

HOUSE No. 4771

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 24, 2024.

The committee on State Administration and Regulatory Oversight, to whom were referred petition (accompanied by bill, Senate, No. 1970) of William N. Brownsberger for legislation relative to extending certain state of emergency accommodations, the petition (accompanied by bill, Senate, No. 2002) of Paul R. Feeney for legislation to permit enhanced public access to deliberations of public bodies and to permit improved efficiency of public bodies, the petition (accompanied by bill, Senate, No. 2011) of Anne M. Gobi and Joanne M. Comerford for legislation relative to remote access for public bodies and town meetings, the petition (accompanied by bill, Senate, No. 2017) of Jason M. Lewis for legislation relative to nonprofit remote voting, the petition (accompanied by bill, Senate, No. 2024) of Jason M. Lewis, Angelo J. Puppolo, Jr., Joanne M. Comerford, Brian W. Murray and other members of the General Court for legislation to modernize participation in public meetings, the petition (accompanied by bill, Senate, No. 2043) of Jacob R. Oliveira for legislation to modernize municipal meetings, town meetings, and local elections, the petition (accompanied by bill, Senate, No. 2063) of Rebecca L. Rausch for legislation relative to update the Open Meeting Law to support remote participation, the petition (accompanied by bill, House, No. 2981) of James Arciero and others for legislation to assure for bidder privacy in certain interviews for public construction contracts, the petition (accompanied by bill, House, No. 2998) of Antonio F. D. Cabral and others relative to participation in public meetings, the petition (accompanied by bill, House, No. 2999) of Daniel Cahill relative to remote voting for certain public charities, the petition (accompanied by bill, House, No. 3014) of Carol A. Doherty and Patricia A. Haddad for legislation to promote public participation in public meetings, the petition (accompanied by bill, House, No. 3025) of William J. Driscoll, Jr., and others relative to remote access for public bodies and town meetings, the petition (accompanied by bill, House, No. 3040) of Denise C. Garlick and others relative to providing for hybrid access to public meetings, the

petition (accompanied by bill, House, No. 3109) of Jeffrey N. Roy for legislation to permit enhanced public access to deliberations of public bodies and to permit improved efficiency of public bodies, the petition (accompanied by bill, House, No. 3110) of Lindsay N. Sabadosa and Michelle M. DuBois relative to remote participation in state public meetings, the petition (accompanied by bill, House, No. 3121) of Erika Uyterhoeven for legislation to make the General Court subject to the open meeting law, the petition (accompanied by bill, House, No. 3671) of Tricia Farley-Bouvier, Mindy Domb and others relative to virtual meetings of appointed statewide public bodies and the petition (accompanied by bill, House, No. 4030) of Lindsay N. Sabadosa relative to public comments and open meeting law, reports recommending that the accompanying bill (House, No. 4771) ought to pass.

For the committee,

ANTONIO F. D. CABRAL.

HOUSE No. 4771

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to modernize participation in public meetings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 18 of chapter 30A of the General Laws, as appearing in 2022
2 Official Edition, is hereby amended by striking out, in line 1, the number 25, and inserting in
3 place thereof the following number:- 26.

4 SECTION 2. Section 18 of chapter 30A of the General Laws, as so appearing, is hereby
5 further amended by inserting after the word “meeting”, in line 9, the following word:-
6 information.

7 SECTION 3. Said section 18 of said chapter 30A, as so appearing, is hereby further
8 amended by inserting at the end thereof the following:-

9 “Remote access,” access through the internet, video conferencing or other video
10 technology that allows the public to view and, when permitted or required, participate in a
11 meeting of a public body remotely from a location other than the meeting location.

12 “Remote participation,” participation by a member of a public body in a meeting of that
13 public body through internet, video conferencing or other video technology remotely from a
14 location other than the meeting location.

15 SECTION 4. Chapter 30A is hereby amended by striking out section 20 and inserting in
16 place thereof the following section:

17 Section 20 (a) Except as provided in section 21, all meetings of a public body shall be
18 physically open, and remotely accessible, to the public.

19 (b) Except in an emergency, in addition to any notice otherwise required by law, a public
20 body shall post notice of every meeting at least 48 hours prior to the meeting, excluding
21 Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon
22 as reasonably possible prior to the meeting. Notice shall be printed in a legible, easily
23 understandable format and shall contain the date, time and place of the meeting and a listing of
24 topics that the chair reasonably anticipates will be discussed at the meeting.

