

Massachusetts Open Meeting Law Policy Brief

Allen Lab for Democracy Renovation



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The Allen Lab for Democracy Renovation has set the standard for democracy-supportive frameworks that shape how policy is made and evaluated. Grounded in the field-defining scholarship of Danielle Allen, the Lab is driving the generational renewal of American constitutional democracy by preparing policymakers, scholars, advocates, technologists, and leaders across sectors to build healthy democracy for modern times. Through research, teaching, field-building, and proof-of-concept pilot testing, the Lab equips the full ecosystem of decision-makers to enact policies and solutions at scale to deliver responsive representation and effective governance for large, complex, digitally powered societies marked by significant social heterogeneity.

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CONTENTS

Overview of Open Meeting Law	5
Core Requirements	5
Deliberation	5
Challenges	6
Challenges of Emerging Technologies and Open Meeting Law	6
Social Media	6
Hybrid Meetings	7
Artificial Intelligence	7
Review of U.S. State Approaches to Open Meeting Law	8
Social Media	8
Hybrid Meetings	8
Artificial Intelligence	9
State Commonalities	9
Recommendations for Massachusetts	10
Notes	12



Open Meeting Law was designed to ensure that public deliberation remains visible and accountable to the people it serves. As public bodies and their members increasingly rely on technologies such as social media, remote meeting tools, and artificial intelligence, questions from local leaders about compliance with Open Meeting Law have arisen. This policy brief examines the areas where emerging technologies intersect with Open Meeting Law obligations and offers recommendations for modernizing regulation, guidance, and practice. As technology reshapes how public officials communicate and engage with their communities, the Open Meeting Law must evolve to address these emerging technologies while preserving transparency and accountability, or risk discouraging the use of innovative tools that can strengthen public engagement and access to government.

OVERVIEW OF OPEN MEETING LAW

The Open Meeting Law was enacted to “eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based.” The law emerged from the principle that community members have the right to understand the decision-making process of their elected officials. In Massachusetts, this is codified in the Open Meeting Law, M.G.L. c. 30A, §§18-25, and its accompanying regulations, 940 CMR 29.00. These provisions govern how and when local public bodies must conduct their business to be transparent to the people they serve.*

The Open Meeting Law applies to almost all public bodies across the Commonwealth. Most boards, commissions, committees, and other multi-member bodies that carry out a government function at the county, district, city, or town level in Massachusetts are subject

to the law’s requirements. The law specifically excludes the judicial branch, the state legislature and its committees, and boards appointed solely to advise a single government officer.

The Attorney General is charged with the enforcement of the Open Meeting Law. To that end, the Attorney General’s Division of Open Government receives and opines on Open Meeting Law complaints.

Core Requirements

Notice: Under the Open Meeting law, public bodies must post a notice at least 48 hours in advance, not including weekends or legal holidays. The notice must be “printed in a legible, easily understandable format” and include a list of topics the chair reasonably anticipates will be discussed. The law outlines how a public body may adopt a website to post its official notice, but notice must still be filed with the municipal clerk.

Access: The Open Meeting law requires that the public be allowed to attend and observe all meetings. The law’s accessibility requirements do not require that the public be allowed to participate, only that the public must be able to see what is happening at the meeting.

Minutes: The Open Meeting Law requires that the details of every public meeting are recorded in meeting minutes. The minutes must include the date, time, place, members present or absent, and a summary of discussions on each topic. The minutes must also list all documents and exhibits used during the meeting. Meeting minutes must be approved in a “timely manner,” which generally means within the next three meetings or within 30 days of the meeting, whichever is later.

Deliberation

Because of the OML’s procedural requirements, public body members are not allowed to engage in “deliberation” outside of a meeting.

* For a brief history and major legislative changes concerning the Open Meeting Law please see the following resource from North Reading <https://www.northreadingma.gov/765/Introduction---Open-Meeting-Law>.



Deliberation is defined as an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction. This prohibition also prevents “serial communications,” so that public body members can’t pass along messages and engage in deliberation indirectly. Importantly, the definition of deliberation excludes the distribution of a meeting agenda, scheduling information, or distribution or reports and documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

Challenges

As technology has evolved, public bodies across Massachusetts have encountered confusion and compliance gaps in three primary areas: the use of social media by board and commission members, the logistics and legal requirements of hybrid meetings, and the use of artificial intelligence tools in public body operations.

CHALLENGES OF EMERGING TECHNOLOGIES AND OPEN MEETING LAW

Social Media

Elected officials have increasingly turned to social media platforms such as Facebook, Instagram, X, and others to communicate with constituents, announce initiatives, and share information about upcoming meetings and policy decisions. Social media has offered local elected officials significant advantages, including reaching constituents, enhancing government transparency, building stronger public relationships, responding quickly during crises or emergencies, and soliciting feedback outside of formal meetings.

Despite these advantages, the Open Meeting Law’s prohibition on deliberation outside of a posted meeting creates uncertainty for public body members using social media. The Attorney General’s Office has clarified that members of public bodies may communicate with the

public using any social media platform, but must ensure they are not engaging in deliberation with other members of the public body through those communications. This means that when a member of a public body communicates directly with a quorum of the public body over social media platforms, including direct messages, comments, or group posts, that communication may constitute unlawful deliberation. A series of individual postings on social media that together convey the position of a quorum of the public body regarding a subject within its jurisdiction could constitute deliberation, even if no direct exchange occurred.

This ambiguous landscape has left local officials questioning what constitutes communication and deliberation. Is “tagging” a fellow board member considered a direct attempt at communication? Is “liking” or “retweeting” a post the equivalent of a written communication of agreement? How can board members feel confident in their ability to communicate directly with the public on a social media platform if other members of their public board can respond outside of their control and implicate the Open Meeting Law?

General standards have been developed piecemeal through the Attorney General Office’s Open Meeting Law Determinations. Public body members are still uncertain about what kind of posts constitute deliberation, and what interactions, if any, they can have with the posts of their fellow public body members.

A related concern is whether social media activity could constitute or substitute for required meeting notice. Social media posts do not satisfy the Open Meeting Law’s 48-hour notice requirement, which requires posting with a municipal clerk and, where applicable, on a locality’s website. However, nothing in state law explicitly prohibits public body members from posting meeting logistics on social media on top of required meeting notices. Without clear guidelines on the use of such platforms, public body members have erred

on the side of caution, sacrificing engagement with constituents to avoid an Open Meeting Law violation.

Hybrid Meetings

In 2021, Massachusetts public bodies were given authority to run remote and hybrid meetings as a COVID-19 emergency measure. This authority allows public bodies to provide “adequate, alternative means” of public access instead of in-person attendance. This alternative access includes telephone, internet, or satellite-enabled audio or video conference, or any other technology enabling the public to follow proceedings in real time. On March 28, 2025, Governor Healey signed legislation extending these temporary provisions through June 30, 2028.

Under the current guidance, public bodies may continue to provide “adequate, alternate means” of public access (such as Zoom, YouTube Live, and Facebook Live) instead of holding meetings in a physically accessible public place. Any or all members of a public body may continue participating in meetings remotely, and the previous requirement that a quorum and the chair be physically present at the meeting location remains suspended. Having remote access is optional to public bodies, if they hold the meeting in a physical location that is open and accessible to the public.

While the law is relatively clear when it comes to remote meetings, hybrid meetings have provided public body members with several challenges. One of these confusions surrounds accessibility requirements, particularly what constitutes “adequate, alternative means” of public access. Another confusion surrounds what happens when technology fails during a meeting. Outside of the practical application and interpretation challenges, many communities have struggled with finding adequate funding sources for the technical infrastructure, upkeep, and operational support needed to provide for remote and hybrid meetings.

Further confusion arises when towns consider remote or hybrid options for open town meeting. Unlike representative town meeting, where the identity of officials is known and the officials can therefore be provided with the requisite technological and procedural knowledge in advance of the meeting, anyone can choose to participate in open town meeting right up until the start of the meeting. The unknown number of participants compounds a town’s already difficult operational hurdles including verifying remote town meeting members, individually tracking each person’s vote, and confirming they have not lost quorum, to name a few.

