

The Current State of Remote Meetings

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1



2




What are we doing today?

- Remote meetings landscape pre-Covid
- Covid-era emergency remote meetings statute
- Post-covid remote meetings case law review

3

Remote Meetings before COVID

- No specific statutory authorization
- Open Meetings Law – G.S. 143-318.13(a)



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4

G.S. 143-318.13(a)

- *If* a public body holds an official meeting by telephone or “other electronic means...”
 - Must provide location and way for public to listen to the meeting
 - Notice must specify the location
 - May charge listeners up to \$25 to defray location and equipment costs

G.S. 143-318.13(a) Problems

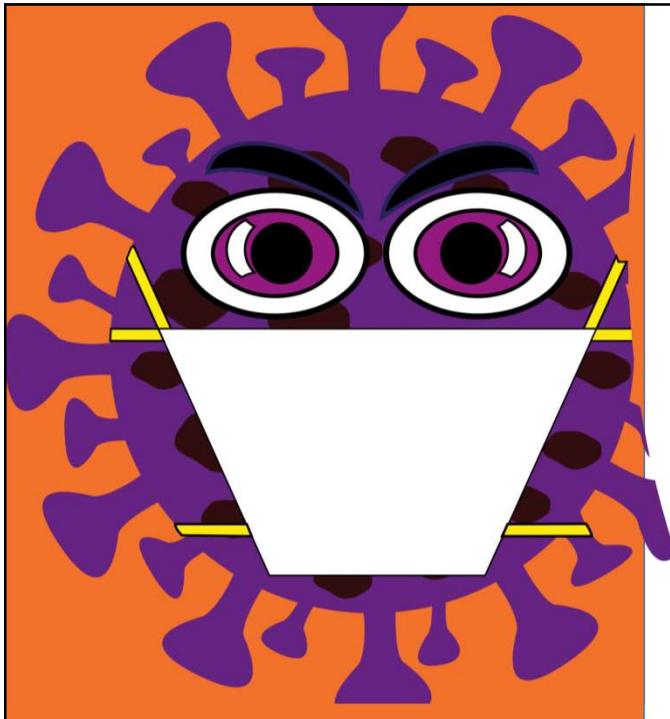
- Doesn't define remote or electronic meeting
- Doesn't reference quorum or voting



Remote Meetings before COVID

- Can local rules, policies, or bylaws allow for remote meetings?
- What about quorum?

