

1                                   **OPEN AND PUBLIC MEETINGS ACT AMENDMENTS**  
2                                   2024 GENERAL SESSION  
3                                   STATE OF UTAH  
4                                   **Chief Sponsor: James A. Dunnigan**  
5                                   Senate Sponsor: Michael K. McKell

---

---

6  
7  
8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12       This bill:

- 13       ▶ modifies definitions applicable to the Open and Public Meetings Act, including:
  - 14           • deleting the definitions of "convening," "monitor," and "transmit";
  - 15           • modifying the definitions of "anchor location," "meeting," and "quorum"; and
  - 16           • enacting a definition for "relevant matter";
- 17       ▶ modifies a provision relating to the transmission of electronic messages;
- 18       ▶ repeals language relating to posting a written notice of an electronic meeting;
- 19       ▶ modifies a provision relating to an anchor location for an electronic meeting;
- 20       ▶ modifies language relating to the recording of a vote at an electronic meeting;
- 21       ▶ repeals language relating to chance or social meetings and replaces it with language prohibiting individuals constituting a quorum of a public body from taking certain action; and
- 22       ▶ repeals obsolete language and makes conforming and technical changes.

23 **Money Appropriated in this Bill:**

24       None

25 **Other Special Clauses:**

26       None

27 **Utah Code Sections Affected:**

AMENDS:

- 28       **52-4-103**, as last amended by Laws of Utah 2023, Chapters 139, 374 and 457
- 29       **52-4-204**, as last amended by Laws of Utah 2022, Chapters 169, 422
- 30       **52-4-207**, as last amended by Laws of Utah 2023, Chapter 100

28 **52-4-209**, as last amended by Laws of Utah 2018, Chapter 415

29 **52-4-210**, as enacted by Laws of Utah 2011, Chapter 25

30 **52-4-302**, as last amended by Laws of Utah 2023, Chapter 435

31 REPEALS AND REENACTS:

32 **52-4-208**, as enacted by Laws of Utah 2006, Chapter 14

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 (a) the physical location where the public body conducting an electronic meeting under  
42 Section 52-4-207 normally conducts meetings of the public body; or

43 (b) a location other than the location described in Subsection (1)(a) that is reasonably as  
44 accessible to the public as the location described in Subsection (1)(a).

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

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

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

55 ~~[(4)] (3) "Electronic meeting" means a~~~~[ public] meeting~~ ~~[ convened or conducted by means~~  
56 ~~of a conference using electronic communications] that some or all public body members~~  
57 ~~attend through an electronic video, audio, or both video and audio connection, as~~  
58 ~~provided in Section 52-4-207.~~

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

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

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

62 ~~[(e) electronic chat;]~~  
 63 ~~[(d) text messaging, which means a communication in the form of electronic text or one or~~  
 64 ~~more electronic images sent by the actor from a telephone, computer, or other electronic~~  
 65 ~~communication device to another person's telephone, computer, or electronic~~  
 66 ~~communication device by addressing the communication to the person's telephone~~  
 67 ~~number or other electronic communication access code or number; or]~~

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

69 [(6)] (4) "Fiduciary or commercial information" means information:

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

87 [(7)] (5) [(a)] "Meeting" means ~~[the convening of a public body or a specified body, with~~  
 88 ~~a quorum present, including a workshop or an executive session, whether in person or~~  
 89 ~~by means of electronic communications, for the purpose of discussing, receiving~~  
 90 ~~comments from the public about, or acting upon a matter over which the public body~~  
 91 ~~or specified body has jurisdiction or advisory power.] a gathering:~~

- 92 (a) of a public body or specified body;
- 93 (b) with a quorum present; and
- 94 (c) that is convened:
  - 95 (i) by an individual;

96           (A) with authority to convene the public body or specified body; and  
 97           (B) following the process provided by law for convening the public body or  
 98           specified body; and

99           (ii) for the express purpose of acting as a public body or specified body to:

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

101           (B) deliberate about a relevant matter; or

102           (C) take action upon a relevant matter.

