

Desk of Senator Boquist

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Compliance with open meetings requirements

The Oregon Constitution requires all proceedings of the Legislative Assembly to be conducted in open meetings. There are no exceptions and the ordinary public meetings law provisions permitting executive sessions do not apply to the legislature. Complying with the following points will ensure that you comply with the open meetings requirements of the Oregon Constitution:

- Meetings of any committee or subcommittee of the Legislative Assembly must be noticed and recorded.
- A committee or subcommittee meeting occurs when a quorum of members is gathered and begins discussing matters that are or could be before the committee or subcommittee.
- Generally, a quorum of a committee or subcommittee is a majority of the committee or subcommittee members. However, a quorum of a joint committee or a joint subcommittee requires a majority of members from both the Senate and the House of Representatives.
- An unintentional violation of open meetings requirements can occur when legislators gather informally and begin discussing legislative matters, and a quorum of a committee or subcommittee is present. Thus, you should be aware of the members you are with when informally discussing legislative business and avoid having a quorum or more present.
- Senate and House caucus meetings are self-policed meetings intended to discuss how particular bills or issues are to be addressed in floor sessions. Because a quorum of the Senate is 20 members and a quorum of the House is 40 members, caucus meetings need not be held in public.
- Technology also creates the potential for unintended open meetings law violations. Use of "reply all" email chains, group electronic chats, texts or instant messaging carry a risk of amounting to "deliberations" on an item of legislative business, which is not permitted. Occasional exchanges of electronic communication among committee members, however, are acceptable and do not violate open meetings requirements. When occasional exchanges evolve into sustained interactions involving legislative business, the electronic communications become deliberations that cannot occur except in open meeting. Because the boundary between minimal electronic exchanges and sustained deliberation is fact-specific and not always easy to discern, a prudent course of action is to avoid electronic communications to a quorum or more of committee members that involves multiple rounds of back-and-forth discussion.