Although local officials may face procedural or technology-related uncertainty or challenges, the benefits of remote and hybrid meetings far outweigh any difficulties. Remote and hybrid public meetings make it easier for more people to participate by removing barriers like travel, work schedules, childcare, or mobility challenges. They improve accessibility and transparency by allowing meetings to be viewed live and joined from anywhere, helping more voices be heard. Most important, a more inclusive and accessible public process fosters more faith in democracy and the democratic process.

Artificial Intelligence

State and local governments are increasingly adopting Artificial Intelligence (AI) tools to increase their administrative efficiency. At the state level, Massachusetts passed the Future Tech Act in 2024, authorizing \$25 million to support AI projects. Governor Healey also established an AI Strategic Task Force through Executive Order No. 629.

Artificial intelligence can be used at the local level for both routine and complex administrative tasks. Such uses include automatically recording and transcribing meeting minutes, personal use by government officials for administrative tasks like drafting emails, creating documents, and conducting research, aggregating and summarizing constituent feedback, and building tools to promote transparency and



responsiveness. For example, in Belchertown, a small municipality in western Massachusetts, the local government is using AI to transcribe meetings for minutes, consulting AI to find missing persons, and cutting down on paperwork.

In 2023, Boston [was one of the first major](#)¹ U.S. cities to release generative AI guidelines, which were designed to establish guidance for responsible and effective use of generative AI. According to a survey conducted for the city's employees, about 1 in 4 respondents used generative AI weekly at work.

Localities like Boston and Belchertown are crafting and enforcing their own guidelines so local officials use AI responsibly and effectively. While the Massachusetts Executive Office of Technology Services and Security (EOTSS) has released a generative AI policy for Executive Department Agencies, there is no uniform guidance at the local level. In the context of the Open Meeting Law, the Division of Open Government has released only one Open Meeting Law determination, OML 2025-166, that tangentially touches on AI. This means that many of the routine tasks that AI may perform that implicates the Open Meeting Law—such as drafting meeting minutes, notices, and constituent responses—could inadvertently violate the Open Meeting Law.

REVIEW OF U.S. STATE APPROACHES TO OPEN MEETING LAW

Social Media

Every state has had an Open Meeting Law that serves as the functional equivalent of the Massachusetts' Open Meeting Law (M.G.L. c. 30A, §§18-25) since about the 1970s, sometimes called "Sunshine Laws." One common theme is the requirement that public bodies publish a notice before any meeting can be held which advertises the topic of the meeting and how the public can view and/or participate in the meeting. This is generally to ensure that the public has the opportunity to listen to any dialogue of their public bodies concerning public matters.

As each state has a version of this requirement, each is treating social media interaction by members of a public body as being under the umbrella of their Open Meeting Law, i.e., if a majority of the public body is communicating on a matter within that body's jurisdiction then they must publish a notice beforehand.

Because each state differs in their definitions of a public body, what constitutes communication between members of a public body, and even what must be placed on a published notice, each state examines and interprets potential violations accordingly. However, even with these differences, it is fair to say that members of public bodies in every state can violate their Open Meeting Law through social media communication.

Hybrid Meetings

During the COVID-19 pandemic, many public bodies scrambled to rapidly adopt hybrid/remote meetings to continue performing their duties while adhering to safety requirements. Since the end of the pandemic and the return of the availability of in-person meetings, states have approached the hybrid/remote landscape in different ways.

In 2025, California [enacted](#)² a law mandating that larger cities and counties provide options for remote participation and requiring updates to teleconferencing rules for elected officials. The law requires either audiovisual or phone access for meetings, where the public can both listen to the meeting and participate through comments. Further, the law requires that local governments adopt procedures to handle situations where the remote participation technologies experience difficulties during a meeting.

Texas Government Code Section 551.127 [allows](#)³ governmental bodies to hold remote/hybrid meetings by means of a videoconference. However, a quorum of the governmental body must be physically present at one location of the meeting.