103        (b) "Meeting" does not mean:

104           ~~[(i) a chance gathering or social gathering;]~~

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

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

109           ~~[(A) the board members do not, during the conversation, take a tentative or final vote~~  
 110           ~~on 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        (e) "Meeting" does not mean the convening of a public body that has both legislative  
 114           and executive responsibilities if:]

115           ~~[(i) no public funds are appropriated for expenditure during the time the public body is~~  
 116           ~~convened; and]~~

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

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

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

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

123        ~~[(9)]~~ (6) "Participate" means the ability to communicate with all of the members of a public  
 124           body, either verbally or electronically, so that each member of the public body can hear  
 125           or observe the communication.

126        ~~[(10)]~~ (7) (a) "Public body" means:

127           (i) any administrative, advisory, executive, or legislative body of the state or its  
 128           political subdivisions that:

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

- 130 (B) consists of two or more [~~persons~~] individuals;
- 131 (C) expends, disburses, or is supported in whole or in part by tax revenue; and
- 132 (D) is vested with the authority to make decisions regarding the public's business;
- 133 or
- 134 (ii) any administrative, advisory, executive, or policymaking body of an association,
- 135 as that term is defined in Section 53G-7-1101, that:
- 136 (A) consists of two or more [~~persons~~] individuals;
- 137 (B) expends, disburses, or is supported in whole or in part by dues paid by a
- 138 public school or whose employees participate in a benefit or program described
- 139 in Title 49, Utah State Retirement and Insurance Benefit Act; and
- 140 (C) is vested with authority to make decisions regarding the participation of a
- 141 public school or student in an interscholastic activity, as that term is defined in
- 142 Section 53G-7-1101.
- 143 (b) "Public body" includes:
- 144 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined
- 145 in Section 11-13-103;
- 146 (ii) a governmental nonprofit corporation as that term is defined in Section
- 147 11-13a-102;
- 148 (iii) the Utah Independent Redistricting Commission; and
- 149 (iv) a project entity, as that term is defined in Section 11-13-103.
- 150 (c) "Public body" does not include:
- 151 (i) a political party, a political group, or a political caucus;
- 152 (ii) a conference committee, a rules committee, [~~or~~] a sifting committee, or an
- 153 administrative staff committee of the Legislature;
- 154 (iii) a school community council or charter trust land council, as that term is defined
- 155 in Section 53G-7-1203;
- 156 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed
- 157 interlocal entity is not a project entity; or
- 158 (v) the following Legislative Management subcommittees, which are established in
- 159 Section 36-12-8, when meeting for the purpose of selecting or evaluating a
- 160 candidate to recommend for employment, except that the meeting in which a
- 161 subcommittee votes to recommend that a candidate be employed shall be subject
- 162 to the provisions of this act:
- 163 (A) the Research and General Counsel Subcommittee;

- 164 (B) the Budget Subcommittee; and  
 165 (C) the Audit Subcommittee.
- 166 ~~[(11)]~~ (8) "Public statement" means a statement made in the ordinary course of business of  
 167 the public body with the intent that all other members of the public body receive it.
- 168 ~~[(12)]~~ (9) ~~[(a)]~~ "Quorum" means a simple majority of the membership of a public body,  
 169 unless otherwise defined by applicable law.  
 170 ~~[(b)]~~ "Quorum" ~~does not include a meeting of two elected officials by themselves when~~  
 171 ~~no action, either formal or informal, is taken.]~~
- 172 ~~[(13)]~~ (10) "Recording" means an audio, or an audio and video, record of the proceedings of  
 173 a meeting that can be used to review the proceedings of the meeting.
- 174 (11) (a) "Relevant matter" means a matter that is within the scope of the authority of a  
 175 public body or specified body.  
 176 (b) "Relevant matter" does not include, for a public body with both executive and  
 177 legislative responsibilities, a managerial or operational matter.
- 178 ~~[(14)]~~ (12) "Specified body":  
 179 (a) means an administrative, advisory, executive, or legislative body that:  
 180 (i) is not a public body;  
 181 (ii) consists of three or more members; and  
 182 (iii) includes at least one member who is:  
 183 (A) a legislator; and  
 184 (B) officially appointed to the body by the president of the Senate, speaker of the  
 185 House of Representatives, or governor; and  
 186 (b) does not include a body listed in Subsection ~~[(10)(c)(ii) or (10)(c)(v)]~~ (7)(c)(ii) or  
 187 (7)(c)(v).
- 188 ~~[(15)]~~ "Transmit" ~~means to send, convey, or communicate an electronic message by~~  
 189 ~~electronic means.]~~
- 190 Section 2. Section **52-4-204** is amended to read:  
 191 **52-4-204 . Closed meeting held upon vote of members -- Business -- Reasons for**  
 192 **meeting recorded.**  
 193 (1) A closed meeting may be held if:  
 194 (a) (i) a quorum is present;  
 195 (ii) the meeting is an open meeting for which notice has been given under Section  
 196 52-4-202; and  
 197 (iii) (A) two-thirds of the members of the public body present at the open meeting

