

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           (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 § 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 ~~10~~ 30 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.

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13 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE