

TITLE 100 - DEPARTMENT OF STATE

CHAPTER 40 - STATE ARCHIVES, LIBRARY AND PUBLIC INFORMATION

SUBCHAPTER 15 – PUBLIC INFORMATION

PART 2 - Electronic Filing of Meeting Minutes and Notices - Open Meetings

2.1 Purpose

This Part is drafted to ensure that Public Bodies are in compliance with R.I. Gen. Laws §§ [42-46-6](#) and [42-46-7](#) requiring electronic filing of meeting notices and meeting minutes. The Open Meetings website creates a centralized electronic location for the public to view meeting information at both the state and municipal levels.

2.2 Authority

This Part is promulgated pursuant to R.I. Gen. Laws § [42-46-1](#) *et seq.* (the “Act”). It has been prepared in accordance with the requirements of R.I. Gen. Laws § [42-35-1](#) *et seq.*

2.3 Definitions

A. For the purpose of this Part the following terms will be defined as:

1. "Department" means the Rhode Island Department of State.
2. “Filer” means the individual or individuals designated by a Public Body to be the person or persons responsible for filing meeting notices and minutes with the Department.
3. “Filing coordinator” means the person assigned by the Overseeing Body to:
 - a. Maintain an accurate list of all Public Bodies and public contact information; and
 - b. Identify the individual Filers designated by each Public Body.
4. “Open Meetings Law” means R.I. Gen. Laws Chapter [42-46](#), as amended.
5. “Overseeing body” means the agency, municipality or quasi-public corporation which includes all Public Bodies that fall under that particular agency, municipality or quasi-public corporation, (i.e. the City of

Providence is the Overseeing Body for the Providence Zoning Board, the Department of Administration is the Overseeing Body for the Rhode Island Library Board).

6. “Public body,” as defined by R.I. Gen. Laws § [42-46-2\(3\)](#), is generally any department, agency, commission, committee, board, council, bureau or authority or any subdivision thereof of state or municipal government, and includes all authorities defined in R.I. Gen. Laws § [42-35-1\(1\)](#). Any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a Public Body, provided, however, that no such meeting is used to circumvent the requirements of R.I. Gen. Laws §§ [42-46-6](#) and [42-46-7](#).
7. “Public contact information” means the information for a Public Body provided by the Filing Coordinator to the Department that allows the public to contact the Public Body. The contact person may or may not be the Filer for that Public Body.

2.4 Meeting Notice Requirements

- A. All Public Bodies required under R.I. Gen. Laws § [42-46-6](#) shall electronically file meeting notices and amendments with the Department as follows:
 1. An Annual Notice at the beginning of each calendar year;
 2. Supplemental written public notices, agendas and amendments at least forty-eight (48) hours in advance of the meeting, excluding state holidays and weekends; and
 3. If an emergency meeting is called, a meeting notice and agenda as soon as practicable.

2.5 Meeting Minutes Requirements

- A. All Public Bodies required under R.I. Gen. Laws § [42-46-7](#) shall electronically file meeting minutes and amendments with the Department.
- B. Minutes must be filed within the time prescribed by the Open Meetings Law.

2.6 Designation of Filing Coordinator

- A. The head of each Overseeing Body (i.e. director of state agency, city or town mayor or council president where no mayor exists) is responsible for designating a person to be the Filing Coordinator for that Overseeing Body.
- B. The Filing Coordinator is responsible for identifying Filers for all Public Bodies which fall under each Overseeing Body. The Filing Coordinator will serve as a liaison between the Department and each Filer.

- C. The head of each Overseeing Body must submit the designation of the official Filing Coordinator in writing on the “Open Government Filing Coordinator Designation Form” issued by the Department and available on its website (www.sos.ri.gov). This form must be resubmitted within thirty (30) days of a change in the designation of the Filing Coordinator. The designation must include the full name, mailing address, phone number and email address for the Filing Coordinator. The designation will be complete upon the confirmation of a valid email address by the Department. This information must be updated within ten (10) days of a change in email address.
- D. The Filing Coordinator must provide a complete listing of all Public Bodies within the Overseeing Body. The Filing Coordinator shall provide the following information for each Public Body (which shall be updated within 30 days of a change):
 - 1. Public Body name; and
 - 2. Authority under which the Public Body was created.
- E. It is the responsibility of the Overseeing Body to ensure the Filing Coordinator’s information is accurate.
- F. Upon the creation of a new Public Body, the Filing Coordinator must notify the Department and provide all pertinent contact information a minimum of five (5) business days prior to the first meeting of the Public Body.

2.7 Web Account Setup for Filing Coordinator

- A. Upon receipt of the “Open Government Filing Coordinator Designation Form”, the Department will send to the newly designated Filing Coordinator an electronic message containing the username and initial password to enter the system. This initial message will also include detailed instructions on how to set up the Filing Coordinator’s account and how to establish Filer accounts.
- B. The Filing Coordinator will be responsible for opening their own account with the Department's Open Meetings Website to facilitate the designation of Filers for each Public Body.

2.8 Designation of Meetings Filer

- A. Once the Filing Coordinator sets up Filer accounts through the Open Meetings Website for each Public Body, the Department will be able to accept the filing submissions in the format provided for in § 2.9 of this Part. The Filing Coordinator is responsible for ensuring that Filers’ user information is accurate.
- B. Upon the creation of a new Public Body, the Filing Coordinator for the Overseeing Body must identify a Filer through the Department's Open Meetings Website and provide contact information for that person within thirty (30) days.

The Filing Coordinator shall update the Filer information in the event there is a change in the Filer.

2.9 Filing Format

Meeting notices and minutes will only be accepted in file formats and mechanisms of electronic submission as specified by the Department or as allowed by the Department's Open Meetings website.

2.10 Technical requirements

- A. Designated Filers must have access to email and be able to access the Department's Open Meetings Website through a web browser. The Filer must have the ability to submit notices and minutes in the accepted filing format through the Department's Open Meetings Website.
- B. The Filer must fill out all electronic fields as provided in the Department's Open Meetings Website to submit meeting notices or meeting minutes to the Department electronically.

2.11 Proof of filing

Upon the successful electronic submission of a meeting notice or meeting minutes, the Filer will receive acknowledgement in the form of an electronic confirmation message from the Department indicating that the filing was successfully transmitted through the Department's Open Meetings Website. In the absence of such electronic confirmation message, the Filer is responsible for verifying that the Department has successfully received the notice or minutes. The electronic confirmation message is the Filer's record that the notice or minutes were filed with the Department.

2.12 Exceptions

All Public Bodies, with the exception of Public Bodies whose responsibilities are solely advisory in nature, shall file meeting minutes with the Department electronically.

2.13 Application

The terms and provisions of this Part shall be liberally construed to permit the Department to effectuate the purposes of state law and policies.

2.14 Severability

If any provision of this Part, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of this Part shall not be affected thereby.

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PART 2 - ELECTRONIC FILING OF MEETING MINUTES AND NOTICES - OPEN MEETINGS (100-RICR-40-15-2)

Type of Filing: Refile Capabilities

Department of State

01/04/2022

N/A

Regulation Effective Date

Original Signing Date

E-SIGNED by Department of State
on 2021-12-03 22:23:03 EST

December 03, 2021

Department of State Initials

Department of State Date