| 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:   |

20

| 1  | (1) "Advisory body" means a public body that does not have                       |
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| 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 or subcommittee of any of   |
| 18 | the foregoing boards, councils, or commissions, except that "public body" does   |
| 19 | not include councils or similar groups established by the Governor for the sole  |

purpose of advising the Governor with respect to policy.

| 1  | (5)(6) "Publicly announced" means that notice is given to an editor,             |
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| 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                  |
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| 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 electronic meeting requirements. A public body meeting             |
| 5  | under subdivision (3) or (4) of this subsection shall use a designated electronic |
| 6  | platform that allows the direct access, attendance, and participation of the      |
| 7  | public, including access by telephone. The public body shall post information     |
| 8  | that enables the public to directly access the designated electronic platform and |
| 9  | include this information in the published agenda or public notice for the         |
| 10 | meeting.  |
| 11 | (6) Meetings of local public bodies; recordings. To the extent feasible,          |
| 12 | any public body of a municipality or political subdivision, except advisory       |
| 13 | bodies, shall:  |
| 14 | (A) record, in audio or video form, any meeting of the public body;               |
| 15 | <u>and</u>  |
| 16 | (B) post and retain a copy of the recording according to subdivision              |
| 17 | (3)(C) of this subsection (a).  |
| 18 | * * *   |
| 19 | (j) Request for access. A resident of the geographic area in which the public     |
| 20 | body has jurisdiction, a member of a public body, or a member of the press may    |
| 21 | request that a public body designate a physical meeting location or provide       |

| 1  | electronic or telephonic access to a regular meeting or series of regular meetings. |
|----|---|
| 2  | The request shall be made in writing not less than three business days before the   |
| 3  | date of the meeting. The public body shall not require the requestor to provide     |
| 4  | a basis for the request. The public body shall grant the request unless providing   |
| 5  | the requested form of access is infeasible due to a declared state of emergency     |
| 6  | or a local incident pursuant to section 312a of this subchapter. This subsection    |
| 7  | (j) shall not apply to special meetings, emergency meetings, or field visits.       |
| 8  | (k) Annually, the following officers shall participate in a professional            |
| 9  | training that addresses the procedures and requirements of this subchapter:         |
| 10 | (1) for municipalities and political subdivisions, the chair of the                 |
| 11 | legislative body, town manager, and mayor; and                                      |
| 12 | (2) for the State, the chair of any public body that is not an advisory             |
| 13 | <u>body.</u>  |
| 14 | Sec. 4. 1 V.S.A. § 312a is amended to read:   |
| 15 | § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY                               |
| 16 | (a) As used in this section:  |
| 17 | (1) "Affected public body" means a public body:                                     |
| 18 | (A) whose regular meeting location is located in an area affected by a              |
| 19 | hazard or local incident; and   |
| 20 | (B) that cannot meet in a designated physical meeting location due to               |
| 21 | 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 <u>local incident or</u> 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            |
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| 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  | (d)(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  | (e)(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   |
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| 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 $\frac{10}{20}$ 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;               |
| 13 | (2) two designees of the Vermont Municipal Clerks' and Treasurers'         |
| 14 | Association;   |
| 15 | (3) one designee of the Vermont School Boards Association;                 |
| 16 | (4) one designee of Disability Rights Vermont;                             |
| 17 | (5) one designee of the Vermont Access Network;                            |
| 18 | (6) one member with expertise in remote and hybrid voting and meeting      |
| 19 | technology, appointed by the Secretary of State;                           |
| 20 | (7) the Chair of the Human Rights Commission or designee; and              |
| 21 | (8) the Secretary of State or designee, who shall be Chair.                |

| 1  | (c) Powers and duties. The Working Group shall:                                   |
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| 2  | (1) recommend best practices for:   |
| 3  | (A) running effective and inclusive meetings and maximizing                       |
| 4  | participation and accessibility in electronic, hybrid, and in-person annual       |
| 5  | meetings and meetings of public bodies;   |
| 6  | (B) the use of universal design for annual meetings and meetings of               |
| 7  | public bodies; and  |
| 8  | (C) recording meetings of municipal public bodies and the means and               |
| 9  | timeline for posting those recordings for public access.                          |
| 10 | (2) report on the findings of the Civic Health Index study by the                 |
| 11 | Secretary of State and how to reduce barriers to participation in public service; |
| 12 | (3) identify the technical assistance, equipment, and training necessary          |
| 13 | for municipalities to run effective and inclusive remote or hybrid public         |
| 14 | meetings;   |
| 15 | (4) produce a guide for accessibility for polling and public meeting              |
| 16 | locations;  |
| 17 | (5) study the feasibility of using electronic platforms to support remote         |
| 18 | attendance and voting at annual meetings;   |
| 19 | (6) analyze the voting methods currently used throughout the State and            |
| 20 | voter turnout;  |

| I  | (7) investigate whether increased use of participant resources such as          |
|----|---|
| 2  | child care, hearing devices, translators, transportation, food, and hybrid      |
| 3  | meetings could increase participation in local public meetings; and             |
| 4  | (8) 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) Consultation. The Working Group shall consult with the Vermont Press        |
| 11 | Association and communications union districts.                                 |
| 12 | (f) Report. On or before November 1, 2025, the Working Group shall              |
| 13 | submit a written report to the House Committee on Government Operations         |
| 14 | and Military Affairs and the Senate Committee on Government Operations          |
| 15 | with its findings and any recommendations for legislative action.               |
| 16 | (g) Meetings.   |
| 17 | (1) The Secretary of State shall call the first meeting of the Working          |
| 18 | Group to occur on or before September 1, 2024.                                  |
| 19 | (2) A majority of the membership shall constitute a quorum.                     |
| 20 | (3) The Working Group shall cease to exist on the date that it submits          |
| 21 | the report required by this section.  |

| 1  | (h) Compensation and reimbursement. The members of the Working                    |
|----|---|
| 2  | Group shall be entitled to per diem compensation and reimbursement of             |
| 3  | expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings.       |
| 4  | These payments shall be made from monies appropriated to the Office of the        |
| 5  | Secretary of State.   |
| 6  | (i) \$50,000.00 is appropriated from the General Fund to the Office of the        |
| 7  | Secretary of State in fiscal year 2025 for the purpose of hiring a consultant and |
| 8  | for per diems and reimbursement of expenses for members of the Working            |
| 9  | Group.  |
| 10 | Sec. 9. EFFECTIVE DATE  |
| 11 | This act shall take effect on July 1, 2024.                                       |
| 12 |   |
| 13 |   |
| 14 |   |
| 15 | (Committee vote:)   |
| 16 |   |
| 17 | Senator   |
| 18 | FOR THE COMMITTEE   |