

# The Sunshine Law

## Part 2



Hawaii's Open Meetings Law  
Part I of Chapter 92, HRS

Sunshine Law Part 2

1

## Sunshine Law requires:

- Discussions, deliberations and decisions must be conducted at a meeting
- Every meeting must be open unless executive meeting is allowed
- Boards must accept testimony
- Boards must provide notice
- Boards must keep minutes



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2

## Minutes

- Written or recorded format
- Posted online within 40 calendar days
- Executive meeting minutes may be withheld for so long as publication would defeat lawful purpose of meeting



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3

## Recorded Minutes

- Recorded minutes must include:
  - Recording of full meeting
  - Date, time and place
  - Members present/absent
  - Record, by member, of votes and motions
  - Time stamp or other reference for when board began each agenda item and when motions and votes happened

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4

## Written Minutes

- Written minutes must include:
  - Date, time and place
  - Members present/absent
  - Substance of all matters proposed, discussed or decided
  - True reflection of matters discussed and views of participants
  - Record, by member, of votes
  - Other information that a member requests be included



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5

## Remote Meetings

- Platform allows audio-visual interaction between members and public
- Members and public access from anywhere via internet or phone
- Must offer at least one physical public meeting location
- Record meeting 'when practicable'



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6

## Remote Meetings: Notice



- Notice gives link to join remote meeting
- Notice also gives link and/or number to testify, if separate
- Notice lists physical location
- Notice may list “additional locations” – not guaranteed to stay connected

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7

## Remote Meetings: Quorum



- Quorum of members generally must be visible
- Announce who’s there
- Roll call votes unless unanimous
- In executive meeting, audible-only ok, but confirm no unauthorized person connected

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8

## Remote Meetings: Dropped Connection



- Dropped connection: recess to restore
- Applies to
  - Hosting platform
  - Public broadcast (if separate)
  - Quorum of members visible
  - Public physical site
  - NOT additional sites (if notice says so)

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9

## Remote Meetings: Restore Connection



- 30 minute time limit to restore
- If cannot restore audio-video, can continue audio-only with conditions
- Notify public how to rejoin or how meeting will be continued
- If no restoration after 30 minutes, terminate

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10

## Multi-site Meetings



- Audio interaction at all locations
- Notice lists all locations where non-disabled board members will be
- Can also list “additional” locations - no board members, could lose connection
- Public can attend at any listed location

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11

## Multi-site Meetings: Restore Connection



- Meeting recessed to restore connection if audio interaction not maintained at all official locations
- As with remote meetings, 30 minute time limit to restore
- If no restoration, terminate (or continue at another time if notice given)

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12

## Limited Meetings

- Dangerous location OR public attendance impracticable
- OIP concurrence
- 2/3 Vote
- Show video next time
- No decisions made
- Other type:
  - 'guest meeting'



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13

## Emergency Meetings

- imminent peril to public health, safety and welfare, or
- unanticipated event
- requires meeting in less than 6 calendar days



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14

## Need Help?

- AOD -- 586-1400



- E-mail: [oiip@hawaii.gov](mailto:oiip@hawaii.gov)
- OIP Website: [oiip.hawaii.gov](http://oiip.hawaii.gov)

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15