

Representative James A. Dunnigan proposes the following substitute bill:

OPEN AND PUBLIC MEETINGS ACT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: _____

LONG TITLE

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 definitions of "convening," "monitor," and "transmit";
 - modifying the definitions of "meeting," "public body," and "quorum"; and
 - enacting a definition for "relevant matter";
- ▶ modifies a provision relating to the transmission of electronic messages;
- ▶ repeals language relating to posting a written notice of an electronic meeting;
- ▶ modifies a provision relating to an anchor location for an electronic meeting;
- ▶ modifies language relating to the recording of a vote at 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:



26 AMENDS:

27 [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 [52-4-208](#), as enacted by Laws of Utah 2006, Chapter 14

31 [52-4-209](#), as last amended by Laws of Utah 2018, Chapter 415

32 [52-4-210](#), as enacted by Laws of Utah 2011, Chapter 25

33

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

35 Section 1. Section [52-4-103](#) is amended to read:

36 **52-4-103. Definitions.**

37 As used in this chapter:

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

39 (a) an electronic meeting originates; or

40 (b) the participants are connected.

41 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
42 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
43 City.

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

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

51 ~~[(4)]~~ (3) "Electronic meeting" means a [public] meeting [convened or conducted by
52 means of a conference using electronic communications] that some or all public body members
53 attend through an electronic video, audio, or both video and audio connection, as provided in
54 Section [52-4-207](#).

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

57 ~~[(a) electronic mail;]~~
58 ~~[(b) instant messaging;]~~
59 ~~[(c) electronic chat;]~~
60 ~~[(d) text messaging, which means a communication in the form of electronic text or~~
61 ~~one or more electronic images sent by the actor from a telephone, computer, or other electronic~~
62 ~~communication device to another person's telephone, computer, or electronic communication~~
63 ~~device by addressing the communication to the person's telephone number or other electronic~~
64 ~~communication access code or number; or]~~

65 ~~[(e) any other method that conveys a message or facilitates communication~~
66 ~~electronically;]~~

67 ~~[(6)]~~ (4) "Fiduciary or commercial information" means information:

- 68 (a) related to any subject if disclosure:
 - 69 (i) would conflict with a fiduciary obligation; or
 - 70 (ii) is prohibited by insider trading provisions; or
- 71 (b) that is commercial in nature including:
 - 72 (i) account owners or borrowers;
 - 73 (ii) demographic data;
 - 74 (iii) contracts and related payments;
 - 75 (iv) negotiations;
 - 76 (v) proposals or bids;
 - 77 (vi) investments;
 - 78 (vii) management of funds;
 - 79 (viii) fees and charges;
 - 80 (ix) plan and program design;
 - 81 (x) investment options and underlying investments offered to account owners;
 - 82 (xi) marketing and outreach efforts;
 - 83 (xii) financial plans; or
 - 84 (xiii) reviews and audits excluding the final report required under Section [53B-8a-111](#).

85 ~~[(7)]~~ (5) (a) "Meeting" means ~~[the convening of a public body or a specified body, with~~
86 ~~a quorum present, including a workshop or an executive session, whether in person or by~~
87 ~~means of electronic communications, for the purpose of discussing, receiving comments from~~

88 ~~the public about, or acting upon a matter over which the public body or specified body has~~
89 ~~jurisdiction or advisory power.] a gathering of a public body or specified body:~~

90 (i) with a quorum present;

91 (ii) 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:

93 (A) receive public comment about a relevant matter;

94 (B) deliberate about or discuss a relevant matter that is under consideration for possible
95 action by the public body or specified body at the gathering; or

96 (C) take action upon a relevant matter.

97 (b) "Meeting" also means a gathering of or conversation between public body members
98 constituting a quorum, whether the members are in person with each other or one or more are
99 participating remotely through electronic means, if the gathering or conversation:

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

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

103 ~~[(b)]~~ (c) "Meeting" does not mean:

104 (i) a chance gathering or social gathering;

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

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

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

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

113 (iv) a gathering of a public body with a quorum present, whether in person or through
114 electronic means, if:

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

117 (B) all members of the public body are invited to or allowed to attend or participate in
118 the event; and

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

120 (v) a gathering of a public body with a quorum present, whether in person or through
121 electronic means, if:

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

124 (B) the public body does not appropriate any public funds during the time the public
125 body is gathered together.

