



## **Model Public Meetings During Emergencies Act (2022)**

### *A Summary*

The Model Public Meetings During Emergencies Act was promulgated by the Uniform Law Commission (ULC) in 2022. The COVID-19 pandemic highlighted the need for public bodies to meet remotely when emergencies make in-person meetings impossible or inadvisable, as well as the need for rules to assure that virtual meetings of public bodies comply with any applicable laws that provide for public observation and participation. The Public Meetings During Emergencies Act is intended to provide a statutory framework that will enable public bodies to meet when such emergencies occur. The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to procedural and public access requirements during an emergency declaration. It is intended to work in harmony with those laws, particularly open meetings and other laws providing for public comment on or participation in the deliberations of public bodies.

During the COVID-19 pandemic, many governors suspended laws concerning the meetings of public bodies, such as those governing the location of meetings and public access and participation, and authorized virtual meetings. Some executive orders included provisions intended to create public access and participation rights in virtual meetings comparable to those applicable to traditional in-person meetings. Several states also enacted temporary legislative authorizations for virtual meetings. The result has been a patchwork of varying rules concerning the procedure for such meetings and uneven protections of public access and participation.

The overarching purposes of this Act are (1) to provide the states with a uniform approach, consistent with each state's needs and practices, which will enable public bodies to continue to function during emergencies that prevent in-person meetings, and (2) to protect the interests of the public in observing or participating in those meetings to the maximum extent practicable. Drawing in part from executive orders and legislation adopted in response to the pandemic, this Act provides a statutory basis for virtual meetings during an emergency conditioned on compliance with requirements intended to assure the effective functioning of the meetings and the public access and participation comparable to that required for in-person meetings.

Below are several key features of the Model Public Meetings During Emergencies Act:

- As a model act, uniformity in enactment is not required and a state may tailor the Act to fit its needs
- The Act is drafted as a comprehensive statute addressing public access, public participation, and the actual conduct of the meeting by a public body but also works in harmony with existing state laws.
- The Act allows participants and observers the same privileges they would have in an in-person meeting and requires the necessary technology to exercise such privileges.
- The Act prioritizes accommodations for those with disabilities in Section 5.
- The Act defines in which situations an emergency declaration warrants virtual meetings in Section 4.

- The Act recognizes that burdensome notice and recording requirements may not be practical during a state of emergency, and therefore does not require audio or visual recording of a meeting and imposes minimal additional notice provisions.
- The Act grants rulemaking authority to a public body and provides guidelines or suggestions for adopting accompanying rules.

For further information about the Model Public Meetings During Emergencies Act, please contact Legislative Counsel Haley Tanzman at (312) 450-6620 or [htanzman@uniformlaws.org](mailto:htanzman@uniformlaws.org).