

HOUSE No. 3194

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky and Alice Hanlon Peisch

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 promoting governmental efficiency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/25/2021</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/25/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/23/2021</i>

HOUSE No. 3194

By Representatives Linsky of Natick and Peisch of Wellesley, a petition (accompanied by bill, House, No. 3194) of David Paul Linsky, Alice Hanlon Peisch and Rebecca L. Rausch relative to open meeting law complaints. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act promoting governmental efficiency.

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. Paragraph (b) of Section 23 of Chapter 30A of the General Laws is hereby
2 amended by striking out said paragraph and inserting in place thereof the following paragraph:

3 (b) Complaints.

4 (1) Any individual may file a complaint with a public body alleging violation of the Open
5 Meeting Law, provided that the complaint:

6 (A) Reasonably describes the circumstances constituting the alleged violation;

7 (B) is filed with the public body within 20 business days of the date of the alleged
8 violation;

9 (C) includes electronic and postal mail contact information for the complainant; and

10 (D) is signed by the complainant either in ink or in compliance with Chapter 110G.

11 (2) Complaints shall be deemed received:

12 (A) if filed by electronic mail, on the business day of submission if submitted by 4:00
13 p.m., and otherwise on the next business day; or

14 (B) three days after mailing via first class postal mail.

15 (3) A public body must meet to review and respond to a complaint not later than 14
16 business days after receipt thereof confirming receipt of the complaint and identifying any
17 remedial action(s) taken or intended to be taken by the public body in response to the complaint;
18 provided, however, that if a complainant files more than twelve complaints with the same public
19 body within the same calendar year, or a complaint is otherwise unduly burdensome, the public
20 body may file a petition with the Attorney General seeking relief from the obligation to respond
21 to the complaint. In determining whether to grant an order requiring the public body to respond
22 to the complaint, the Attorney General may consider, without limitation, (i) the previous record
23 of compliance or non-compliance by the public body; (ii) the burden placed on the public body
24 in responding to the complaint; (iii) any evidence of harassment or intimidation on the part of the
25 complainant; (iv) the facts of the alleged violation; and (v) the number of complaints filed
26 against the public body or other public bodies within the municipality. The Attorney General
27 may authorize an extension of time to the public body for the purpose of taking remedial action
28 upon the written request of the public body and a showing of good cause to grant the extension.

29 (4) The public body shall, within 14 business days of receipt of a complaint unless
30 granted an extension of time pursuant to subsection (B)(3), send a copy of the complaint to the
31 attorney general and notify the attorney general of any remedial action.

32 (5) Any remedial action(s) stated pursuant to subparagraph (3) of this Section shall not be
33 admissible as evidence against the public body in any subsequent administrative or judicial
34 proceeding related to the alleged violation.

35 SECTION 2. Paragraph (c) of Section 23 of Chapter 30A of the General Laws is hereby
36 amended by striking out the word “complaint” in the first line and inserting in place thereof the
37 word “petition for review of an open meeting law complaint”.

38 SECTION 3. Section 10 of Chapter 66 of the General Laws is hereby amended by
39 striking out, in line 96, the words “and the requests are not intended for the broad dissemination
40 of information to the public about actual or alleged government activity,”.