

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to modernize various procedural aspects of municipal governance, and, in particular, to protect municipal hearings and meetings, town meetings and local elections as cities and towns in the commonwealth transition from the end of national and global public health emergencies to normal operations, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. For the purposes of this Act, the term “Select Board” shall have the same meaning as “Board of Selectmen” as that term is used in any general or special law or municipal charter.

SECTION 2. Chapter 30A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out paragraphs (d) and (e) of section 20.

SECTION 3. Chapter 30A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 20 the following section:-

#### **SECTION 20A**

- (a) A public body may allow remote participation by any member for any meeting of the public body. For the purposes of this section, the term remote participation means participation by a member of a public body by means other than physical presence, which may include, without limitation, participation by telephone, audio or video conferencing or any other technology that enables each member of the public body to be audible to all other members of the public body and the public.
- (b) Members remotely participating in a meeting may vote, and shall be considered present and in attendance for all purposes, including for purposes of determining a quorum and for the purposes of section 23D of chapter 39.
- (c) If a public body allows remote participation by its members for a meeting under subsection (a), it must also allow remote participation by members of the public and any party entitled or required to appear before it in accordance with the following requirements:
  - (i) A public body that elects to conduct its proceedings completely or partially through remote means in accordance with this section shall ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means. Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the virtual meeting. Such means may include, without limitation, providing public access through telephone, audio or video conferencing or any other technology that enables the public to follow the proceedings of the virtual meeting in real time.

- (ii) Documents intended to be used for any such meeting shall be made available to members of the public body before or during the course of the meeting of the public body.
  - (iii) Where allowance for active, real-time participation by applicants before a public body or members of the public is a specific requirement of a general or special law or regulation, charter, local ordinance or bylaw pursuant to which the proceeding is conducted, any alternative means of public access shall provide for such participation. A public body shall offer its selected alternative means of public access to virtual meetings without subscription, toll, or similar charge to the public.
- (d) The chief executive officer of a municipality may develop and adopt standards and guidelines for remote participation of all public bodies of that municipality; provided however that a local commission on disability may adopt its own standards and guidelines for remote participation applicable to meetings of such local commission on disability only.
- (e) State, county, and regional public bodies, and public bodies that are not otherwise a department or subdivision of a city or town, may adopt their own standards and guidelines for remote participation applicable to meetings of such public body.

SECTION 4. Within ninety (90) days of the effective date of this act, the attorney general shall develop best practices for remote participation of public bodies in furtherance of the foregoing Section 3 of this act.

SECTION 5. Chapter 39 of the general laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following sections 10B and 10C:

#### **SECTION 10B**

- (a) Notwithstanding any general or special law, charter provision or bylaw to the contrary, during and for a period of 5 days after the termination of any weather-related, public safety or public health emergency, the select board of a town or the city council of a city, in consultation with local public safety or public health officials, may vote on any day prior to the date of a scheduled municipal caucus or municipal election to postpone that municipal caucus or municipal election in accordance with this section to a date certain; provided, however, that any postponement shall not exceed 30 days. The select board or city council may renew the declaration of postponement and continuance period for up to 30 days at a time provided an emergency is in effect.
- (b) Notwithstanding any provision of chapter 30A to the contrary, a meeting to vote on a postponement in accordance with this section may be held by remote participation without requiring a quorum of those public bodies or the chair of the public body to be present at a physical meeting location, provided all other provisions of sections 18 to 25 of chapter 30A are complied with.
- (c) A notice of the declaration of postponement shall be prepared by the city or town clerk and printed in a legible, easily understandable format and shall contain the date, time and

place of the rescheduled caucus or election, state the reason for the declaration, and identify the date and time that the select board or city council voted for the postponement. To the extent practicable, notice shall be posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located and on the city or town's website. In addition, the city or town clerk may use any electronic, broadcast or print media convenient to circulate the notice of postponement and any amended notice.

- (d) Within 10 days after a declaration to postpone a caucus or election pursuant to this section, the city or town clerk shall submit a report to the attorney general and secretary of state that sets forth the reasons why the declaration was made.