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

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

130 (ii) the purposes of the gathering do not include the discussion of or action on a matter
131 that is legislative in nature; and

132 (iii) the public body does not discuss or take action on a matter that is legislative in
133 nature.

134 ~~[(ii) the public body is convened solely for the discussion or implementation of~~
135 ~~administrative or operational matters:]~~

136 ~~[(A) for which no formal action by the public body is required; or]~~

137 ~~[(B) that would not come before the public body for discussion or action.]~~

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

140 ~~[(9)]~~ (6) "Participate" means the ability to communicate with all of the members of a
141 public body, either verbally or electronically, so that each member of the public body can hear
142 or observe the communication.

143 ~~[(10)]~~ (7) (a) "Public body" means:

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

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

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

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

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

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

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

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

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

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

156 (A) consists of two or more ~~[persons]~~ individuals;

157 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
158 school or whose employees participate in a benefit or program described in Title 49, Utah State
159 Retirement and Insurance Benefit Act; and

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

162 (b) "Public body" includes:

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

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

166 (iii) the Utah Independent Redistricting Commission; and

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

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

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

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

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

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

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

180 (A) the Research and General Counsel Subcommittee;

181 (B) the Budget Subcommittee; and

182 (C) the Audit Subcommittee.

183 ~~[(11)]~~ (8) "Public statement" means a statement made in the ordinary course of
184 business of the public body with the intent that all other members of the public body receive it.

185 ~~[(12)]~~ (9) ~~[(a)]~~ "Quorum" means a simple majority of the membership of a public body,
186 unless otherwise defined by applicable law.

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

189 ~~[(13)]~~ (10) "Recording" means an audio, or an audio and video, record of the
190 proceedings of a meeting that can be used to review the proceedings of the meeting.

191 (11) "Relevant matter" means a matter that is within the scope of the authority of a
192 public body or specified body.

193 ~~[(14)]~~ (12) "Specified body":

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

195 (i) is not a public body;

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

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

198 (A) a legislator; and

199 (B) officially appointed to the body by the president of the Senate, speaker of the
200 House of Representatives, or governor; and

201 (b) does not include a body listed in Subsection ~~[(10)(c)(ii) or (10)(c)(v)]~~ (7)(c)(ii) or
202 (7)(c)(v).

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

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

206 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**
207 **meeting recorded.**

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

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

210 (ii) the meeting is an open meeting for which notice has been given under Section
211 [52-4-202](#); and

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

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

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

222 (D) for the Political Subdivisions Ethics Review Commission established in Section
223 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics
224 complaint in accordance with Section 63A-15-701, a majority of the members present vote to
225 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,
226 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the
227 complaint;

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

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

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

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

241 (ii) for the Political Subdivisions Ethics Review Commission established in Section
242 63A-15-201, the closed meeting is ~~convened~~ held for the purpose of conducting business

243 relating to the preliminary review of an ethics complaint in accordance with Section
244 63A-15-602, if public notice of the closed meeting is given under Section 52-4-202, with the
245 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting
246 business relating to the review of ethics complaints"; or

247 (iii) for the Independent Executive Branch Ethics Commission created in Section
248 63A-14-202, the closed meeting is ~~[convened]~~ held for the purpose of conducting business
249 relating to an ethics complaint, if public notice of the closed meeting is given under Section
250 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the
251 purpose of "conducting business relating to an ethics complaint"~~[; or]~~.

