

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 21-1025

BY REPRESENTATIVE(S) Arndt, Bird, Cutter, Duran, Gray, Jodeh, Kipp, Lontine, McCluskie, Mullica, Valdez A.;
also SENATOR(S) Ginal, Story.

CONCERNING A CLARIFICATION UNDER THE COLORADO OPEN MEETINGS LAW
OF THE REQUIREMENTS GOVERNING COMMUNICATION BY ELECTRONIC
MAIL THAT DOES NOT RELATE TO THE SUBSTANCE OF PUBLIC
BUSINESS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-6-402, **amend**
(2)(d)(III) as follows:

24-6-402. Meetings - open to public - legislative declaration - definitions. (2) (d) (III) If elected officials ~~use~~ EXCHANGE electronic mail to discuss pending legislation or other public business among themselves, the electronic mail ~~shall be~~ IS subject to the requirements of this section. Electronic mail communication ~~among~~ BETWEEN elected officials that does not relate to THE MERITS OR SUBSTANCE OF pending legislation or other public business, INCLUDING ELECTRONIC MAIL COMMUNICATION REGARDING SCHEDULING AND AVAILABILITY OR ELECTRONIC MAIL COMMUNICATION

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THAT IS SENT BY AN ELECTED OFFICIAL FOR THE PURPOSE OF FORWARDING INFORMATION, RESPONDING TO AN INQUIRY FROM AN INDIVIDUAL WHO IS NOT A MEMBER OF THE STATE OR LOCAL PUBLIC BODY, OR POSING A QUESTION FOR LATER DISCUSSION BY THE PUBLIC BODY, shall not be considered a "meeting" within the meaning of this section. FOR PURPOSES OF THIS SUBSECTION (2)(d)(III), "MERITS OR SUBSTANCE" MEANS ANY DISCUSSION, DEBATE, OR EXCHANGE OF IDEAS, EITHER GENERALLY OR SPECIFICALLY, RELATED TO THE ESSENCE OF ANY PUBLIC POLICY PROPOSITION, SPECIFIC PROPOSAL, OR ANY OTHER MATTER BEING CONSIDERED BY THE GOVERNING ENTITY.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to electronic mail communication sent on or after the applicable effective date of this act.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO