

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. LEGISLATIVE 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 to members of the  
15 public; and

16 (3) the meetings of public bodies be conducted using standard rules and  
17 best practices for both 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 or series of regular  
15 meetings. The request shall be made in writing not less than three business days  
16 before the date of the meeting. The public body shall not require the requestor  
17 to provide a basis for the request. The public body shall grant the request unless  
18 providing the requested form of access is infeasible due to a declared state of  
19 emergency or a local incident pursuant to section 312a of this subchapter. This  
20 subdivision (6) shall not apply to special meetings, emergency meetings, or field  
21 visits.



1 event that directly impedes the ability of a public body to hold a meeting  
2 electronically or in a designated physical location.

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

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

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

11 (3) An affected public body of a municipality may post any meeting  
12 agenda or notice of a special meeting in two publicly accessible designated  
13 electronic locations in lieu of the two designated public places in the  
14 municipality, or in a combination of a designated electronic location and a  
15 designated public place.

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

20 (d) Notwithstanding subdivision 312(a)(3) of this title, during a local  
21 incident that impedes an affected public body's ability to hold a meeting by

1 electronic means, the affected public body may hold a meeting exclusively at a  
2 designated physical meeting location.

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

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

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

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

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

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

17 ~~(e)~~(g) An affected public body of a municipality shall continue to post  
18 notices and agendas in or near the municipal clerk's office pursuant to  
19 subdivision 312(c)(2) of this title and shall provide a copy of each notice or  
20 agenda to the newspapers of general circulation for the municipality.

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



1 § 314. PENALTY AND ENFORCEMENT

2 \* \* \*

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

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

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

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

8 § 2640. ANNUAL MEETINGS

9 \* \* \*

10 (b)(1) When a town so votes, it may thereafter start its annual meeting on  
11 any of the three days immediately preceding the first Tuesday in March at such  
12 time as it elects and may transact at that time any business not involving voting  
13 by Australian ballot or voting required by law to be by ballot and to be held on  
14 the first Tuesday in March. A meeting so started shall be adjourned until the  
15 first Tuesday in March.

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

20 \* \* \*

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

1 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

2 \* \* \*

3 (h) Hearing.

4 \* \* \*

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

9 \* \* \*

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

13 Sec. **8**. WORKING GROUP ON PARTICIPATION AND ACCESSIBILITY  
14 OF MUNICIPAL PUBLIC MEETINGS AND ELECTIONS; REPORT

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

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

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

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

3                (1) two designees of the Vermont League of Cities and Towns;

4                (2) two designees of the Vermont Municipal Clerks' and Treasurers'

5        Association;

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

7                (4) one designee of Disability Rights Vermont;

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

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

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

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

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

14                (1) recommend best practices for:

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

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

20                        (C) recording meetings of municipal public bodies and the means and  
21        timeline for posting those recordings for public access.

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

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

6           (4) produce a guide for accessibility for polling and public meeting  
7           locations;

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

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

12           (7) investigate whether increased use of supportive resources such as  
13           childcare, hearing devices, translators, transportation, food, and hybrid  
14           meetings could increase participation in local public meetings; and

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

17           (d) Assistance. The Working Group shall have the administrative,  
18           technical, and legal assistance of the Office of the Secretary of State. The  
19           Office of the Secretary of State may hire a consultant to provide assistance to  
20           the Working Group.

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

5       (f) Meetings.

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

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

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

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

16       (h) \$50,000.00 is appropriated from the General Fund to the Office of the  
17       Secretary of State in fiscal year 2025 for the purpose of hiring a consultant and  
18       for per diems and reimbursement of expenses for members of the Working  
19       Group.

20       Sec. 9. EFFECTIVE DATE

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

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

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE