

**OPEN AND PUBLIC MEETINGS ACT AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 2 absent

**General Description:**

This bill modifies provisions of the Open and Public Meetings Act.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions applicable to the Open and Public Meetings Act, including:
  - deleting the definition of "convening"; and
  - modifying the definitions of "meeting," "public body," and "quorum";
- ▶ modifies a provision relating to the transmission of electronic messages;
- ▶ repeals language relating to posting notice of an electronic meeting; and
- ▶ repeals obsolete language and makes conforming and technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**52-4-103**, as last amended by Laws of Utah 2023, Chapters 139, 374 and 457



28 ~~52-4-204~~, as last amended by Laws of Utah 2022, Chapters 169, 422

29 ~~52-4-207~~, as last amended by Laws of Utah 2023, Chapter 100

30 ~~52-4-209~~, as last amended by Laws of Utah 2018, Chapter 415

31 ~~52-4-210~~, as enacted by Laws of Utah 2011, Chapter 25



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

34 Section 1. Section **52-4-103** is amended to read:

35 **52-4-103. Definitions.**

36 As used in this chapter:

37 (1) "Anchor location" means the physical location from which:

38 (a) an electronic meeting originates; or

39 (b) the participants are connected.

40 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by

41 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake

42 City.

43 ~~[(3) (a) "Convening" means the calling together of a public body by a person~~  
44 ~~authorized to do so for the express purpose of discussing or acting upon a subject over which~~  
45 ~~that public body has jurisdiction or advisory power.]~~

46 ~~[(b) "Convening" does not include the initiation of a routine conversation between~~  
47 ~~members of a board of trustees of a large public transit district if the members involved in the~~  
48 ~~conversation do not, during the conversation, take a tentative or final vote on the matter that is~~  
49 ~~the subject of the conversation.]~~

50 ~~[(4)]~~ (3) "Electronic meeting" means a public meeting ~~[convened or]~~ conducted by  
51 means of a conference using electronic communications.

52 ~~[(5) "Electronic message" means a communication transmitted electronically,~~  
53 ~~including:]~~

54 ~~[(a) electronic mail;]~~

55 ~~[(b) instant messaging;]~~

56 ~~[(c) electronic chat;]~~

57 ~~[(d) text messaging, which means a communication in the form of electronic text or~~  
58 ~~one or more electronic images sent by the actor from a telephone, computer, or other electronic~~

59 ~~communication device to another person's telephone, computer, or electronic communication~~  
60 ~~device by addressing the communication to the person's telephone number or other electronic~~  
61 ~~communication access code or number; or]~~

62 ~~[(e) any other method that conveys a message or facilitates communication~~  
63 ~~electronically.]~~

64 ~~[(6)] (4) "Fiduciary or commercial information" means information:~~

65 (a) related to any subject if disclosure:

66 (i) would conflict with a fiduciary obligation; or

67 (ii) is prohibited by insider trading provisions; or

68 (b) that is commercial in nature including:

69 (i) account owners or borrowers;

70 (ii) demographic data;

71 (iii) contracts and related payments;

72 (iv) negotiations;

73 (v) proposals or bids;

74 (vi) investments;

75 (vii) management of funds;

76 (viii) fees and charges;

77 (ix) plan and program design;

78 (x) investment options and underlying investments offered to account owners;

79 (xi) marketing and outreach efforts;

80 (xii) financial plans; or

81 (xiii) reviews and audits excluding the final report required under Section [53B-8a-111](#).

82 ~~[(7)] (5) (a) "Meeting" means [the convening of a public body or a specified body, with~~  
83 ~~a quorum present, including a workshop or an executive session, whether in person or by~~  
84 ~~means of electronic communications, for the purpose of discussing, receiving comments from~~  
85 ~~the public about, or acting upon a matter over which the public body or specified body has~~  
86 ~~jurisdiction or advisory power.] a gathering of a public body or specified body:~~

87 (i) whether in person or through electronic communications, or a combination of in  
88 person and through electronic communications;

89 (ii) with a quorum of the public body or specified body, as the case may be, present in

90 person or through electronic communications; and

91 (iii) convened, by an individual with authority to convene the public body or specified  
92 body, for the express purpose of acting as a public body or specified body to discuss, receive  
93 public comment about, or take action upon a matter that is within the scope of the authority of  
94 the public body or specified body.

95 (b) "Meeting" also means a gathering of or conversation between two or three members  
96 of a three-member public body, whether in person or through electronic communications, if the  
97 gathering or conversation:

98 (i) involves strategy or planning for action to be taken by the public body; or

99 (ii) includes a tentative or final vote on a matter that is or is likely to be under  
100 consideration by the public body.

101 ~~(b)~~ (c) "Meeting" does not mean:

102 (i) a chance gathering or social gathering;

103 (ii) a ~~convening~~ gathering of the State Tax Commission to consider a confidential tax  
104 matter in accordance with Section 59-1-405; ~~or~~

105 (iii) a ~~convening~~ gathering of a three-member board of trustees of a large public  
106 transit district as defined in Section 17B-2a-802 if:

107 (A) the board members do not, during the conversation, take a tentative or final vote on  
108 the matter that is the subject of the conversation; or

109 (B) the conversation pertains only to day-to-day management and operation of the  
110 public transit district[-];

111 (iv) a gathering of a public body, in person or through electronic communications, with  
112 a quorum present if:

113 (A) the gathering is part of an event that is initiated or hosted by someone other than  
114 the public body;

115 (B) all members of the public body are invited to or allowed to attend the event; and

116 (C) the public body does not take any action as a public body at the gathering; or

117 (v) a gathering of a public body, in person or through electronic communications, with  
118 a quorum present if:

119 (A) the gathering relates to or involves only internal administrative public body  
120 matters; and

121 (B) the public body does not appropriate or spend any public funds during the time the  
 122 public body is gathered together.

123 ~~[(e)]~~ (d) "Meeting" does not mean ~~[the convening]~~ a gathering of a public body that has  
 124 both legislative and executive responsibilities if:

125 (i) no public funds are appropriated for expenditure during the time the public body is  
 126 ~~[convened]~~ gathered together; and

127 (ii) the public body is ~~[convened]~~ gathered solely for the discussion or implementation  
 128 of an administrative or operational [matters] matter:

129 (A) for which no formal action by the public body is required; or

130 (B) that would not come before the public body for discussion or action.

131 ~~[(8)]~~ (6) "Monitor" means to hear or observe, live, by audio or video equipment, all of  
 132 the public statements of each member of the public body who is participating in a meeting.

133 ~~[(9)]~~ (7) "Participate" means the ability to communicate with all of the members of a  
 134 public body, either verbally or electronically, so that each member of the public body can hear  
 135 or observe the communication.

136 ~~[(10)]~~ (8) (a) "Public body" means:

137 (i) ~~[any]~~ an administrative, [advisory,] executive, or legislative body of the state or [its  
 138 political subdivisions that] of a political subdivision of the state if the body:

139 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

140 (B) consists of two or more ~~[persons]~~ individuals;

141 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

142 (D) is vested with the authority to make decisions regarding the public's business; ~~[or]~~

143 (ii) an advisory body of the state or of a political subdivision of the state if the body:

144 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

145 (B) consists of two or more individuals; and

146 (C) expends, disburses, or is supported in whole or in part by tax revenue; or

147 ~~[(ii)]~~ (iii) any administrative, advisory, executive, or policymaking body of an  
 148 association, as that term is defined in Section [53G-7-1101](#), that:

149 (A) consists of two or more persons;

150 (B) expends, disburses, or is supported in whole or in part by dues paid by a public  
 151 school or whose employees participate in a benefit or program described in Title 49, Utah State

152 Retirement and Insurance Benefit Act; and

153 (C) is vested with authority to make decisions regarding the participation of a public  
154 school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.

155 (b) "Public body" includes:

156 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in  
157 Section 11-13-103;

158 (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;

159 (iii) the Utah Independent Redistricting Commission; and

160 (iv) a project entity, as that term is defined in Section 11-13-103.

161 (c) "Public body" does not include:

162 (i) a political party, a political group, or a political caucus;

163 (ii) a conference committee, a rules committee, ~~[or] a sifting committee,~~ or an  
164 administrative staff committee of the Legislature;

165 (iii) a school community council or charter trust land council, as that term is defined in  
166 Section 53G-7-1203;

167 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed  
168 interlocal entity is not a project entity; or

169 (v) the following Legislative Management subcommittees, which are established in  
170 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to  
171 recommend for employment, except that the meeting in which a subcommittee votes to  
172 recommend that a candidate be employed shall be subject to the provisions of this act:

173 (A) the Research and General Counsel Subcommittee;

174 (B) the Budget Subcommittee; and

175 (C) the Audit Subcommittee.

176 ~~[(H)]~~ (9) "Public statement" means a statement made in the ordinary course of  
177 business of the public body with the intent that all other members of the public body receive it.

178 ~~[(I)]~~ (10) ~~[(a)]~~ "Quorum" means a simple majority of the membership of a public  
179 body, unless otherwise defined by applicable law.

180 ~~[(b)] "Quorum" does not include a meeting of two elected officials by themselves when~~  
181 ~~no action, either formal or informal, is taken.]~~

182 ~~[(J)]~~ (11) "Recording" means an audio, or an audio and video, record of the

183 proceedings of a meeting that can be used to review the proceedings of the meeting.

184 ~~[(14)]~~ (12) "Specified body":

185 (a) means an administrative, advisory, executive, or legislative body that:

186 (i) is not a public body;

187 (ii) consists of three or more members; and

188 (iii) includes at least one member who is:

189 (A) a legislator; and

190 (B) officially appointed to the body by the president of the Senate, speaker of the

191 House of Representatives, or governor; and

192 (b) does not include a body listed in Subsection ~~[(10)(c)(ii) or (10)(c)(v)]~~ (8)(c)(ii) or

193 (8)(c)(v).

194 ~~[(15) "Transmit" means to send, convey, or communicate an electronic message by~~  
195 ~~electronic means.]~~

196 Section 2. Section **52-4-204** is amended to read:

197 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
198 **meeting recorded.**

199 (1) A closed meeting may be held if:

200 (a) (i) a quorum is present;

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

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

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

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

213 (D) for the Political Subdivisions Ethics Review Commission established in Section

214 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics  
215 complaint in accordance with Section 63A-15-701, a majority of the members present vote to  
216 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
217 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
218 complaint;

219 (E) for a project entity that is conducting an open meeting for the purposes of  
220 determining the value of an asset, developing a strategy related to the sale or use of that asset;

221 (F) for a project entity that is conducting an open meeting for purposes of discussing a  
222 business decision, the disclosure of which could cause commercial injury to, or confer a  
223 competitive advantage upon a potential or actual competitor of, the project entity; or

224 (G) for a project entity that is conducting an open meeting for purposes of discussing a  
225 record, the disclosure of which could cause commercial injury to, or confer a competitive  
226 advantage upon a potential competitor of, the project entity; or

227 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is  
228 ~~convened~~ held for the purpose of conducting business relating to the receipt or review of an  
229 ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with  
230 the agenda for the meeting stating that the meeting will be closed for the purpose of  
231 "conducting business relating to the receipt or review of ethics complaints";

232 (ii) for the Political Subdivisions Ethics Review Commission established in Section  
233 63A-15-201, the closed meeting is ~~convened~~ held for the purpose of conducting business  
234 relating to the preliminary review of an ethics complaint in accordance with Section  
235 63A-15-602, if public notice of the closed meeting is given under Section 52-4-202, with the  
236 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting  
237 business relating to the review of ethics complaints"; or

238 (iii) for the Independent Executive Branch Ethics Commission created in Section  
239 63A-14-202, the closed meeting is ~~convened~~ held for the purpose of conducting business  
240 relating to an ethics complaint, if public notice of the closed meeting is given under Section  
241 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the  
242 purpose of "conducting business relating to an ethics complaint"~~[-or]~~.

243 ~~[(iv) for the Data Security Management Council created in Section 63A-16-701, the~~  
244 ~~closed meeting is convened in accordance with Subsection 63A-16-701(7), if public notice of~~



245 the closed meeting is given under Section ~~52-4-202~~, with the agenda for the meeting stating  
246 that the meeting will be closed for the purpose of "conducting business relating to information  
247 technology security."]

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

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

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

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

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

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

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

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

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

264 Section 3. Section ~~52-4-207~~ is amended to read:

265 **~~52-4-207. Electronic meetings -- Authorization -- Requirements.~~**

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

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

270 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an  
271 electronic meeting shall establish the conditions under which a remote member is included in  
272 calculating a quorum.