252 ~~[(iv) for the Data Security Management Council created in Section 63A-16-701, the~~
253 ~~closed meeting is convened in accordance with Subsection 63A-16-701(7), if public notice of~~
254 ~~the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating~~
255 ~~that the meeting will be closed for the purpose of "conducting business relating to information~~
256 ~~technology security."]~~

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

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

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

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

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

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

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

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

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

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

274 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

275 (1) Except as otherwise provided for a charter school in Section [52-4-209](#), a public
276 body may ~~[convene and]~~ conduct ~~[an electronic]~~ a meeting that some or all members of the
277 public body attend through an electronic video, audio, or both video and audio connection, in
278 accordance with this section.

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

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

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

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

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

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

289 (B) vote to approve establishment of an electronic meeting in order to include other
290 members of the public body through an electronic video, audio, or both video and audio
291 connection;

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

295 (iv) restrict the number of separate connections for members of the public body that are
296 allowed for an electronic meeting based on available equipment capability;

297 (v) if the public body is statutorily authorized to allow a member of the public body to
298 act by proxy, establish the conditions under which a member may vote or take other action by
299 proxy; ~~[or]~~

300 (vi) provide a procedure for recording votes of members, including defining
301 circumstances under which a roll call vote is required; or

302 ~~[(vi)]~~ (vii) establish other procedures, limitations, or conditions governing electronic
303 meetings not in conflict with this section.

304 (3) A public body that ~~[convenes and]~~ conducts an electronic meeting shall:

305 (a) give public notice of the electronic meeting in accordance with Section 52-4-202;
306 and

307 [~~(b) except for an electronic meeting described in Subsection (5), post written notice of~~
308 ~~the electronic meeting at the anchor location; and]~~

309 [(~~e~~)] (b) except as otherwise provided in a rule of the Legislature applicable to the
310 public body, at least 24 hours before the electronic meeting is scheduled to begin, provide each
311 member of the public body a description of how to [~~electronically~~] connect to the meeting.

312 (4) (a) Except as provided in Subsection (5), a public body that [~~convenes and~~]
313 conducts an electronic meeting shall provide space and facilities at an anchor location for
314 members of the public to attend the open portions of the meeting.

315 (b) A public body that [~~convenes and~~] conducts an electronic meeting may provide
316 means by which members of the public may [~~attend the meeting~~] participate remotely by
317 electronic means.

318 (5) Subsection (4)(a) does not apply to an electronic meeting if:

319 (a) (i) the chair of the public body determines that:

320 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk
321 to the health or safety of those present or who would otherwise be present at the anchor
322 location; or

323 (B) the location where the public body would normally meet has been ordered closed
324 to the public for health or safety reasons; and

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

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

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

328 (C) information on how a member of the public may [~~attend~~] participate in the meeting
329 remotely by electronic means;

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

331 (A) determines that continuing to conduct the electronic meeting as provided in
332 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the
333 anchor location; and

334 (B) announces during the electronic meeting the chair's determination under Subsection
335 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

336 (ii) in ~~[convening]~~ conducting the electronic meeting, the public body has provided
337 means by which members of the public who are not physically present at the anchor location
338 may ~~[attend]~~ participate in the electronic meeting remotely by electronic means;

339 (c) (i) the public body is a special district board of trustees established under Title 17B,
340 Chapter 1, Part 3, Board of Trustees;

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

342 (A) at least two members who are elected or appointed to the board as owners of land,
343 or as an agent or officer of the owners of land, under the criteria described in Subsection
344 [17B-1-302\(2\)\(b\)](#); or

345 (B) at least one member who is elected or appointed to the board as an owner of land,
346 or as an agent or officer of the owner of land, under the criteria described in Subsection
347 [17B-1-302\(3\)\(a\)\(ii\)](#);

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

351 (iv) the board of trustees allows members of the public ~~[attending]~~ to participate in the
352 meeting ~~[by remote]~~ remotely by electronic means ~~[to participate in the meeting; or]~~;

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

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

356 (A) at least one member who is elected or appointed to the board as an owner of land,
357 or as an agent or officer of the owner of land, under the criteria described in Subsection
358 [17D-1-304\(1\)\(a\)\(iii\)\(A\)](#) or (B), as applicable; or

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

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

365 (iv) the administrative control board allows members of the public ~~[attending the~~
366 ~~meeting by remote electronic means]~~ to participate in the meeting[-] remotely by electronic

367 means; or

368 (e) all public body members attend the meeting through an electronic video, audio, or
369 both video and audio connection, unless the public body receives a written request, at least 12
370 hours before the scheduled meeting time, to provide for an anchor location for members of the
371 public to attend in person the open portions of the meeting.

