



## WHY YOUR STATE SHOULD ADOPT THE MODEL PUBLIC MEETINGS DURING EMERGENCIES ACT

The Model Public Meetings During Emergencies Act (PMDEA) was promulgated by the Uniform Law Commission (ULC) in 2022. 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.

Below are several reasons to adopt the Model Public Meetings During Emergencies Act:

- During the Covid-19 pandemic, many governors authorized virtual meetings via executive or legislative orders which have since expired.
- There is currently a patchwork of varying rules concerning the procedure for meetings of public bodies during a declared emergency and uneven protections of public access and participation.
- The Act creates a framework for virtual meetings of public bodies triggered by a state of emergency, negating the need for an emergency order and the time and resources spent crafting one.
- The Act permits a public body to conduct a virtual meeting if certain conditions are met.
- The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to procedural and public access requirements.
- The Act is intended to work in harmony with existing laws, particularly open meetings laws.
- While most open meetings laws generally address only public access and observation, this Act addresses public access, participation, and conduct of a virtual public meeting.
- 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 clearly and directly addresses questions which may arise when contemplating public meetings during a declared state of emergency.
- The Act emphasizes accommodations for those with disabilities by requiring, to the extent practicable, a public body to select a means to conduct a virtual meeting that is compatible with assistive technology.
- The Act does not require meetings to be recorded, but some record must be made (i.e., minutes).
- The Act does not impose burdensome additional notice requirements.
- The Act grants rulemaking authority to a public body and provides suggestions for rules to supplement and expand upon the Act, such as rules for notice, the effect of technical problems, making a record available to the public, access by individuals with disabilities, and the process by which a person may object to the conduct of a meeting on due process grounds.
- The PMDEA is a model act - uniformity is not required and a state may tailor the Act to fit its needs.

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).