25 (c) For meetings of a local public body, notice shall be filed with the municipal clerk and
26 posted to the municipal website by the municipal clerk and may be posted in a manner
27 conspicuously visible to the public at all hours in or on the municipal building in which the
28 clerk’s office is located. For meetings of a regional or district public body, notice shall be filed
29 and posted in each city or town within the region or district in the manner prescribed for local
30 public bodies and notice shall be posted on the regional or district public body’s website. For
31 meetings of a regional school district, the secretary of the regional school district committee shall
32 be considered to be its clerk and shall file notice with the clerk of each city or town within the
33 district and the clerk of such each city or town shall post the notice in the manner prescribed for

34 local public bodies, and notice shall be posted on the regional school district's website. For
35 meetings of a county public body, notice shall be filed in the office of the county commissioners
36 for the county and shall be posted on the county public body's website, and notice may be posted
37 in a manner conspicuously visible to the public at all hours in the places as the county
38 commissioners shall designate for the purpose.

39 For meetings of a state public body, notice shall be filed with the attorney general by
40 posting on a website under the procedures established for this purpose and a duplicate copy of
41 the notice shall be filed with the regulations division in the state secretary's office and notice
42 shall be posted on the state public body's website, or the website of its parent agency.

43 The chair of a public body may petition the attorney general for the use of an alternative
44 method of notice where the use of a website is unduly burdensome or presents a hardship to the
45 public body or regional school district. The attorney general may prescribe or approve alternative
46 methods of notice where the attorney general determines that the use of a website is unduly
47 burdensome or presents a hardship and the alternative methods will afford effective notice to the
48 public.

49 (d) (1) All public bodies shall provide for remote access and remote participation at every
50 meeting.

51 (2) Members of a public body participating physically or participating remotely in a
52 meeting shall participate in the same manner for the duration of that meeting. A public body,
53 other than a local commission on disability, shall have the chair or the chair's designee
54 physically present at all meetings and members participating remotely may vote, count towards
55 the quorum, and shall not be deemed absent for the purposes of section 23D of chapter 39. The

56 chair of a local commission on disability or, in the chair's absence, the person authorized to chair
57 the meeting of a local commission on disability, shall be physically present at the meeting
58 location.

59 (3) Members of a state public body participating physically or participating remotely in a
60 meeting shall participate in the same manner for the duration of that meeting. A state public body
61 shall have the chair or the chair's designee physically present at all meetings and members
62 participating remotely may vote, count towards the quorum, and shall not be deemed absent for
63 the purposes of section 23D of chapter 39. All meetings of a state public body shall be video
64 recorded with access to the recording posted on the website of the public body within 10
65 business days after the meeting.

66 (4) Remote access allowing the public to view or participate in the deliberations of a
67 public body shall be available without any paid subscription, toll, or similar charge. All public
68 bodies shall ensure remote access to meetings is accessible to persons with disabilities and
69 provided in such a manner as to ensure equal opportunity to such persons. Public bodies shall
70 include captioning, through automatic speech recognition technology or otherwise, and shall
71 provide reasonable accommodations, if requested, to persons with disabilities participating
72 remotely, consistent with the Americans with Disabilities Act.

73 (5) All public bodies shall ensure that remote participation by members is accessible to
74 members with disabilities and provided in such a manner as to ensure equal opportunity to such
75 members. Public bodies shall include captioning, through automatic speech recognition
76 technology or otherwise, and shall provide reasonable accommodations, if requested, to persons
77 with disabilities participating remotely, consistent with the Americans with Disabilities Act.

78 (e) After notifying the chair of the public body, any person may make a video or audio
79 recording of an open session of a meeting of a public body, or may transmit the meeting through
80 any medium, subject to reasonable requirements of the chair as to the number, placement and
81 operation of equipment used so as not to interfere with the conduct of the meeting. At the
82 beginning of the meeting, the chair shall inform other attendees of any recordings.

83 (f) No person shall address a meeting of a public body without permission of the chair,
84 and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings
85 of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt
86 the proceedings, the chair may order the person to withdraw from the meeting and if the person
87 does not withdraw, the chair may authorize a constable or other officer to remove the person
88 from the meeting.