- 198 vote to approve closing the meeting;
- 199 (B) for a meeting that is required to be closed under Section 52-4-205, if a  
200 majority of the members of the public body present at an open meeting vote to  
201 approve closing the meeting;
- 202 (C) for an ethics committee of the Legislature that is conducting an open meeting  
203 for the purpose of reviewing an ethics complaint, a majority of the members  
204 present vote to approve closing the meeting for the purpose of seeking or  
205 obtaining legal advice on legal, evidentiary, or procedural matters, or for  
206 conducting deliberations to reach a decision on the complaint;
- 207 (D) for the Political Subdivisions Ethics Review Commission established in  
208 Section 63A-15-201 that is conducting an open meeting for the purpose of  
209 reviewing an ethics complaint in accordance with Section 63A-15-701, a  
210 majority of the members present vote to approve closing the meeting for the  
211 purpose of seeking or obtaining legal advice on legal, evidentiary, or  
212 procedural matters, or for conducting deliberations to reach a decision on the  
213 complaint;
- 214 (E) for a project entity that is conducting an open meeting for the purposes of  
215 determining the value of an asset, developing a strategy related to the sale or  
216 use of that asset;
- 217 (F) for a project entity that is conducting an open meeting for purposes of  
218 discussing a business decision, the disclosure of which could cause commercial  
219 injury to, or confer a competitive advantage upon a potential or actual  
220 competitor of, the project entity; or
- 221 (G) for a project entity that is conducting an open meeting for purposes of  
222 discussing a record, the disclosure of which could cause commercial injury to,  
223 or confer a competitive advantage upon a potential competitor of, the project  
224 entity; or
- 225 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is [  
226 ~~convened~~] held for the purpose of conducting business relating to the receipt or  
227 review of an ethics complaint, if public notice of the closed meeting is given  
228 under Section 52-4-202, with the agenda for the meeting stating that the meeting  
229 will be closed for the purpose of "conducting business relating to the receipt or  
230 review of ethics complaints";
- 231 (ii) for the Political Subdivisions Ethics Review Commission established in Section

232 63A-15-201, the closed meeting is [~~convened~~] held for the purpose of conducting  
 233 business relating to the preliminary review of an ethics complaint in accordance  
 234 with Section 63A-15-602, if public notice of the closed meeting is given under  
 235 Section 52-4-202, with the agenda for the meeting stating that the meeting will be  
 236 closed for the purpose of "conducting business relating to the review of ethics  
 237 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  
 240 business relating to an ethics complaint, if public notice of the closed meeting is  
 241 given under Section 52-4-202, with the agenda for the meeting stating that the  
 242 meeting will be closed for the purpose of "conducting business relating to an  
 243 ethics complaint" [~~; or~~].

