



Legislative Endorsement

Bill No. and Title: Bill S2104 H3213 An Act updated the Open Meeting Law to support remote participation

Sponsor(s) and Committee: Sen. Rausch, Rep. O’Day, State Administration and Regulatory Oversight

Legislative History: Hearing: June 2nd, 2021

Legislation Text: SECTION 1. Chapter 30A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out paragraph (d) of section 20.

SECTION 2. Chapter 30A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 20 the following section:

Section 20A. (a) A public body may allow remote participation by any member for any meeting of the public body. For the purposes of this section, the term remote participation means participation by a member of a public body during a meeting of that public body where the member is not physically present at the meeting location.

(b) Members remotely participating in a meeting may vote, shall be considered present and in attendance for all purposes, including for purposes of determining a quorum and for the purposes of section 23D of chapter 39.

(c) All members of the public body participating either remotely or at a meeting location shall be clearly audible to one another.

(d) For any meeting conducted through remote participation, the public body shall make provisions to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means. Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the virtual meeting. Such means may include, without limitation, providing public access through telephone, Internet or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the virtual meeting while those proceedings are occurring. Documents used for any such meeting should be made available to the public before or at the time of the meeting of the public body. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a charter, local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access shall provide for such participation. A public body shall offer its selected alternative means of public access to virtual meetings without subscription, toll, or similar charge to the public.

(e) A public body that elects to conduct its proceedings remotely shall ensure that any party entitled or required to appear before it may do so through remote means, as if the party were a member of the public body participating remotely.

(f) The executive body of a municipality shall develop and adopt standards and guidelines for remote participation of public bodies that is sufficient for the municipality prior to any remote meeting held pursuant to this law.

<https://malegislature.gov/Bills/192/S2104> <https://malegislature.gov/Bills/192/H3213>

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