



HB 21-1025

NONSUBSTANTIVE EMAILS AND OPEN MEETINGS LAW

YOUR “YES” VOTE RESPECTFULLY REQUESTED

Under current provisions of the Open Meetings Law, if elected officials use electronic mail to discuss pending legislation or other public business among themselves, the electronic mail constitutes a meeting that is subject to the OML's requirements. OML requirements include full and timely notice to the public, which requires information about the meeting be posted in a designated public place no less than twenty-four hours prior to the holding of the meeting.

HB21-1025:

- Clarifies existing statutory provisions to specify that certain email communications between elected officials, not related to the merits or substance of pending legislation or other public business, do not constitute a meeting for OML purposes.
- Under the bill, the type of emails that do not constitute a meeting subject to Open Meeting Law requirements include:
 - Emails regarding scheduling and availability.
 - Emails sent by an elected official for the purpose of forwarding information.
 - Emails from elected officials responding to a constituent inquiry.
 - Emails posing a question for later discussion by the public body.
- Listing in statute exactly what does, and what does not constitute a meeting subject to Open Meeting Law requirements will help clarify and ensure that local elected officials are following the letter of the law.
- HB21-1025 does **NOT** change any requirements, or expand authority, under the Open Meeting Law as it relates to email communications between elected officials that relate to the merits or substance of pending legislation or other public business. Instead, it clarifies existing statutory provisions.
- HB20 -1025 does **NOT** change any provisions of the Colorado Open Records Act (CORA).