	preparation of minutes.
3	* * *
4	(3) A hearing held pursuant to this subsection shall be video recorded
5	and a copy of the recording shall be posted in a designated electronic location
6	until the results of the meeting have been certified.
7	Sec. 8. WORKING GROUP ON PARTICIPATION AND ACCESSIBILITY
8	OF MUNICIPAL PUBLIC MEETINGS AND ELECTIONS; REPORT
9	(a) Creation. There is created the Working Group on Participation and
10	Accessibility of Municipal Public Meetings and Elections to study and make
11	recommendations to improve the accessibility of and participation in meetings
12	of local public bodies, annual municipal meetings, and local elections.
13	(b) Membership. The Working Group shall be composed of the following
14	members:
15	(1) two designees of the Vermont League of Cities and Towns;
16	(2) two designees of the Vermont Municipal Clerks' and Treasurers'
17	Association;
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 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; and
10	(B) recording meetings of municipal public bodies and the means and
11	timeline for posting those recordings for public access;
12	(2) report on the findings of the Civic Health Index study by the
13	Secretary of State;
14	(3) identify the technical assistance, equipment, and training necessary
15	for municipalities to run effective and inclusive remote or hybrid public
16	meetings;
17	(4) produce a guide for accessibility for polling and public meeting
18	locations;
19	(5) study the feasibility of using electronic platforms to support remote
20	attendance and voting at annual meetings;

1	(6) investigate whether increased use of accommodations such as
2	childcare, hearing devices, translators, transportation, food, and hybrid
3	meetings could increase participation in local public meetings; and
4	(7) study other topics as determined by the group that could improve
5	participation and access to local public meetings.
6	(d) Assistance. The Working Group shall have the administrative,
7	technical, and legal assistance of the Office of the Secretary of State. The
8	Office of the Secretary of State may hire a consultant to provide assistance to
9	the Working Group.
10	(e) Report. On or before November 1, 2025, the Working Group shall
11	submit a written report to the House Committee on Government Operations
12	and Military Affairs and the Senate Committee on Government Operations
13	with its findings and any recommendations for legislative action.
14	(f) Meetings.
15	(1) The Secretary of State shall call the first meeting of the Working
16	Group to occur on or before September 1, 2024.
17	(2) A majority of the membership shall constitute a quorum.
18	(3) The Working Group shall cease to exist on the date that it submits
19	the report required by this section.
20	(g) Compensation and reimbursement. The members of the Working
21	Group shall be entitled to per diem compensation and reimbursement of

1	expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings.
2	These payments shall be made from monies appropriated to the Office of the
3	Secretary of State.
4	(h) \$50,000.00 is appropriated from the General Fund to the Office of the
5	Secretary of State in fiscal year 2025 for the purpose of hiring a consultant and
6	for per diems and reimbursement of expenses for members of the Working
7	Group.
8	Sec. 9. EFFECTIVE DATE
9	This act shall take effect on July 1, 2024.
10	
11	
12	
13	(Committee vote:)
14	
15	Senator
16	FOR THE COMMITTEE