

HOUSE No. 3025

The Commonwealth of Massachusetts

PRESENTED BY:

William J. Driscoll, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to remote access for public bodies and town meetings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>1/17/2023</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/26/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/22/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/22/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/22/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/27/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>3/8/2023</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>3/10/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/10/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/13/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/13/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/13/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/13/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/13/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>3/14/2023</i>

HOUSE No. 3025

By Representative Driscoll of Milton, a petition (accompanied by bill, House, No. 3025) of William J. Driscoll, Jr. and others relative to remote access for public bodies and town meetings. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relative to remote access for public bodies and town 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. Said chapter 30A is hereby amended by striking out section 20, and
2 inserting in place thereof the following section:

3 Section 20. (a) Except as provided in section 21, all meetings of a public body shall be
4 open to the public.

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

11 (c) For meetings of a local public body, notice shall be filed with the municipal clerk and
12 posted in a manner conspicuously visible to the public at all hours in or on the municipal
13 building in which the clerk's office is located and on the municipal website.

14 For meetings of a regional or district public body, notice shall be filed and posted in each
15 city or town within the region or district in the manner prescribed for local public bodies. For
16 meetings of a regional school district, the secretary of the regional school district committee shall
17 be considered to be its clerk and shall file notice with the clerk of each city or town within the
18 district and shall post the notice in the manner prescribed for local public bodies. For meetings of
19 a county public body, notice shall be filed in the office of the county commissioners and a copy
20 of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours
21 in the places as the county commissioners shall designate for the purpose.

22 For meetings of a state public body, notice shall be filed with the attorney general by
23 posting on a website under the procedures established for this purpose and a duplicate copy of
24 the notice shall be filed with the regulations division in the state secretary's office.

25 The attorney general may prescribe or approve alternative methods of notice where the
26 attorney general determines the alternative methods will afford more effective notice to the
27 public.

28 (d) Public bodies may allow remote meeting participation provided that all persons
29 present at the meeting are clearly audible to each other. Remote members may vote and shall not
30 be deemed absent for the purposes of section 23D of chapter 39. The public body shall ensure
31 public access to the deliberations of the public body for interested members of the public through
32 adequate, alternative means of public access. Where active, real-time participation by members

33 of the public is a specific requirement of a general or special law, regulation or a local ordinance
34 or by-law, pursuant to which the proceeding is conducted, any adequate, alternative means of
35 public access pursuant to regulations established under section j shall provide for such
36 participation and shall be sufficient to meet such participation requirement. A municipal public
37 body that for reasons of economic hardship and despite best efforts is unable to provide
38 adequate, alternative means of public access that will enable the public to follow the proceedings
39 of the municipal public body as those activities are occurring in real time may instead post on its
40 municipal website a full and complete transcript, recording or other comprehensive record of the
41 proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not
42 apply to proceedings that are conducted pursuant to a general or special law, regulation or a local
43 ordinance or bylaw that requires allowance for active participation by members of the public. A
44 public body shall offer its selected adequate, alternative means of public access to its
45 proceedings without subscription, toll or similar charge to the public.

46 (e) Public bodies may allow hybrid meeting participation provided that all persons
47 present at the meeting are clearly audible to each other.

48 (f) A public body may allow remote participation by all members in any meeting of the
49 public body and a quorum of the body and the chair shall not be required to be physically present
50 at a specified meeting location.

51 (g) A public body that elects to conduct its proceedings under this section shall ensure
52 that any party entitled or required to appear before it shall be able to appear through remote
53 means, as if the party were a member of the public body and participating remotely as provided
54 in subsection

55 (h) No person shall address a meeting of a public body without permission of the chair,
56 and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings
57 of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt
58 the proceedings, the chair may order the person to withdraw from the meeting and if the person
59 does not withdraw, the chair may authorize a constable or other officer to remove the person
60 from the meeting.

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

71 (j) The attorney general shall develop and adopt standards and guidelines for remote or
72 hybrid participation of public bodies.

73 SECTION 2. Chapter 30A of the General Laws is hereby amended by inserting after
74 section 20 the following section:

75 Section 20 ½ (a) Notwithstanding any general or special law, charter provision,
76 ordinance or by-law to the contrary, the moderator in a town having a representative or open

77 town meeting form of government may request that the select board or board of selectmen of the
78 town call for a representative or open town meeting to be held through remote or hybrid
79 participation, including, but not limited to, by means of a video or telephone conferencing
80 platform. Such a request by the moderator to the select board or board of selectmen shall be in
81 writing and shall include, but shall not be limited to: (i) the moderator's determination and
82 request to hold a town meeting through remote participation in accordance with this section; (ii)
83 the video or telephone conferencing platform the moderator has determined to use to hold the
84 town meeting; (iii) confirmation that the moderator has consulted with the local disability
85 commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a
86 certification by the moderator that: (A) the moderator has tested the video or telephone
87 conferencing platform; and (B) the platform satisfactorily enables the town meeting to be
88 conducted in substantially the same manner as if the meeting occurred in person at a physical
89 location and in accordance with the operational and functional requirements set forth in this
90 section.

