

Telephone Meetings and Voting Under the Freedom of Information Act

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Issue

Indicate whether the Freedom of Information Act (FOIA) allows members of a municipal board or commission to participate in and vote at public meetings by telephone.

The Office of Legislative Research is not authorized to give legal opinions and this report should not be considered one.

Telephone Meetings

FOIA requires public agencies, including municipal boards and commissions, to conduct open meetings, unless the topic for discussion meets the conditions for holding an executive session. (For more information on executive sessions, see OLR Report [2010-R-0130](#).)

While FOIA does not explicitly authorize telephone meetings, it does authorize public agencies to conduct meetings using electronic equipment. Specifically, FOIA defines “meeting” as “a hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, *whether in person or by means of electronic equipment*, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction, or advisory power” ([CGS § 1-200 \(2\)](#), emphasis added).

In its only advisory opinion on the subject, the Freedom of Information Commission (FOIC) advised that public agencies conducting business over the phone must comply with FOIA's open meeting requirements. According to FOIC, agencies must make sure that the public has "access to the entire proceedings taking place during the course of a meeting."

Specifically, the commission advised that, at minimum:

1. the facility where the greatest number of participating agency members are located must accommodate members of the public who want to attend the meeting;
2. people attending the meeting, including members of the public, must be able to see and inspect copies of any physical or demonstrable materials presented or used; and
3. all those attending the meeting, at whatever location, must be able to hear and identify adequately all participants in the proceedings, including individual remarks and votes ([Advisory Opinion 41](#), 1980).

Thus, telephone meetings and voting appear permissible under FOIA.

KS:cmg