



**State of Vermont
Office of the Secretary of State**

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**Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary**

February 7, 2024

**To: Hon. Ruth Hardy, Chair
Senate Committee on Government Operations**

From: S. Lauren Hibbert, Deputy Secretary of State

Re: S.55 An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law; Draft 4.2

Section 1:

SOS continues to support the new definition of Advisory Body. We recommend that the inclusion of sub-committees who meet the definition of an advisory body be expressly included because we anticipate this will be an area where questions will arise.

Recommendation: "which may include committees and other derivative public bodies of non-advisory bodies."

Section 2:

SOS supports the changes made in this section. Limiting the hybrid requirements to only State bodies makes sense given the diversity of the current capabilities for local boards. This will mean that local boards will return to a fully in-person or hybrid if their technology allows, except advisory bodies.

The retention of the electronic recording for 30 days after the official minutes are approved strikes a good balance of access and retention. We do anticipate that many state bodies are not recording their entire meeting. This will be a change for them.

In 1 V.S.A. § 312(a)(6) we recommend not using the word *accommodation* unless the Committee is contemplating that provision would only be used by people with disabilities. If the Committee is contemplating a request from a person for any reason, perhaps using the word *access* would be a better fit. Additionally, including electronic access may cause technical challenges for local public bodies who do not have that capability, particularly because the local grant administered by SOS has been removed from the bill.

Section 4:

SOS supports increasing the public knowledge of how to enforce open meeting law violations.

Section 5:

SOS supports the requirement that informational meetings held in the three days prior to annual meeting are recorded and posted.

Section 6:

SOS supports the recording and posting requirement for a hearing that is held before an Australian ballot. We recommend that the Committee hear from the Town Clerks Association on the expansion of the timeframe for the hearing.

Section 7:

SOS supports the creation of the Working Group on Participation and Accessibility of Municipal Public Meetings and Elections.

We recommend the inclusion of the following members in Working Group:

- (1) The Vermont Human Rights Commission be included in the stakeholder group;
- (2) A stakeholder with expertise in technology relating to holding a hybrid meeting and voting, perhaps the Legislative Informational Technology;
- (3) The public access television association.

Related to the powers and duties of the Working Group:

- (1) We fully support the creation of best practices for effective and inclusive meetings regardless of the format of the meeting and the recordings of meetings.
- (2) We think the task of investigating the “means for increasing voter interest in serving on local bodies” is broad and may be difficult to assess for this group given the timeframe and limited meetings. We are engaging in a Civic Health Index this year, which may give the legislature this information in a different format.
- (3) We agree the assessment of technical assistance, equipment, and training for municipalities to run hybrid meetings needs to be done. We would like clarification on if that is what the Committee means when it states “effective and inclusive” public meetings.
- (4) With regard to the current level of accessibility to physical locations and polling locations we are concerned about the scope of this duty. There are currently over 250 polling locations in Vermont and likely more physical locations for meetings. This working group will not have the capacity to inspect these locations. Additionally, given that all public locations should be accessible under the ADA currently and yet we hear reports that some are not, we are concerned about relying on self-reporting. We recommend that this language be shifted to

state that the Working Group should be responsible for publishing a Guide for accessibility for polling locations and meeting locations. This section is the primary reason we recommend including the Human Rights Commission as a stakeholder.

(5) Reviewing the

- a. feasibility of electronic voting will require a stakeholder with technical expertise in this area. This is why we are recommending the Office of Legislative Information Technology.
- b. expanding the use of the Australian ballot system for local elections is a significant conversation. SOS thinks that if the Committee wishes to substantially engage in the use of Australian ballots in lieu of floor meeting or as an augmentation to floor meeting that should be an independent Work Group with a different set of members.

(6) We recommend in this section, removing the use of the word *accommodations* and instead using the phrase *meeting facilitation tools*. The Working Group can engage on if meeting facilitation tools would increase participation. This will likely be based on the knowledge within the Working Group.

(7) SOS appreciates the catch-all nature of this subsection. Given the scope and breadth of the work for this Working Group, it might be necessary to cover the depth of conversation.

A due date of November 25, 2025 works for our office. Thank you for not making it due this calendar year. We think the group may need more than six meetings. A budget of \$50,000 is appropriate for this project.

Section 8:

Our office supports an effective date of July 1, 2024.