273 (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:

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

276 (ii) require a quorum of the public body to:  
277 (A) be present at a single anchor location for the meeting; and  
278 (B) vote to approve establishment of an electronic meeting in order to include other  
279 members of the public body through an electronic connection;  
280 (iii) require a request for an electronic meeting to be made by a member of a public  
281 body up to three days prior to the meeting to allow for arrangements to be made for the  
282 electronic meeting;  
283 (iv) restrict the number of separate connections for members of the public body that are  
284 allowed for an electronic meeting based on available equipment capability;  
285 (v) if the public body is statutorily authorized to allow a member of the public body to  
286 act by proxy, establish the conditions under which a member may vote or take other action by  
287 proxy; or  
288 (vi) establish other procedures, limitations, or conditions governing electronic meetings  
289 not in conflict with this section.  
290 (3) A public body that [~~convenes and~~] conducts an electronic meeting shall:  
291 (a) give public notice of the electronic meeting in accordance with Section [52-4-202](#);  
292 and  
293 [~~(b) except for an electronic meeting described in Subsection (5), post written notice of~~  
294 ~~the electronic meeting at the anchor location; and~~]  
295 [~~(c)~~] (b) except as otherwise provided in a rule of the Legislature applicable to the  
296 public body, at least 24 hours before the electronic meeting is scheduled to begin, provide each  
297 member of the public body a description of how to electronically connect to the meeting.  
298 (4) (a) Except as provided in Subsection (5), a public body that [~~convenes and~~]  
299 conducts an electronic meeting shall provide space and facilities at an anchor location for  
300 members of the public to attend the open portions of the meeting.  
301 (b) A public body that [~~convenes and~~] (b) conducts an electronic meeting may provide  
302 means by which members of the public may attend the meeting remotely by electronic means.  
303 (5) Subsection (4)(a) does not apply to an electronic meeting if:  
304 (a) (i) the chair of the public body determines that:  
305 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk  
306 to the health or safety of those present or who would otherwise be present at the anchor

307 location; or

308 (B) the location where the public body would normally meet has been ordered closed

309 to the public for health or safety reasons; and

310 (ii) the public notice for the meeting includes:

311 (A) a statement describing the chair's determination under Subsection (5)(a)(i);

312 (B) a summary of the facts upon which the chair's determination is based; and

313 (C) information on how a member of the public may attend the meeting remotely by

314 electronic means;

315 (b) (i) during the course of the electronic meeting, the chair:

316 (A) determines that continuing to conduct the electronic meeting as provided in

317 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the

318 anchor location; and

319 (B) announces during the electronic meeting the chair's determination under Subsection

320 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

321 (ii) in ~~convening~~ conducting the electronic meeting, the public body has provided

322 means by which members of the public who are not physically present at the anchor location

323 may attend the electronic meeting remotely by electronic means;

324 (c) (i) the public body is a special district board of trustees established under Title 17B,

325 Chapter 1, Part 3, Board of Trustees;

326 (ii) the board of trustees' membership consists of:

327 (A) at least two members who are elected or appointed to the board as owners of land,

328 or as an agent or officer of the owners of land, under the criteria described in Subsection

329 [17B-1-302\(2\)\(b\)](#); or

330 (B) at least one member who is elected or appointed to the board as an owner of land,

331 or as an agent or officer of the owner of land, under the criteria described in Subsection

332 [17B-1-302\(3\)\(a\)\(ii\)](#);

333 (iii) the public notice required under Subsection ~~[[52-4-202\(3\)\(a\)\(i\)\(B\)](#)]~~ [52-4-202\(3\)\(a\)](#)

334 for the electronic meeting includes information on how a member of the public may attend the

335 meeting remotely by electronic means; and

336 (iv) the board of trustees allows members of the public attending the meeting by

337 remote electronic means to participate in the meeting; or

338 (d) (i) the public body is a special service district administrative control board  
339 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;

340 (ii) the administrative control board's membership consists of:

341 (A) at least one member who is elected or appointed to the board as an owner of land,  
342 or as an agent or officer of the owner of land, under the criteria described in Subsection  
343 [17D-1-304\(1\)\(a\)\(iii\)\(A\)](#) or (B), as applicable; or

344 (B) members that qualify for election or appointment to the board because the owners  
345 of real property in the special service district meet or exceed the threshold percentage described  
346 in Subsection [17D-1-304\(1\)\(b\)\(i\)](#);

347 (iii) the public notice required under Subsection [~~[52-4-202\(3\)\(a\)\(i\)\(B\)](#)~~ [52-4-202\(3\)\(a\)](#)]  
348 for the electronic meeting includes information on how a member of the public may attend the  
349 meeting remotely by electronic means; and

350 (iv) the administrative control board allows members of the public attending the  
351 meeting by remote electronic means to participate in the meeting.

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

354 (7) Compliance with the provisions of this section by a public body constitutes full and  
355 complete compliance by the public body with the corresponding provisions of Sections  
356 [52-4-201](#) and [52-4-202](#).

