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Division of Open Government  
Proposed Amendments to 940 CMR 29.00:  
Remote Participation in Meetings of Public Bodies  
Issued: June 29, 2011

The Attorney General is pleased to announce proposed regulations authorizing remote participation in public meetings in certain circumstances. These regulations, if finally adopted, will allow municipalities to authorize remote participation for local public bodies, and will allow remote participation for county, district, regional, and state public bodies to be authorized by those bodies (or in limited cases by other officials).

Members of public bodies will be allowed to participate in meetings remotely only for certain reasons, and only where those reasons make physical attendance unreasonably difficult. The Attorney General continues to believe that all members of public bodies should participate in meetings through physical attendance. The quality of participation by members of public bodies is greatly reduced when they participate remotely. The Open Meeting Law still requires a quorum of the public body to be physically present at a meeting where members are participating remotely.

Please be aware that the amendments to 940 CMR 29.00 are proposed, but are not effective until the regulation amendment process is complete. **Remote participation by members of public bodies in meetings of those bodies continues to be prohibited at this time.**

Pursuant to the Open Meeting Law, G.L. c. 30A, § 20(d), the Attorney General:

may by regulation...authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided further, that a quorum of the body, including the chair, are present at the meeting location.

The Attorney General requested public comment on August 31, 2010 on the issue of remote participation in meetings by members of public bodies. The Attorney General received a number of comments from members of public bodies and members of the public during the comment period that ended on October 1, 2010.

After review of these comments and careful consideration of the policy goals of the Open Meeting Law, the Attorney General is filing proposed amendments to 940 CMR 29.00: Open Meetings, to include regulations permitting members of public bodies to participate remotely in meetings in certain circumstances.

The Attorney General will hold a public hearing on the proposed regulations pursuant to G.L. c. 30A, § 2. The hearing will be held at One Ashburton Place, 21<sup>st</sup> Floor, Boston, Mass., on September 6, 2011, from 4:00 p.m. to 6:00 p.m.. Copies of the proposed amendments to the regulations may be found

at [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting) or obtained at One Ashburton Place, 20<sup>th</sup> Floor, Boston, Mass.

The public is also encouraged to submit written comments on the proposed regulations. Comments should be limited to the proposed regulations only. Please direct comments to Amy Nable, Director, Division of Open Government, Office of the Attorney General, One Ashburton Place, 20<sup>th</sup> Floor, Boston, MA 02108 or by sending comments by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). **Comments should be submitted by September 6, 2011.**