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

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

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

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

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

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

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

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

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

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

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



266 **52-4-207 . Electronic meetings -- Authorization -- Requirements.**

- 267 (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body  
268 may~~[convene and]~~ conduct ~~[an electronic]~~ a meeting that some or all members of the  
269 public body attend through an electronic video, audio, or both video and audio  
270 connection, in accordance with this section.
- 271 (2) (a) A public body may not hold an electronic meeting unless the public body has  
272 adopted a resolution, rule, or ordinance governing the use of electronic meetings.
- 273 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an  
274 electronic meeting shall establish the conditions under which a remote member is  
275 included in calculating a quorum.
- 276 (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:
- 277 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical  
278 considerations;
- 279 (ii) require a quorum of the public body to:
- 280 (A) be present at a single anchor location for the meeting; and
- 281 (B) vote to approve establishment of an electronic meeting in order to include  
282 other members of the public body through an electronic video, audio, or both  
283 video and audio connection;
- 284 (iii) require a request for an electronic meeting to be made by a member of a public  
285 body up to three days prior to the meeting to allow for arrangements to be made  
286 for the electronic meeting;
- 287 (iv) restrict the number of separate connections for members of the public body that  
288 are allowed for an electronic meeting based on available equipment capability;
- 289 (v) if the public body is statutorily authorized to allow a member of the public body  
290 to act by proxy, establish the conditions under which a member may vote or take  
291 other action by proxy;~~[or]~~
- 292 (vi) provide a procedure for recording votes of members, including defining  
293 circumstances under which a roll call vote is required; or
- 294 ~~[(vi)]~~ (vii) establish other procedures, limitations, or conditions governing electronic  
295 meetings not in conflict with this section.
- 296 (3) A public body that~~[convenes and]~~ conducts an electronic meeting shall:
- 297 (a) give public notice of the electronic meeting in accordance with Section 52-4-202; and  
298 ~~[(b) except for an electronic meeting described in Subsection (5), post written notice of~~  
299 ~~the electronic meeting at the anchor location; and]~~

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

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

307 (b) A public body that ~~convenes and~~ conducts an electronic meeting may provide  
 308 means by which members of the public may ~~attend the meeting~~ participate remotely  
 309 by electronic means.

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

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

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

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

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

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

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

320 (C) information on how a member of the public may ~~attend~~ participate in the  
 321 meeting remotely by electronic means;

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

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

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

329 (ii) in ~~convening~~ conducting the electronic meeting, the public body has provided  
 330 means by which members of the public who are not physically present at the  
 331 anchor location may ~~attend~~ participate in the electronic meeting remotely by  
 332 electronic means;

333 (c) (i) the public body is a special district board of trustees established under Title

- 334 17B, Chapter 1, Part 3, Board of Trustees;
- 335 (ii) the board of trustees' membership consists of:
- 336 (A) at least two members who are elected or appointed to the board as owners of
- 337 land, or as an agent or officer of the owners of land, under the criteria
- 338 described in Subsection 17B-1-302(2)(b); or
- 339 (B) at least one member who is elected or appointed to the board as an owner of
- 340 land, or as an agent or officer of the owner of land, under the criteria described
- 341 in Subsection 17B-1-302(3)(a)(ii);
- 342 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] 52-4-202(3)(a)
- 343 for the electronic meeting includes information on how a member of the public
- 344 may [~~attend~~] participate in the meeting remotely by electronic means; and
- 345 (iv) the board of trustees allows members of the public [~~attending~~] to participate in the
- 346 meeting [~~by remote~~] remotely by electronic means [~~to participate in the meeting; or~~] ;
- 347 (d) (i) the public body is a special service district administrative control board
- 348 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;
- 349 (ii) the administrative control board's membership consists of:
- 350 (A) at least one member who is elected or appointed to the board as an owner of
- 351 land, or as an agent or officer of the owner of land, under the criteria described
- 352 in Subsection 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or
- 353 (B) members that qualify for election or appointment to the board because the
- 354 owners of real property in the special service district meet or exceed the
- 355 threshold percentage described in Subsection 17D-1-304(1)(b)(i);
- 356 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] 52-4-202(3)(a)
- 357 for the electronic meeting includes information on how a member of the public
- 358 may [~~attend~~] participate in the meeting remotely by electronic means; and
- 359 (iv) the administrative control board allows members of the public [~~attending the~~
- 360 ~~meeting by remote electronic means~~] to participate in the meeting[:] remotely by
- 361 electronic means; or
- 362 (e) all public body members attend the meeting remotely through an electronic video,
- 363 audio, or both video and audio connection, unless the public body receives a written
- 364 request, at least 12 hours before the scheduled meeting time, to provide for an anchor
- 365 location for members of the public to attend in person the open portions of the
- 366 meeting.
- 367 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the

368 chair of the public body makes the determination.

