

**Representative Douglas R. Welton** proposes the following substitute bill:

**OPEN AND PUBLIC MEETINGS ACT MODIFICATIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas R. Welton**

Senate Sponsor: Daniel W. Thatcher

---

---

**LONG TITLE**

**General Description:**

This bill makes changes to the Open and Public Meetings Act related to electronic meetings.

**Highlighted Provisions:**

This bill:

- ▶ requires a public body to establish how a quorum is calculated for electronic meetings;
- ▶ prohibits a public body from permitting a member to vote or take other action by proxy during an electronic meeting unless the body adopts a resolution, rule, or ordinance allowing a member to act by proxy; and
- ▶ requires all non-unanimous votes during an electronic meeting to be taken by roll call.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 **52-4-207**, as last amended by Laws of Utah 2021, Chapter 242

27 

---

---

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

29 Section 1. Section **52-4-207** is amended to read:

30 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

31 (1) Except as otherwise provided for a charter school in Section **52-4-209**, a public  
32 body may convene and conduct an electronic meeting in accordance with this section.

33 (2) (a) A public body may not hold an electronic meeting unless the public body has  
34 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

35 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an  
36 electronic meeting held after December 31, 2022, shall establish the conditions under which a  
37 remote member is included in calculating a quorum.

38 [~~(b)~~] (c) [~~The~~] A resolution, rule, or ordinance described in Subsection (2)(a) may:

39 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical  
40 considerations;

41 (ii) require a quorum of the public body to:

42 (A) be present at a single anchor location for the meeting; and

43 (B) vote to approve establishment of an electronic meeting in order to include other  
44 members of the public body through an electronic connection;

45 (iii) require a request for an electronic meeting to be made by a member of a public  
46 body up to three days prior to the meeting to allow for arrangements to be made for the  
47 electronic meeting;

48 (iv) restrict the number of separate connections for members of the public body that are  
49 allowed for an electronic meeting based on available equipment capability; [~~or~~]

50 (v) if the public body is statutorily authorized to allow a member of the public body to  
51 act by proxy, establish the conditions under which a member may vote or take other action by  
52 proxy; or

53 [~~(v)~~] (vi) establish other procedures, limitations, or conditions governing electronic  
54 meetings not in conflict with this section.

55 (3) A public body that convenes or conducts an electronic meeting shall:

56 (a) give public notice of the meeting:

- 57 (i) in accordance with Section 52-4-202; and
- 58 (ii) except for an electronic meeting under Subsection (5)(a), post written notice at the
- 59 anchor location; and
- 60 (b) in addition to giving public notice required by Subsection (3)(a), provide:
- 61 (i) notice of the electronic meeting to the members of the public body at least 24 hours
- 62 before the meeting so that they may participate in and be counted as present for all purposes,
- 63 including the determination that a quorum is present; and
- 64 (ii) a description of how the members will be connected to the electronic meeting.
- 65 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts
- 66 an electronic meeting shall provide space and facilities at an anchor location for members of
- 67 the public to attend the open portions of the meeting.
- 68 (b) A public body that convenes and conducts an electronic meeting may provide
- 69 means by which members of the public who are not physically present at the anchor location
- 70 may attend the meeting remotely by electronic means.
- 71 (5) Subsection (4)(a) does not apply to an electronic meeting if:
- 72 (a) (i) the chair of the public body determines that:
- 73 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk
- 74 to the health or safety of those present or who would otherwise be present at the anchor
- 75 location; or
- 76 (B) the location where the public body would normally meet has been ordered closed
- 77 to the public for health or safety reasons; and
- 78 (ii) the public notice for the meeting includes:
- 79 (A) a statement describing the chair's determination under Subsection (5)(a)(i);
- 80 (B) a summary of the facts upon which the chair's determination is based; and
- 81 (C) information on how a member of the public may attend the meeting remotely by
- 82 electronic means; or
- 83 (b) (i) during the course of the electronic meeting, the chair:
- 84 (A) determines that continuing to conduct the electronic meeting as provided in
- 85 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the
- 86 anchor location; and
- 87 (B) announces during the electronic meeting the chair's determination under Subsection

88 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and  
89 (ii) in convening the electronic meeting, the public body has provided means by which  
90 members of the public who are not physically present at the anchor location may attend the  
91 electronic meeting remotely by electronic means.

92 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which  
93 the chair of the public body makes the determination.

94 (7) Compliance with the provisions of this section by a public body constitutes full and  
95 complete compliance by the public body with the corresponding provisions of Sections  
96 [52-4-201](#) and [52-4-202](#).

97 (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection  
98 (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to  
99 vote or otherwise act by proxy.

100 (9) Except for a unanimous vote, a public body that is conducting an electronic  
101 meeting shall take all votes by roll call.