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

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

362 Section 4. Section **52-4-209** is amended to read:

363 **52-4-209. Electronic meetings for charter school board.**

364 (1) Notwithstanding the definitions provided in Section [52-4-103](#) for this chapter, as  
365 used in this section:

366 (a) "Anchor location" means a physical location where:

367 (i) the charter school board would normally meet if the charter school board were not  
368 holding an electronic meeting; and

369 (ii) space, a facility, and technology are provided to the public to monitor and, if public  
370 comment is allowed, to participate in an electronic meeting during regular business hours.

371 (b) "Charter school board" means the governing board of a school created under Title  
372 53G, Chapter 5, Charter Schools.

373 (c) "Meeting" means the convening of a charter school board:

374 (i) with a quorum who:

375 (A) monitors a website at least once during the electronic meeting; and

376 (B) casts a vote on a website, if a vote is taken; and

377 (ii) for the purpose of discussing, receiving comments from the public about, or acting  
378 upon a matter over which the charter school board has jurisdiction or advisory power.

379 (d) "Monitor" means to:

380 (i) read all the content added to a website by the public or a charter school board  
381 member; and

382 (ii) view a vote cast by a charter school board member on a website.

383 (e) "Participate" means to add content to a website.

384 (2) (a) A charter school board may [~~convene and~~] conduct an electronic meeting in  
385 accordance with Section [52-4-207](#).

386 (b) A charter school board may [~~convene and~~] conduct an electronic meeting in  
387 accordance with this section that is in writing on a website if:

388 (i) the chair verifies that a quorum monitors the website;

389 (ii) the content of the website is available to the public;

390 (iii) the chair controls the times in which a charter school board member or the public  
391 participates; and

392 (iv) the chair requires a person to identify himself or herself if the person:

393 (A) participates; or

394 (B) casts a vote as a charter school board member.

395 (3) A charter school that conducts an electronic meeting under this section shall:

396 (a) give public notice of the electronic meeting:

397 (i) in accordance with Section [52-4-202](#); and

398 (ii) by posting written notice at the anchor location as required under Section [52-4-207](#);

399 (b) in addition to giving public notice required by Subsection (3)(a), provide:

400 (i) notice of the electronic meeting to the members of the charter school board at least  
401 24 hours before the meeting so that they may participate in and be counted as present for all  
402 purposes, including the determination that a quorum is present;

403 (ii) a description of how the members and the public may be connected to the  
404 electronic meeting;

405 (iii) a start and end time for the meeting, which shall be no longer than 5 days; and

406 (iv) a start and end time for when a vote will be taken in an electronic meeting, which  
407 shall be no longer than four hours; and

408 (c) provide an anchor location.

409 (4) The chair shall:

410 (a) not allow anyone to participate from the time the notice described in Subsection  
411 (3)(b)(iv) is given until the end time for when a vote will be taken; and

412 (b) allow a charter school board member to change a vote until the end time for when a  
413 vote will be taken.

414 (5) During the time in which a vote may be taken, a charter school board member may  
415 not communicate in any way with any person regarding an issue over which the charter school  
416 board has jurisdiction.

417 (6) A charter school conducting an electronic meeting under this section may not close  
418 a meeting as otherwise allowed under this part.

419 (7) (a) Written minutes shall be kept of an electronic meeting conducted as required in  
420 Section [52-4-203](#).

421 (b) (i) Notwithstanding Section [52-4-203](#), a recording is not required of an electronic  
422 meeting described in Subsection (2)(b).

423 (ii) All of the content of the website shall be kept for an electronic meeting conducted  
424 under this section.

425 (c) Written minutes are the official record of action taken at an electronic meeting as  
426 required in Section [52-4-203](#).

427 (8) (a) A charter school board shall ensure that the website used to conduct an  
428 electronic meeting:

429 (i) is secure; and

430 (ii) provides with reasonably certainty the identity of a charter school board member

431 who logs on, adds content, or casts a vote on the website.

432 (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself  
433 or herself as required by Subsection (2)(b)(iv).

434 (9) Compliance with the provisions of this section by a charter school constitutes full  
435 and complete compliance by the public body with the corresponding provisions of Sections  
436 [52-4-201](#) and [52-4-202](#).

437 Section 5. Section **52-4-210** is amended to read:

438 **52-4-210. Electronic message transmissions.**

439 Nothing in this chapter [~~shall~~] may be construed to restrict a member of a public body  
440 from transmitting an electronic message to other members of the public body at a time when  
441 the public body is not convened in an open meeting, as defined in Subsection [52-4-103\(5\)\(a\)](#).

442 Section 6. **Effective date.**

443 This bill takes effect on May 1, 2024.