A 2025 Ohio law [generally permits](#)⁴ public bodies to hold virtual meetings but also excludes certain elected public bodies, among others, from doing so. It also prevents public bodies from performing certain actions during remote meetings.

Virginia [allows](#)⁵ remote meetings with varying conditions and based on whether there is an emergency. Fully remote meetings can be held if an emergency has been declared. If no emergency has been declared, remote meetings are still permissible but carry varying requirements, exclude certain public bodies, depend upon the local remote participation policy, and contain other particularities that affect when remote meetings can occur and/or when a member of a public body can be remote.

Maine similarly [allows](#)⁶ for remote/hybrid meetings. Local governments can, but are not required to, offer remote/hybrid attendance options for public meetings. There are no significant conditions or restrictions to note, only the local implementation through a written policy.

Artificial Intelligence

Several cities and states have started using AI in their operations. This commonly takes the form of a chatbot or a functional equivalent that greets government website users and assists them with webpage navigation or information searches. A common caution with using AI for Open Meeting Law related tasks, i.e., publishing notices, taking and generating meeting minutes, and record retention, is the fear of AI hallucinations or other errors that may cause violations. More generally, governments are implementing policies related to how they will use AI. Examples include [Boston](#),⁷ [Boise](#),⁸ [San Jose](#),⁹ and [Seattle](#).¹⁰

Related to the Open Meeting Law, California is [currently debating](#)¹¹ new rules to limit the use of artificial intelligence in the public comment process. The concern is that AI-generated messages could [flood comment sections](#)¹² during meetings which could harm, limit, and/or distort public participation.

State Commonalities

While there is undoubtedly a scattered landscape of how each state handles social media use by public bodies and their members, how they have implemented remote/hybrid meetings, and how they have approached AI, there are some common threads that connect them. *Mainly, each wants to ensure that the public has the opportunity to listen to all public body deliberations.* Whether that access is assisted by AI or is through a hybrid meeting, the mere existence of this collection of laws and policies suggests a strong belief that transparency directly relates to the public's faith in government. Therefore, by strengthening transparency through better social media compliance, meeting access, and appropriate AI usage, it stands to reason that democracy can be strengthened as well.



RECOMMENDATIONS FOR MASSACHUSETTS

As technology continues to reshape how public officials process information and communicate, deliberate, and engage with their communities, the Open Meeting Law must evolve to address emerging challenges without undermining its core commitment to transparency and accountability. Failure to adapt to the evolving technological landscape may result in further hesitation from local officials to use the platforms that could serve as transformative democratic tools to better engage and inform residents. The following recommendations seek to provide clearer guidance, modernize existing practices, and encourage thoughtful integration of new technologies in a manner that preserves public trust while allowing governmental bodies to operate effectively in an increasingly digital environment.

Attorney General's Office:

1. More specific guidance is needed from the Attorney General's Office that contemplates the likely scenarios that public body members may face while communicating with the public via social media and directly explains ways to navigate those communications without violating the Open Meeting Law
2. Implement a safe harbor exception to Open Meeting Law complaints whereby there would be no violation if a social media post is made in good faith
3. Offer regular live trainings on the subject of the intersection of social media and the Open Meeting Law
4. The Division of Open Government in the Attorney General's Office should promulgate sample bylaws/ordinances that municipalities can use as templates for the enactment of their own local rules around remote/hybrid meetings
5. The Division of Open Government should issue specific guidance on the use of AI in OML-regulated activities. There is currently no clear guidance on questions such as whether AI-generated meeting minutes satisfy the OML's minutes requirements, what level of review is required before AI-drafted minutes can be approved, whether AI-generated meeting minutes require a human review, and how to handle AI-generated public comments

State Legislature:

