

CHAPTER 24

**GOVERNMENT - STATE**

HOUSE BILL 21-1025

BY REPRESENTATIVE(S) Arndt, Bird, Cutter, Duran, Gray, Jodeh, Kipp, Lontine, McCluskie, Mullica, Valdez A.;  
also SENATOR(S) Ginal, Story.

**AN ACT**

**CONCERNING A CLARIFICATION UNDER THE COLORADO OPEN MEETINGS LAW OF THE REQUIREMENTS GOVERNING COMMUNICATION BY ELECTRONIC MAIL THAT DOES NOT RELATE TO THE SUBSTANCE OF PUBLIC BUSINESS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 24-6-402, **amend** (2)(d)(III) as follows:

**24-6-402. Meetings - open to public - legislative declaration - definitions.**  
(2) (d) (III) If elected officials ~~use~~ EXCHANGE electronic mail to discuss pending legislation or other public business among themselves, the electronic mail ~~shall be~~ is subject to the requirements of this section. Electronic mail communication ~~among~~ BETWEEN elected officials that does not relate to THE MERITS OR SUBSTANCE OF pending legislation or other public business, INCLUDING ELECTRONIC MAIL COMMUNICATION REGARDING SCHEDULING AND AVAILABILITY OR ELECTRONIC MAIL COMMUNICATION THAT IS SENT BY AN ELECTED OFFICIAL FOR THE PURPOSE OF FORWARDING INFORMATION, RESPONDING TO AN INQUIRY FROM AN INDIVIDUAL WHO IS NOT A MEMBER OF THE STATE OR LOCAL PUBLIC BODY, OR POSING A QUESTION FOR LATER DISCUSSION BY THE PUBLIC BODY, shall not be considered a "meeting" within the meaning of this section. FOR PURPOSES OF THIS SUBSECTION (2)(d)(III), "MERITS OR SUBSTANCE" MEANS ANY DISCUSSION, DEBATE, OR EXCHANGE OF IDEAS, EITHER GENERALLY OR SPECIFICALLY, RELATED TO THE ESSENCE OF ANY PUBLIC POLICY PROPOSITION, SPECIFIC PROPOSAL, OR ANY OTHER MATTER BEING CONSIDERED BY THE GOVERNING ENTITY.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to electronic mail communication sent on or after the applicable effective date of this act.

Approved: April 7, 2021