

1                                   **OPEN AND PUBLIC MEETINGS AMENDMENTS**

2   2021 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Lincoln Fillmore**

5                                   House Sponsor: Susan Pulsipher

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7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11           This bill:

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

13 and

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

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **52-4-204**, as last amended by Laws of Utah 2018, Chapter 461

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

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

26           **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
27 **meeting recorded.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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