



# OKLAHOMA

## State Courts Network

### Title 25. Definitions and General Provisions

#### Oklahoma Statutes Citationized

#### Title 25. Definitions and General Provisions

#### Chapter 8 - Public Meetings

#### Oklahoma Open Meeting Act

#### Section 307.1 - Videoconference Exceptions

Cite as: 25 O.S. § 307.1 (OSCN 2022), Oklahoma Open Meeting Act

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A. Except as provided in subsections C and D of this section, a public body may hold meetings by videoconference where each member of the public body is visible and audible to each other and the public through a video monitor, subject to the following:

1. a. except as provided for in subparagraph b of this paragraph, no less than a quorum of the public body shall be present in person at the meeting site as posted on the meeting notice and agenda,
- b. a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of Section 3-145.3 of Title 70 of the Oklahoma Statutes shall maintain a quorum of members for the entire duration of the meeting whether using an in-person site, videoconference sites or any combination of such sites to achieve a quorum, and
- c. each public meeting held by videoconference or teleconference shall be recorded either by written, electronic, or other means;
2. The meeting notice and agenda prepared in advance of the meeting, as required by law, shall indicate if the meeting will include videoconferencing locations and shall state:
  - a. the location, address, and telephone number of each available videoconference site, and
  - b. the identity of each member of the public body and the specific site from which each member of the body shall be physically present and participating in the meeting;
3. After the meeting notice and agenda are prepared and posted, as required by law, no member of the public body shall be allowed to participate in the meeting from any location other than the specific location posted on the agenda in advance of the meeting;
4. In order to allow the public the maximum opportunity to attend and observe each public official carrying out the duties of the public official, a member or members of a public body desiring to participate in a meeting by videoconference shall participate in the videoconference from a site and room located within the district or political subdivision from which they are elected, appointed, or are sworn to represent;
5. Each site and room where a member of the public body is present for a meeting by videoconference shall be open and accessible to the public, and the public shall be allowed into that site and room. Public bodies may provide additional videoconference sites as a convenience to the public, but additional sites shall not be used to exclude or discourage public attendance at any videoconference site;

6. The public shall be allowed to participate and speak, as allowed by rule or policy set by the public body, in a meeting at the videoconference site in the same manner and to the same extent as the public is allowed to participate or speak at the site of the meeting;
  7. Any materials shared electronically between members of the public body, before or during the videoconference, shall also be immediately available to the public in the same form and manner as shared with members of the public body; and
  8. All votes occurring during any meeting conducted using videoconferencing shall occur and be recorded by roll call vote.
- B. Except as provided for in subsection E of this section, no public body shall conduct an executive session by videoconference.
- C. Upon the effective date of this act and until February 15, 2022, or until thirty (30) days after the expiration or termination of the state of emergency declared by the Governor to respond to the threat of COVID-19 to the people of this state and the public's peace, health and safety, whichever date first occurs, the provisions of this subsection and subsection D shall operate as law in this state.
1. A public body may hold meetings by teleconference or videoconference if each member of the public body is audible or visible to each other and the public, subject to the following:
    - a. for a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of the Oklahoma Statutes, the public body shall maintain a quorum of members for the entire duration of the meeting whether using an in-person site, teleconference, or videoconference or any combination of such sites to achieve a quorum, and
    - b. if the meeting is held using either teleconference or videoconference capabilities, and at any time the audio connection is disconnected, the meeting shall be stopped and reconvened once the audio connection is restored;
  2. The meeting notice and agenda prepared in advance of the meeting, as required by law, shall indicate if the meeting will include teleconferencing or videoconferencing and shall also state:
    - a. each public body member appearing remotely and the method of each member's remote appearance, and
    - b. the identity of the public body member or members who will be physically present at the meeting site, if any;
  3. After the meeting notice and agenda are prepared and posted as required by law, public body members shall not be permitted to alter their method of attendance; provided, however, those members who were identified as appearing remotely may be permitted to physically appear at the meeting site, if any, for the meeting;
  4. The public body shall be allowed to participate and speak, as allowed by rule or policy set by the public body, in a meeting which utilizes teleconference or videoconference in the same manner and to the same extent as the public is allowed to participate or speak during a meeting where all public body members are physically present together at the meeting site;
  5. Any documents or other materials provided to members of the public body or shared electronically between members of the public body during a meeting utilizing teleconferencing or videoconferencing shall also be immediately available to the public on the website of the public body, if the public body maintains a website; and
  6. All votes occurring during any meeting utilizing teleconference or videoconference shall occur and be recorded by roll call votes.