369 (7) Compliance with the provisions of this section by a public body constitutes full and  
 370 complete compliance by the public body with the corresponding provisions of Sections  
 371 52-4-201 and 52-4-202.

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

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

377 Section 4. Section **52-4-208** is repealed and reenacted to read:

378 **52-4-208 . Predetermining public body action prohibited -- Exception.**

379 (1) Individuals constituting a quorum of a public body may not act together outside a  
 380 meeting in a concerted and deliberate way to predetermine an action to be taken by the  
 381 public body at a meeting on a relevant matter.

382 (2) Subsection (1) does not apply to an individual acting as a member of a body that is not a  
 383 public body under Subsection 52-4-103(8)(c).

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

385 **52-4-209 . Electronic meetings for charter school board.**

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

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

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

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

394 (b) "Charter school board" means the governing board of a school created under Title  
 395 53G, Chapter 5, Charter Schools.

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

397 (i) with a quorum who:

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

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

400 (ii) for the purpose of discussing, receiving comments from the public about, or  
 401 acting upon a matter over which the charter school board has jurisdiction or

- 402 advisory power.
- 403 (d) "Monitor" means to:
- 404 (i) read all the content added to a website by the public or a charter school board
- 405 member; and
- 406 (ii) view a vote cast by a charter school board member on a website.
- 407 (e) "Participate" means to add content to a website.
- 408 (2) (a) A charter school board may~~convene and~~ conduct an electronic meeting in
- 409 accordance with Section 52-4-207.
- 410 (b) A charter school board may~~convene and~~ conduct an electronic meeting in
- 411 accordance with this section that is in writing on a website if:
- 412 (i) the chair verifies that a quorum monitors the website;
- 413 (ii) the content of the website is available to the public;
- 414 (iii) the chair controls the times in which a charter school board member or the public
- 415 participates; and
- 416 (iv) the chair requires a person to identify himself or herself if the person:
- 417 (A) participates; or
- 418 (B) casts a vote as a charter school board member.
- 419 (3) A charter school that conducts an electronic meeting under this section shall:
- 420 (a) give public notice of the electronic meeting:
- 421 (i) in accordance with Section 52-4-202; and
- 422 (ii) by posting written notice at the anchor location as required under Section
- 423 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
- 427 present for all 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 not  
 440 communicate in any way with any person regarding an issue over which the charter  
 441 school board has jurisdiction.
- 442 (6) A charter school conducting an electronic meeting under this section may not close a  
 443 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 electronic  
 453 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 or  
 458 herself as required by Subsection (2)(b)(iv).
- 459 (9) Compliance with the provisions of this section by a charter school constitutes full and  
 460 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  
 466 when the public body is not convened in [~~an open~~] a meeting.

467 Section 7. Section **52-4-302** is amended to read:

468 **52-4-302 . Suit to void final action -- Limitation -- Exceptions.**

- 469 (1) (a) Any final action taken in violation of Section 52-4-201, 52-4-202, 52-4-207,

- 470 52-4-208, or 52-4-209 is voidable by a court of competent jurisdiction.
- 471 (b) A court may not void a final action taken by a public body for failure to comply with  
472 the posting written notice requirements under Subsection 52-4-202(3)(a) if:
- 473 (i) the posting is made for a meeting that is held before April 1, 2009; or  
474 (ii) (A) the public body otherwise complies with the provisions of Section  
475 52-4-202; and  
476 (B) the failure was a result of unforeseen Internet hosting or communication  
477 technology failure.
- 478 (2) Except as provided under Subsection (3), a suit to void final action shall be commenced  
479 within 90 days after the date of the action.
- 480 (3) A suit to void final action concerning the issuance of bonds, notes, or other evidences of  
481 indebtedness shall be commenced within 30 days after the date of the action.
- 482 (4) In a suit under this section to void a final action in violation of Section 52-4-208, a court  
483 may award a prevailing plaintiff a reasonable attorney fee and costs.
- 484 Section 8. **Effective date.**
- 485 This bill takes effect on May 1, 2024.