6. The Massachusetts legislature should permanently codify the ability of municipalities to hold remote/hybrid meetings. The revised Municipal Empowerment Act, H5131, as reported from the committee on Municipalities and Regional Government on February 19, 2026, among others, proposed several changes to the Open Meeting Law that would permanently codify the remote/hybrid meeting changes and clarify other related issues. The Massachusetts legislature should pass the Municipal Empowerment Act.
 - a. As part of codifying these local powers, the legislature should also consider allowing for remote/hybrid open town meetings, so long as the community could utilize a system that ensures Open Meeting Law compliance for issues such as validating and confirming town meeting members, verifying quorum in real time, and addressing access disruptions
7. Provide increased funding for remote/hybrid meeting infrastructure, like the Community Compact IT Grant Program
8. Require remote/hybrid meetings to include the ability of the public to make comments, rather than just observe
9. Explore changes to M.G.L. to require a showing of intentionality in order to find a violation of the Open Meeting Law (**see 10(c) below**) OR a change that otherwise provides the ability of public body members



to use social media or be near each other in public spaces without fear of Open Meeting Law violations **(see 10(a) and (b) below)**

10. Support a legislative modernization of the Open Meeting Law to clarify when social media interaction becomes collective decision-making
 - a. Edit the definition of “deliberation” in M.G.L. c. 30A, s. 18 so as to include in the list of actions excluded from constituting a deliberation the mere posting on social media about a public issue by a member of a public body that is directed to the general public so long as there is no reply dialogue from fellow public body members
 - b. Edit the definition of “meeting” in M.G.L. c. 30A, s. 18 so as to include in the list of actions excluded from constituting a meeting when the majority of the public body witnesses a social media post but does not reply to the same
 - c. Specifically allow the Attorney General’s Office the discretion to excuse social media related Open Meeting Law violations when there is evidence of a good faith attempt by the public official to be in compliance with the Open Meeting Law, such discretion could be added to M.G.L. c. 30A, s. 25
11. Drawing on California’s effort to restrict AI bots in public comment, the state legislature should clarify that Open Meeting Law mandates to allow public participation do not include “artificial intelligence, as defined, systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital.”

Operational Services Division:

12. The Operational Services Division should consider statewide procurement guidance or options for remote/hybrid meeting infrastructure and AI tools

Additional Recommendations:

13. Social media platforms should explore: the creation of more holistic features whereby users would be able to prevent groups of specific members of their network from viewing their posts and commenting on the same, developing deliberation or quorum awareness warning systems, the creation an “official” mode for members of a public body, and could work directly with state legislatures and the Attorney General’s Office to develop standardized features for local body members.
14. Communities should explore different funding avenues like the Community Compact IT Grant Program and Municipal Fiber Grant Programs to acquire the infrastructure necessary to provide for remote and/or hybrid meetings, especially in rural areas
15. Communities should consider creating a local policy that will govern how municipal employees use AI. Caution should be exercised when AI will assist in any operation that requires strict statutory compliance. In such scenarios, other levels of oversight are encouraged.
16. Communities should also consider creating a local policy that will govern how municipal employees use social media. For suggestions related to the content of such a policy, please see the Allen Lab’s *Massachusetts Municipal Leader Guide: Open Meeting Law in the Digital Age*.
17. The Commonwealth and/or groups representing municipalities should provide a forum for collaboration around AI-related resources, issues, and guidance.



NOTES

1. <https://www.boston.gov/news/ensuring-responsible-public-use-generative-artificial-intelligence>
2. <https://www.govtech.com/gov-experience/new-law-prompts-california-cities-to-restore-online-comments>
3. <https://statutes.capitol.texas.gov/?tab=1&code=GV&chapter=GV.551&artSec=>
4. <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/Materials/2025/March/HB257Memo-R.C.121.221Overview.pdf>
5. <https://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3708.3/>
6. <https://legislature.maine.gov/statutes/1/title1sec403-B.html>
7. <https://mrsc.org/getmedia/2e12163d-e556-42c8-80b3-b6f2cd41c02f/m58Bgaipol.pdf>
8. <https://www.cityofboise.org/departments/human-resources/employee-policy-handbook/section-400-general-provisions/430q-city-use-of-artificial-intelligence-ai-regulation/>
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