D. Public bodies are permitted to conduct an executive session by teleconference or videoconference. For such executive sessions, no public body member is required to be physically present so long as each public body member is audible or visible to each other. The meeting notice and agenda prepared in advance of the meeting as required by law shall indicate if the executive session will include teleconferencing or videoconferencing and shall also state the identity of each public body member appearing remotely, the method of each member's remote appearance, and whether any member will be physically present at the meeting site, if any, for the executive session.

E. The Oklahoma Tax Commission may conduct executive sessions with the taxpayer at issue attending using videoconference technology to discuss confidential taxpayer matters as provided for in Section 205 of Title 68 of the Oklahoma Statutes. During executive sessions, the Commission is required to be physically present while taxpayers may appear using videoconference technology. The technology selected and utilized by the Commission shall ensure taxpayer confidentiality including compliance with safeguards as provided for in Internal Revenue Service Publication 1075.

### **Historical Data**

Laws 1993, HB 1318, c. 282, § 3, eff. September 1, 1993; Amended by Laws 1994, HB 2123, c. 323, § 37, emerg. eff. July 1, 1994; Amended by Laws 1995, SB 45, c. 152, § 1, eff. November 1, 1995; Amended by Laws 1995, SB 672, c. 358, § 2, eff. November 1, 1995; Amended by Laws 1997, HB 2090, c. 108, § 1, eff. November 1, 1997 (superseded document available); Amended by Laws 1998, SB 996, c. 315, § 3, emerg. eff. May 28, 1998 (superseded document available); Amended by Laws 1999, SB 113, c. 259, § 1, emerg. eff. July 1, 1999 (repealed by Laws 2000, HB 2711, c. 6, § 33, emerg. eff. March 20, 2000); Amended by Laws 1999, HB 1571, c. 397, § 16, emerg. eff. June 10, 1999 (superseded document available); Amended by Laws 2000, HB 2711, c. 6, § 6, emerg. eff. March 20, 2000 (superseded document available); Amended by Laws 2000, HB 2028, c. 148, § 1, emerg. eff. July 1, 2000 (superseded document available); Amended by Laws 2003, HB 1270, c. 57, § 28, emerg. eff. April 10, 2003; Amended by Laws 2003, HB 1030, c. 324, § 1, emerg. eff. July 1, 2003 (repealed by Laws 2004, HB 2725, c. 5, § 14, emerg. eff. March 1, 2004); Amended by Laws 2003, HB 1771, c. 474, § 4, eff. November 1, 2003; Amended by Laws 2003, SB 545, c. 318, § 2, eff. November 1, 2003 (repealed by Laws 2004, HB 2725, c. 5, § 15, emerg. eff. March 1, 2004) (superseded document available); Amended by Laws 2004, HB 2725, c. 5, § 14, emerg. eff. March 1, 2004 (superseded document available); Amended by Laws 2005, HB 1535, c. 129, § 24, eff. November 1, 2005 (repealed by Laws 2006, HB 3139, c. 16, § 7, emerg. eff. March 29, 2006); Amended by Laws 2005, HB 1860, c. 232, § 1, eff. November 1, 2005 (superseded document available); Amended by Laws 2006, HB 3139, c. 16, § 6, emerg. eff. March 29, 2006 (superseded document available); Amended by Laws 2006, HB 1284, c. 245, § 1, eff. November 1, 2006 (superseded document available); Amended by Laws 2007, SB 69, c. 142, § 2, eff. November 1, 2007 (superseded document available); Amended by Laws 2019, SB 268, c. 119, § 1 (superseded document available); Amended by Laws 2020, SB 661, c. 3, § 3, emerg. eff. March 18, 2020 (superseded document available); Amended by Laws 2021, SB 1031, c. 1, § 1, emerg. eff. February 10, 2021 (superseded document available); Amended by Laws 2022, SB 1298, c. 182, § 2, eff. November 1, 2022 (superseded document available).

### **Citationizer<sup>®</sup> Summary of Documents Citing This Document**

<i>Cite Name</i>	<i>Level</i>
<b>Oklahoma Attorney General's Opinions</b>	
<i>Cite</i>	<i>Name</i> <span style="float: right;"><i>Level</i></span>
<u>2012 OK AG 24</u>	<u>Question Submitted by: Commissioner Dana L. Murphy, Oklahoma Corporation Cited Commission</u>

2020 OK AG 4,

Question Submitted by: The Honorable Collin Walke, Oklahoma State Representative, District 87

*Cited*

**Citationizer: Table of Authority**

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