## **SECTION 10C**

- (a) In a town having a town meeting form of government the moderator may request that the select board of the town call for any town meeting to be held through remote participation or a hybrid of in-person and remote participation, including, but not limited to, by means of a video or telephone conferencing platform.
- (b) Such a request by the moderator to the select board shall be in writing and shall include:
  - (i) the moderator's determination and request to hold a town meeting through remote participation or a hybrid of in-person and remote participation in accordance with this section;
  - (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting;
  - (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for federal Americans with Disabilities Act compliance; and
  - (iv) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the remote portion of the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.
- (c) A video or telephone conference platform used by a town meeting for remote participation under this section shall, at minimum, provide for the ability for:
  - (i) the moderator, voters or town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each voter or town meeting member who attends and participates in the town meeting, either remotely or in person, as well as any other individuals who participate in the remotely-held town meeting, either remotely or in person;
  - (ii) if applicable, the ability to determine whether a quorum is present;
  - (iii) a voter, town meeting member, town official or other individual to request recognition by the moderator without prior authorization; provided, however, that to the extent technologically feasible, the request is visible or audible to other town meeting members and the public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h);
  - (iv) the moderator to determine when a remote voter or town meeting member wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent;
  - (v) the moderator to recognize a remote voter or town meeting member, town official or other individual to speak and to enable that person to speak;
  - (vi) in the case of a representative town meeting, the ability to conduct a roll call vote;
  - (vii) any interested

members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town wishing to participate remotely in a representative town meeting conducted pursuant to this section shall submit a request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester's voter registration status, the clerk shall provide to the requester instructions for participating remotely in the town meeting, provided that nothing herein shall be construed to require greater participation by non-town meeting members than required by any applicable general or special law or municipal charter.

- (d) Within 30 days of receipt of a written request by the moderator for remote participation at a town meeting pursuant to subsection (a), the select board shall vote to determine if the town meeting shall be held completely or partially remotely by means of the video or telephone conferencing platform requested by the moderator.
- (e) If the select board votes to approve the request of the moderator for complete or hybrid remote participation at a town meeting and the select board has already issued a warrant pursuant to section 10 of chapter 39 of the general laws calling said town meeting, the select board shall, at the same meeting of the board, approve and issue, in consultation with the moderator, a notice that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, voters, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely, or, if the meeting will be held as hybrid of in-person and remote participation, in person. The notice issued by the select board shall be: (i) accompanied by the written request of the moderator submitted to the select board under subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of section 10A of chapter 39 of the general laws; (iii) in the case of a representative town meeting, distributed electronically or by mail to each town meeting member; and (iv) publicly posted at least 10 days before the scheduled date of the remote town meeting on the Town's website and in any other location where the warrant is required to be posted. The notice may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting completely or partially remotely pursuant to subsection (h).
- (f) If the select board votes to approve the request of the moderator for complete or hybrid remote participation at a town meeting and the select board has not yet issued a warrant for a town meeting, the select board shall approve and issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, voters, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely. The warrant issued by the select board shall be: (i) accompanied by the written request of the moderator submitted to the select board under

subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other applicable laws and any relevant provisions of the town charter or by-laws. The warrant may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting completely or partially remotely pursuant to subsection (f).

- (g) Within 5 business days after a vote of the select board to approve the request of the moderator to hold a town meeting completely or partially remotely pursuant to subsection (e) or (f), the town clerk shall submit certified copies of the vote of the select board and the written request of the moderator to the attorney general.
- (h) Prior to taking up any business at a town meeting held through complete or hybrid remote participation under this section, the meeting shall vote on whether or not to commence business at the town meeting completely or partially remotely, by means of the chosen video or telephone conferencing platform. If the town meeting votes to continue conducting the town meeting completely or partially remotely, then the town meeting shall proceed by complete or hybrid remote participation to address the articles included in the warrant. If the town meeting does not vote to continue conducting the town meeting completely or partially remotely, then the town meeting shall be adjourned to the date, time and place specified in the notice or warrant under subsection (e) or (f). If no date, time and place has been specified in the notice or warrant, the town meeting shall immediately be dissolved without taking any votes on any other matters and the select board may call the town meeting pursuant to a new warrant that provides for the town meeting to be held in person at a physical location in accordance with said section 10 of said chapter 39, all other applicable laws and provisions of the town charter and by-laws.
- (i) Any vote taken at a town meeting held through complete or hybrid remote participation pursuant to this section shall be taken by any means that the moderator determines accurately and securely records the votes of those entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any combination thereof. Votes taken by a roll call vote shall be recorded and kept with the minutes of the town meeting.
- (j) The remote participation portions of a town meeting held completely or partially remotely pursuant to this section shall be recorded and the recording shall be preserved and made publicly available on the town's website for at least 90 days after the conclusion of said town meeting.
- (k) All actions taken during a complete or hybrid remote town meeting held pursuant to this section shall have the same effect as if the town meeting had been conducted in person.