91 A video or telephone conference platform used by a town meeting for remote or hybrid
92 participation under this section shall, at minimum, provide for the ability for: (i) the moderator,
93 town meeting members, town officials and any other interested members of the public to identify
94 and hear the moderator and each town meeting member who attends and participates in the
95 remotely-held town meeting, as well as any other individuals who participate in the remotely-
96 held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting
97 member, town official or other individual to request recognition by the moderator without prior
98 authorization; provided, however, that to the extent technologically feasible, the request is visible
99 or audible to the public in real time and upon review of the recording of the town meeting

100 proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town
101 meeting member wishes to be recognized to speak, make a motion, raise a point of order or
102 object to a request for unanimous consent; (v) the moderator to recognize a town meeting
103 member, town official or other individual to speak and to enable that person to speak; (vi) the
104 ability to conduct a roll call vote; (vii) any interested members of the public to access the
105 meeting remotely for purposes of witnessing the deliberations and actions taken at the town
106 meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town
107 wishing to participate in a remote town meeting conducted pursuant to this section shall submit a
108 request to participate to the town clerk not less than 48 hours in advance of the town meeting.
109 Upon receipt of the request and verification of the requester's voter registration status, the clerk
110 shall provide to the requester instructions for participating in the remote town meeting.

111 (b) Not later than 10 business days following receipt of a written request by the
112 moderator for remote or hybrid participation at a town meeting pursuant to subsection (a), the
113 select board or board of selectmen shall vote to determine if the town meeting shall be held
114 remotely by means of the video or telephone conferencing platform requested by the moderator.

115 (c) If the select board or board of selectmen votes to approve the request of the
116 moderator for remote or hybrid participation at a town meeting the select board shall issue, a
117 notice that expressly states: (i) that the town meeting shall be held remotely by means of the
118 video or telephone conferencing platform requested by the moderator; (ii) the date and time of
119 the meeting; and (iii) any information necessary for the moderator, town meeting members, town
120 officials and interested members of the public to access and witness the deliberations and actions
121 taken at the town meeting remotely.

122 The notice issued by the select board or board of selectmen shall be: (i) accompanied by
123 the written request of the moderator submitted to the select board or board of selectmen under
124 subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of
125 section 10A of chapter 39 of the General Laws; (iii) publicly posted not less than 10 days before
126 the scheduled date of the remote town meeting. The notice may include a date, time and place for
127 the town meeting to be resumed if the town meeting does not vote to continue the town meeting
128 remotely pursuant to subsection (f).

129 (d) If the select board or board of selectmen votes to approve the request of the
130 moderator for remote or hybrid participation at a town meeting and the select board or board of
131 selectmen has not yet issued a warrant for a town meeting, the select board or board of selectmen
132 shall approve and issue a warrant pursuant to section 10 of said chapter 39 for the town meeting
133 that expressly states: (i) that the town meeting shall be held remotely or hybrid by means of the
134 video or telephone conferencing platform requested by the moderator; (ii) the date and time of
135 the meeting; and (iii) any information necessary for access and witness the deliberations and
136 actions taken at the town meeting remotely.

137 The warrant issued by the select board or board of selectmen shall be: (i) accompanied by
138 the written request of the moderator submitted to the select board or board of selectmen under
139 subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other
140 applicable laws and any relevant provisions of the town charter or by-laws. The warrant may
141 include a date, time and place for the town meeting to be resumed if the town meeting does not
142 vote to continue the town meeting remotely pursuant to subsection (f).

143 (e) Not later than 5 business days after a vote of the select board or board of selectmen to
144 approve the request of the moderator to hold a town meeting remotely or hybrid pursuant to
145 subsection (c) or (d), the town clerk shall submit certified copies of the vote of the select board
146 or board of selectmen and the written request of the moderator to the attorney general.

147 (f) Any roll call vote taken at a representative or open town meeting held through remote
148 or hybrid participation pursuant to this section shall be taken by any means that the moderator
149 determines accurately and securely records the votes of those entitled to vote at the meeting,
150 including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or
151 any combination thereof. The vote of each voting member on a roll call vote shall be recorded
152 and kept with the minutes of the town meeting.

153 (g) A representative or open town meeting held remotely or hybrid pursuant to this
154 section shall be recorded and the recording shall be preserved and made publicly available on the
155 town's website for not less than 90 days after the conclusion of the remote or hybrid town
156 meeting.

157 (h) All actions taken during a remote or hybrid town meeting held pursuant to this
158 section are hereby ratified, validated and confirmed to the same extent as if the town meeting had
159 been conducted in person and such actions are in accordance with all other applicable laws,
160 charter provisions, ordinances and by-laws.

161 (j) The attorney general shall develop and adopt standards and guidelines for remote or
162 hybrid participation of town meetings.