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

374 (7) Compliance with the provisions of this section by a public body constitutes full and
375 complete compliance by the public body with the corresponding provisions of Sections
376 52-4-201 and 52-4-202.

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

380 [~~(9) Except for a unanimous vote, a public body that is conducting an electronic~~
381 ~~meeting shall take all votes by roll call.~~]

382 Section 4. Section 52-4-208 is amended to read:

383 **52-4-208. Chance or social meetings.**

384 [~~(1) This chapter does not apply to any chance meeting or a social meeting. (2)~~] A
385 chance [~~meeting~~] gathering or social [~~meeting~~] gathering may not be used to circumvent the
386 provisions of this chapter.

387 Section 5. Section 52-4-209 is amended to read:

388 **52-4-209. Electronic meetings for charter school board.**

389 (1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as
390 used in this section:

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

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

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

396 (b) "Charter school board" means the governing board of a school created under Title
397 53G, Chapter 5, Charter Schools.

- 398 (c) "Meeting" means the convening of a charter school board:
399 (i) with a quorum who:
400 (A) monitors a website at least once during the electronic meeting; and
401 (B) casts a vote on a website, if a vote is taken; and
402 (ii) for the purpose of discussing, receiving comments from the public about, or acting
403 upon a matter over which the charter school board has jurisdiction or advisory power.
404 (d) "Monitor" means to:
405 (i) read all the content added to a website by the public or a charter school board
406 member; and
407 (ii) view a vote cast by a charter school board member on a website.
408 (e) "Participate" means to add content to a website.
409 (2) (a) A charter school board may [~~convene and~~] conduct an electronic meeting in
410 accordance with Section [52-4-207](#).
411 (b) A charter school board may [~~convene and~~] conduct an electronic meeting in
412 accordance with this section that is in writing on a website if:
413 (i) the chair verifies that a quorum monitors the website;
414 (ii) the content of the website is available to the public;
415 (iii) the chair controls the times in which a charter school board member or the public
416 participates; and
417 (iv) the chair requires a person to identify himself or herself if the person:
418 (A) participates; or
419 (B) casts a vote as a charter school board member.
420 (3) A charter school that conducts an electronic meeting under this section shall:
421 (a) give public notice of the electronic meeting:
422 (i) in accordance with Section [52-4-202](#); and
423 (ii) by posting written notice at the anchor location as required under Section [52-4-207](#);
424 (b) in addition to giving public notice required by Subsection (3)(a), provide:
425 (i) notice of the electronic meeting to the members of the charter school board at least
426 24 hours before the meeting so that they may participate in and be counted as present for all
427 purposes, including the determination that a quorum is present;
428 (ii) a description of how the members and the public may be connected to the

429 electronic meeting;

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

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

433 (c) provide an anchor location.

434 (4) The chair shall:

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

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

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

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

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

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

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

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

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

454 (i) is secure; and

455 (ii) provides with reasonably certainty the identity of a charter school board member
456 who logs on, adds content, or casts a vote on the website.

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

459 (9) Compliance with the provisions of this section by a charter school constitutes full

460 and complete compliance by the public body with the corresponding provisions of Sections
461 [52-4-201](#) and [52-4-202](#).

462 Section 6. Section **52-4-210** is amended to read:

463 **52-4-210. Electronic message transmissions.**

464 Nothing in this chapter [~~shall~~] may be construed to restrict a member of a public body
465 from transmitting an electronic message to other members of the public body at a time when
466 the public body is not convened in [~~an open~~] a meeting, as defined in Subsection
467 [52-4-103\(5\)\(a\)](#).

468 Section 7. **Effective date.**

469 This bill takes effect on May 1, 2024.