89 (g) Within 2 weeks of qualification for office, all persons serving on a public body shall
90 certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting
91 law, regulations promulgated under section 25 and a copy of the educational materials prepared
92 by the attorney general explaining the open meeting law and its application under section 19.
93 Unless otherwise directed or approved by the attorney general, the appointing authority, city or
94 town clerk or the executive director or other appropriate administrator of a state or regional body,
95 or their designees, shall obtain certification from each person upon entering service and shall
96 retain it subject to the applicable records retention schedule where the body maintains its official
97 records. The certification shall be evidence that the member of a public body has read and
98 understands the requirements of the open meeting law and the consequences of violating it.

99 SECTION 5. Section 22 of said chapter 30A of the General Laws, as appearing in the
100 2022 Official Edition, is hereby amended by striking subsection (a) and inserting in place thereof
101 the following subsections:-

102 (a) A public body shall create and maintain accurate minutes of all meetings, including
103 executive sessions, setting forth the date, time and place, the members present or absent, a
104 summary of the discussions on each subject, a list of documents and other exhibits used at the
105 meeting, the decisions made, and the actions taken at each meeting, including the record of all
106 votes. Minutes of all meetings, including executive sessions, shall be created, and approved by
107 the following meeting or within 30 days, whichever is later, unless the public body can show
108 good cause for further delay.

109 SECTION 6. Section 22 of said chapter 30A, as so appearing, is hereby further amended
110 by striking subsection (c) and inserting in place thereof the following:-

111 (c) The minutes of an open session, if they exist and whether approved or in draft form,
112 shall be made available upon request to any person within 10 business days. A public body may,
113 within 10 business days, refer the requester to the public body's website where the requested
114 minutes, whether approved or in draft form, may be found. Within 10 business days of approval,
115 minutes of an open session shall be posted to the public body's website.

116 SECTION 7. Said Section 22 of said chapter 30A, as so appearing, is hereby further
117 amended by inserting after the word "meeting", in line 60, the following words:-

118 Within 10 business days of a determination that continued non-disclosure of executive
119 session minutes is no longer warranted, such executive session minutes shall be posted to the
120 public body's website.

121 SECTION 8. Said section 22 of said chapter 30A, as so appearing, is hereby further
122 amended by inserting after the word “review”, in line 69, the following words:-

123 A public body may, within 10 business days, refer the requester to the public body’s
124 website where the requested minutes may be found if all requested minutes have been released to
125 the public.

126 SECTION 9. Said Section 23 of said chapter 30A, as so appearing, is hereby amended by
127 inserting after the word “violation”, in line 34, the following words: or a civil penalty of not
128 more than \$200 against any member of a public body for a third or subsequent knowing
129 violation.

130 SECTION 10. Subsection (c) of said section 23 of said Chapter 30A, as so appearing, is
131 hereby further amended by striking out the seventh clause and inserting in place thereof the
132 following clauses:-

133 (7) issue a private education letter to a member of a public body;

134 (8) reprimand a member of a public body; provided, however, that no member of a public
135 body shall be reprimanded unless the attorney general has issued a private education letter to said
136 member within the past twelve months; or;

137 (9) prescribe other appropriate action.

138 SECTION 11. Subsection (f) of said section 23 of said Chapter 30A, as so appearing, is
139 hereby further amended by inserting at the end thereof the following paragraph:-

140 The remedy created hereby is not exclusive but shall be in addition to every other
141 available remedy. In an action brought by 3 or more registered voters, such order of notice may
142 also require the public body to reimburse said voters reasonable attorney’s fees and court costs.

143 SECTION. 12. Chapter 30A of the General Laws, is hereby amended by inserting after
144 section 25, the following new section:

145 Section 26. (a) All public bodies shall conduct their meetings in accordance with section
146 20 except as provided herein.

147 (b) A rural community with a population of less than 10,000 and a population density
148 below 500 people per square mile, as defined by the state office of rural health, within the
149 Department of Public Health, may request a hardship waiver from the division of open
150 government on behalf of any non-elected local public body for reasons of economic or
151 technological hardship.

152 (c) A local public body that is granted a hardship waiver shall be relieved of the
153 obligation to conduct public meetings in accordance with section 20 of chapter 30A and may
154 conduct meetings with either remote access and remote participation or in a public place that is
155 open and physically accessible to the public.

156 (d) The division of open government may issue or renew a hardship waiver annually, if
157 necessary, upon a written finding.

158 SECTION 13. Section 26 of Chapter 30A is hereby repealed.

159 SECTION 14. Section 13 shall take effect on June 30, 2028.

160 SECTION 15. Sections 1 through 11 of this act shall take effect on April 1, 2025.