

Public Body Checklist for Entering Executive Session

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- ☐ Executive session must be listed as a topic for discussion on the meeting notice, including as much information about the anticipated discussion as possible without compromising the purpose(s) for which the executive session is called. See G.L. c. 30A, § 21(b)(3).
- ☐ Public body must convene in open session first. G.L. c. 30A, § 21(b)(1).
- ☐ During the open session, prior to convening in executive session, Chair must state the purpose for executive session, identifying one or more of the 10 purposes found at G.L. c. 30A, § 21(a). G.L. c. 30A, § 21(b)(3).
- ☐ During the open session, prior to convening in executive session, Chair must state all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, under most circumstances Chair must identify the party with whom the public body will be negotiating (Purpose 2), the litigation the public body will discuss (Purpose 3), or the property being considered for purchase (Purpose 6). G.L. c. 30A, §§ 21(a)(2), (3), (6).
- ☐ Chair must publicly announce whether the public body will return to open session upon conclusion of the executive session. G.L. c. 30A, § 21(b)(4).
- ☐ Some of the 10 Purposes under G.L. c. 30A, § 21 are subject to requirements specific to that purpose. A non-exhaustive list includes the following:
 - Purpose 1: The individual to be discussed must be notified in writing at least 48 hours prior to executive session. That individual has certain rights including, but not limited to, the right to have the discussion occur in open session, and the right to be present. G.L. c. 30A, § 21(a)(1).
 - Purpose 3: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect on the public body's bargaining or litigating position. G.L. c. 30A, § 21(a)(3).
 - Purpose 6: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect on the public body's negotiating position relative to the purchase, exchange, or lease of real property. G.L. c. 30A, § 21(a)(6).
 - Purpose 8: When stating the purpose of the executive session, Chair must declare that an open meeting may have a detrimental effect in obtaining qualified applicants. G.L. c. 30A, § 21(a)(8).
- ☐ During the open session, prior to convening in executive session, a majority of members of the body must vote to enter executive session. The vote of each member must be recorded by roll call and entered into the minutes. G.L. c. 30A, § 21(b)(2).

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.