

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1409

By: Crosswhite Hader

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Meeting Act;
8 amending 25 O.S. 2021, Section 311, as amended by
9 Section 1, Chapter 60, O.S.L. 2024 (25 O.S. Supp.
10 2024, Section 311), which relates to notices by
11 public bodies; prescribing procedures related to
12 email distribution systems; and providing an
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 25 O.S. 2021, Section 311, as
16 amended by Section 1, Chapter 60, O.S.L. 2024 (25 O.S. Supp. 2024,
17 Section 311), is amended to read as follows:

18 Section 311. A. Notwithstanding any other provisions of law,
19 all regularly scheduled, continued or reconvened, special or
20 emergency meetings of public bodies shall be preceded by public
21 notice as follows:

22 1. All public bodies shall give notice in writing by December
23 15 of each calendar year of the schedule showing the date, time and
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1 place of the regularly scheduled meetings of such public bodies for
2 the following calendar year;

3 2. All state public bodies including, but not limited to,
4 public trusts and other bodies with the state as beneficiary, shall
5 give such notice to the Secretary of State;

6 3. All county public bodies including, but not limited to,
7 public trusts and any other bodies with the county as beneficiary,
8 shall give such notice to the county clerk of the county wherein
9 they are principally located;

10 4. All municipal public bodies including, but not limited to,
11 public trusts and any other bodies with the municipality as
12 beneficiary, shall give such notice to the municipal clerk of the
13 municipality wherein they are principally located;

14 5. All multicounty, regional, areawide or district public
15 bodies including, but not limited to, district boards of education,
16 shall give such notice to the county clerk of the county wherein
17 they are principally located, or if no office exists, to the county
18 clerk of the county or counties served by such public body;

19 6. All governing boards of state institutions of higher
20 education, and committees and subcommittees thereof, shall give such
21 notice to the Secretary of State. All other public bodies covered
22 by the provisions of the Oklahoma Open Meeting Act which exist under
23 the auspices of a state institution of higher education, but a
24 majority of whose members are not members of the institution's

1 governing board, shall give such notice to the county clerk of the
2 county wherein the institution is principally located;

3 7. The Secretary of State and each county clerk or municipal
4 clerk shall keep a record of all notices received in a register open
5 to the public for inspection during regular office hours, and, in
6 addition, shall make known upon any request of any person the
7 contents of the register;

8 8. If any change is to be made of the date, time or place of
9 regularly scheduled meetings of public bodies, then notice in
10 writing shall be given to the Secretary of State or county clerk or
11 municipal clerk, as required herein, not less than ten (10) days
12 prior to the implementation of any such change;

13 9. a. In addition to the advance public notice in writing
14 required to be filed for regularly scheduled meetings,
15 described in paragraph 1 of this subsection, all
16 public bodies shall, at least twenty-four (24) hours
17 prior to such regularly scheduled meetings, display
18 public notice of the meeting by at least one of the
19 following methods:

20 (1) by posting information that includes date, time,
21 place and agenda for the meeting in prominent
22 public view at the principal office of the public
23 body or at the location of the meeting if no
24 office exists, or

1 (2) by posting on the public body's Internet website the
2 date, time, place and agenda for the meeting in accordance with
3 Section 3106.2 of Title 74 of the Oklahoma Statutes.

4 Additionally, the public body shall offer and consistently
5 maintain an email distribution system for distribution of such
6 notice of a public meeting required by this subsection, and any
7 person may request to be included without charge, and their
8 request shall be accepted. The emailed notice of a public
9 meeting required by this subsection shall include in the body
10 of the email or as an attachment to the email the date, time,
11 place and agenda for the meeting and it shall be sent no less
12 than twenty-four (24) hours prior to the meeting.

13 Additionally, the public body shall make the notice of a public
14 meeting required by this subsection available to the public in
15 the principal office of the public body or at the location of
16 the meeting during normal business hours at least twenty-four
17 (24) hours prior to the meeting. Public bodies may require
18 persons participating in the email distribution system to
19 annually confirm the request to be included in the email
20 distribution system. If the person does not confirm the
21 request, public bodies may remove that person from the email
22 distribution system. Nothing herein prohibits an individual
23 from participating in an email distribution system from which
24 that individual was previously removed.

1 b. In addition to the notice requirements of this
2 section, all state public bodies, as defined in
3 paragraph 2 of this subsection, shall, at least
4 twenty-four (24) hours prior to regularly scheduled
5 meetings, display public notice of the meeting by:

6 (1) posting information that includes date, time,
7 place and agenda for the meeting in prominent
8 public view at the principal office of the public
9 body or at the location of the meeting if no
10 office exists, and

11 (2) posting on the public body's Internet website the
12 date, time, place and agenda for the meeting in
13 accordance with Section 3106.2 of Title 74 of the
14 Oklahoma Statutes;

15 10. The twenty-four (24) hours required in paragraph 9 of this
16 subsection shall exclude Saturdays, Sundays and holidays legally
17 declared by the State of Oklahoma. The posting or distribution of a
18 notice of a public meeting as described in paragraph 9 of this
19 subsection shall not preclude a public body from considering at its
20 regularly scheduled meeting any new business. "New business", as
21 used herein, shall mean any matter not known about or which could
22 not have been reasonably foreseen prior to the time of the posting;

23 11. In the event any meeting is to be continued or reconvened,
24 public notice of such action including date, time and place of the

1 continued meeting, shall be given by announcement at the original
2 meeting. Only matters appearing on the agenda of the meeting which
3 is continued may be discussed at the continued or reconvened
4 meeting;

5 12. Special meetings of public bodies shall not be held without
6 public notice being given at least forty-eight (48) hours prior to
7 the meetings. Such public notice of date, time and place shall be
8 given in writing, in person or by telephonic means to the Secretary
9 of State or to the county clerk or to the municipal clerk by public
10 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of
11 this subsection. The public body also shall cause written notice of
12 the date, time and place of the meeting to be mailed or delivered to
13 each person, newspaper, wire service, radio station and television
14 station that has filed a written request for notice of meetings of
15 the public body with the clerk or secretary of the public body or
16 with some other person designated by the public body. Such written
17 notice shall be mailed or delivered at least forty-eight (48) hours
18 prior to the special meeting. The public body may charge a fee of
19 up to Eighteen Dollars (\$18.00) per year to persons or entities
20 filing a written request for notice of meetings, and may require
21 such persons or entities to renew the request for notice annually.
22 In addition, all public bodies shall, at least twenty-four (24)
23 hours prior to such special meetings, display public notice of the
24 meeting, setting forth thereon the date, time, place and agenda for

1 the meeting. Only matters appearing on the posted agenda may be
2 considered at the special meeting. Such public notice shall be
3 posted in prominent public view at the principal office of the
4 public body or at the location of the meeting if no office exists.
5 Twenty-four (24) hours prior public posting shall exclude Saturdays,
6 Sundays and holidays legally declared by the State of Oklahoma. In
7 lieu of the public posting requirements of this paragraph, a public
8 body may elect to follow the requirements found in division (2) of
9 subparagraph a of paragraph 9 of this subsection, provided that
10 forty-eight-hour notice is required for special meetings and that
11 the forty-eight-hour requirement shall exclude Saturdays, Sundays
12 and holidays legally declared by the State of Oklahoma;

13 13. In the event of an emergency, an emergency meeting of a
14 public body may be held without the public notice heretofore
15 required. Should an emergency meeting of a public body be
16 necessary, the person calling such a meeting shall give as much
17 advance public notice as is reasonable and possible under the
18 circumstances existing, in person or by telephonic or electronic
19 means; and

20 14. A public body that gives public notice of a meeting for
21 which there will be a videoconference option in accordance with
22 Section 307.1 of this title shall not modify the method of meeting
23 described in the notice prior to the meeting and shall conduct the
24 meeting according to the methods described in the notice. If a code

1 or password is required to access the videoconference meeting, the
2 code or password shall be included in the public notice.

3 B. 1. All agendas required pursuant to the provisions of this
4 section shall identify all items of business to be transacted by a
5 public body at a meeting including, but not limited to, any proposed
6 executive session for the purpose of engaging in deliberations or
7 rendering a final or intermediate decision in an individual
8 proceeding prescribed by the Administrative Procedures Act.

9 2. If a public body proposes to conduct an executive session,
10 the agenda shall:

- 11 a. contain sufficient information for the public to
12 ascertain that an executive session will be proposed,
- 13 b. identify the items of business and purposes of the
14 executive session, and
- 15 c. state specifically the provision of Section 307 of
16 this title authorizing the executive session.

17 SECTION 2. This act shall become effective November 1, 2025.

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