

OPEN AND PUBLIC MEETINGS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill modifies a provision relating to open and public meetings.

Highlighted Provisions:

This bill:

- ▶ prohibits a vote in a closed meeting, except to end the closed portion of the meeting;

and

- ▶ provides that a motion to end the closed portion of a meeting may be approved by a majority vote.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-204, as last amended by Laws of Utah 2018, Chapter 461

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **52-4-204** is amended to read:

52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.

(1) A closed meeting may be held if:

(a) (i) a quorum is present;

30 (ii) the meeting is an open meeting for which notice has been given under Section
31 [52-4-202](#); and

32 (iii) (A) two-thirds of the members of the public body present at the open meeting vote
33 to approve closing the meeting;

34 (B) for a meeting that is required to be closed under Section [52-4-205](#), if a majority of
35 the members of the public body present at an open meeting vote to approve closing the
36 meeting;

37 (C) for an ethics committee of the Legislature that is conducting an open meeting for
38 the purpose of reviewing an ethics complaint, a majority of the members present vote to
39 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,
40 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the
41 complaint; or

42 (D) for the Political Subdivisions Ethics Review Commission established in Section
43 [63A-15-201](#) that is conducting an open meeting for the purpose of reviewing an ethics
44 complaint in accordance with Section [63A-15-701](#), a majority of the members present vote to
45 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,
46 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the
47 complaint; or

48 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is
49 convened for the purpose of conducting business relating to the receipt or review of an ethics
50 complaint, provided that public notice of the closed meeting is given under Section [52-4-202](#),
51 with the agenda for the meeting stating that the meeting will be closed for the purpose of
52 "conducting business relating to the receipt or review of ethics complaints";

53 (ii) for the Political Subdivisions Ethics Review Commission established in Section
54 [63A-15-201](#), the closed meeting is convened for the purpose of conducting business relating to
55 the preliminary review of an ethics complaint in accordance with Section [63A-15-602](#),
56 provided that public notice of the closed meeting is given under Section [52-4-202](#), with the
57 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting

58 business relating to the review of ethics complaints"; or

59 (iii) for the Independent Executive Branch Ethics Commission created in Section
60 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to
61 an ethics complaint, provided that public notice of the closed meeting is given under Section
62 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the
63 purpose of "conducting business relating to an ethics complaint."

64 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting
65 is permitted under Section 52-4-205.

66 (3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be
67 approved at a closed meeting.

68 (b) (i) A public body may not take a vote in a closed meeting, except for a vote on a
69 motion to end the closed portion of the meeting and return to an open meeting.

70 (ii) A motion to end the closed portion of a meeting may be approved by a majority of
71 the public body members present at the meeting.

72 (4) The following information shall be publicly announced and entered on the minutes
73 of the open meeting at which the closed meeting was approved:

74 (a) the reason or reasons for holding the closed meeting;

75 (b) the location where the closed meeting will be held; and

76 (c) the vote by name, of each member of the public body, either for or against the
77 motion to hold the closed meeting.

78 (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be
79 construed to require any meeting to be closed to the public.