7

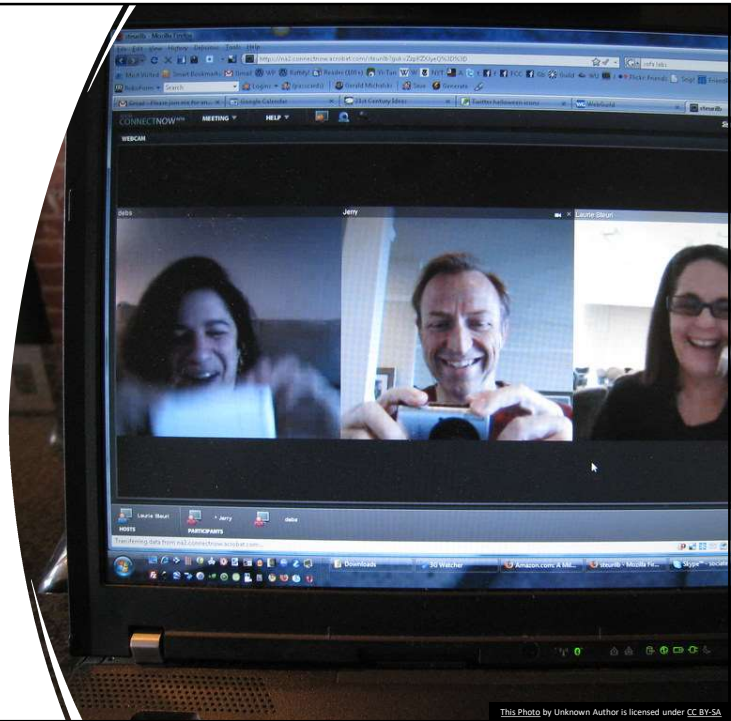


COVID

8

G.S. 166A-19.24

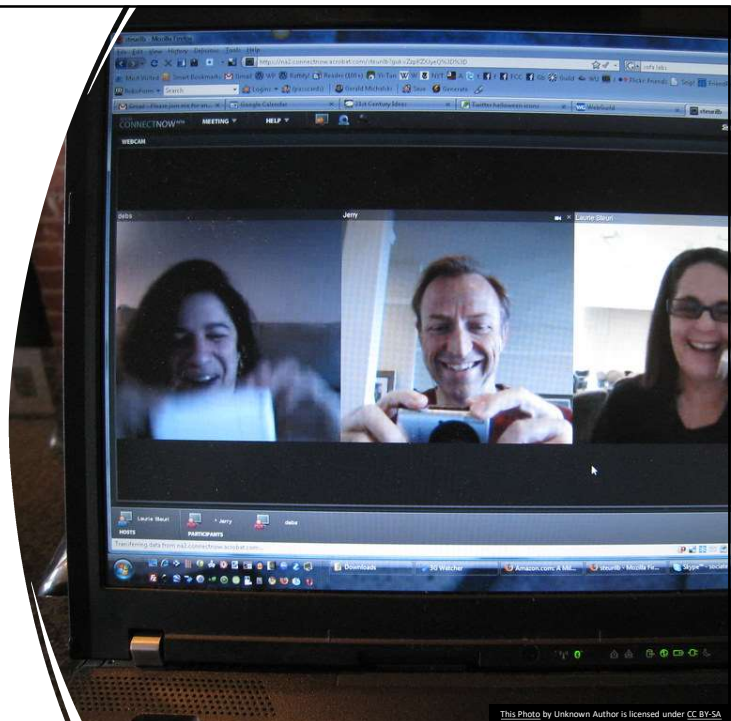
- In effect during Governor- or General Assembly-declared states of emergency



9

G.S. 166A-19.24

- Provides specific authority for remote meetings during states of emergency
- What is a remote meeting?



10

G.S. 166A-19.24

- Quorum
- Voting
- Notice
- Livestreaming
- Public Comment Periods
- Public Hearings

11

The Post-Covid Era



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12



13

G.S. 166A-19.24

- Subsection (h)
 - Only applies during states of emergency and does not supersede **any** authority for remote meetings in the open meetings law

A close-up of a red emergency light sign with the words "STATE OF EMERGENCY" visible. The sign is illuminated and has a blue background with white chevrons. A small copyright notice is visible in the bottom right corner of the image.

14

Lingering Questions

- Are remote meetings permissible outside of a state of emergency?
- Can remote participants count toward quorum?



15

Lingering Questions

- Can remote participants vote?
- What are the notice procedures?



16

State of N.C. vs. Anson County



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State of N.C. vs. Anson County - Holding

- The Court of Appeals ruled in favor of **Candidate B**. Candidate A was never validly appointed to fill the vacancy because i) the emergency meeting was improper and ii) even if it wasn't, there was no quorum.

State of N.C. vs. Anson County - Reasoning

- The county quorum statute for boards of commissioners requires *physical* presence.


Broader impacts?



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Impact on state level

Anson DOES impact state bodies	Anson DOESN'T impact state bodies
The holding is not explicitly limited to counties...	...but the court cites to the county quorum statute.
The county quorum statute makes no reference to physical presence...	...but other county statutes may mean physical presence was clearly implied.




21

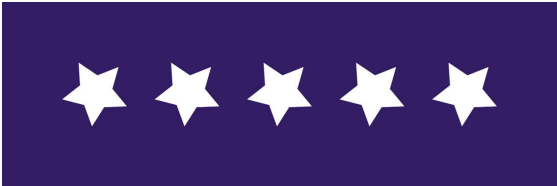
Unanswered Anson Questions

What about voting?

Do local policies matter?



I VOTED.



22

My take

- *Anson* does not clearly prohibit remote meetings.
- *Anson* does not clearly require an in-person quorum for state bodies or other non-county bodies.
- However, *Anson* may signal how courts are likely to interpret remote meetings cases.
- *Anson* leaves uncertainty about local policies.

23

Potential Challenges

- Open Meetings Law
 - G.S. 143-318.16, -16A



24




What's the bottom line?

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25

Key takeaways for state-level bodies

1. Authority to conduct remote meetings remains unclear.
2. If relying on the open meetings law as authority, follow the procedures laid out in G.S. 143-318.13.



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26

Key takeaways for state-level bodies

3. If relying on bylaws for authority, ensure that the bylaws address:

- Bylaw authority
- Definition of remote meeting
- Quorum
- Voting
- Notice

Key takeaways for local governments

1. County bodies must have an in-person quorum.

2. City bodies likely should have an in-person quorum.

3. City and county bodies relying on the open meetings law as authority should comply with the notice procedures in G.S. 143-318.13.

Key takeaways for local governments

4. City and county bodies relying on locally adopted rules of procedure should ensure that their rules address:

- Rules of procedure authority
- Definition of remote meeting
- Voting
- Notice procedures

Resources

- Blogs
 - <https://canons.sog.unc.edu/2024/08/the-court-of-appeals-addresses-emergency-meetings-and-remote-quorum/>
 - <https://canons.sog.unc.edu/2021/07/public-meetings-after-the-lifting-of-the-state-level-state-of-emergency/>
 - <https://canons.sog.unc.edu/2022/08/can-appointed-boards-continue-to-meet-remotely/>

**We're here to
help!**



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