

**OVERVIEW**  
**ELECTRONIC MEETINGS LEGISLATION**  
**SENATE BILL 329**  
**Chapter 40, Oregon Laws 2021**  
**Effective May 19, 2021**

**DEFINITION**

“**Electronic Meeting**” means a meeting that is conducted through telephone, teleconference, video conference, web conference or any other live electronic means where at least one participant is not physically present.

*SEE: Sec. 9, SB 329 (ORS 94.550(13))/Sec. 16, SB 329 (ORS 100.005(17)).*

**OWNER MEETINGS**

**Conduct of Meetings**

▶ A meeting of owners, including special meetings, may be conducted as an Electronic Meeting if the Electronic Meeting:

- (1) Allows all owners participating to hear each other simultaneously and to be able to communicate during the meeting.
- (2) Provides for the verification that a person participating is an owner or is otherwise authorized to participate in the meeting.
- (3) Provides for owners to have access to material necessary to participate or vote during or before the meeting.

▶ A person participating in an Electronic Meeting is considered present at the meeting for all purposes.

*SEE: Sec. 4, SB 329 (ORS 94.650)/Sec. 7, SB 329 (ORS 100.407).*

**Electronic Meeting Notice Requirements.** If the meeting will be conducted as an Electronic Meeting, the meeting notice must **also** state:

- (1) Whether the meeting may or must be attended by electronic means;
- (2) The electronic means to be used;
- (3) How the owners may attend the Electronic Meeting by:
  - Telephone;
  - If applicable, Internet connection;
  - If applicable, by meeting at a physical location; and
  - Any other information to enable an owner to attend the meeting.

*SEE: Sec. 3, SB 329 (New)/Sec. 6, SB 329 (ORS 100.420).*

*Note: The requirements for notice of electronic meetings located in the board meeting section of ORS (New Sec. 3 and ORS 100.420) also apply to notice of electronic meetings of owner meetings.*

**MEETINGS OF BOARD OF DIRECTORS**

**Conduct of Meetings**

▶ A meeting of the Board of Directors may be conducted as an Electronic Meeting if:

- (1) The meeting allows all participating board members at the meeting to:
  - Hear and communicate to each other simultaneously; and
  - Have access to materials before or during the meeting necessary to participate or vote in the meeting.
- (2) The meeting allows all persons attending the meeting to simultaneously hear all participating board members.

▶ A person participating in an Electronic Meeting is considered present at the meeting for all purposes.

*SEE Sec. 3, SB 329 (New)/Sec.6, SB 329 (ORS 100.420).*

**Electronic Meeting Notice Requirements.** If the meeting will be conducted as an Electronic Meeting, the meeting notice must **also** state:

- (1) Whether the meeting may or must be attended by electronic means;
- (2) The electronic means to be used;
- (3) (Subject to executive session provision), how the owners may attend the Electronic Meeting by:

- Telephone;
- If applicable, Internet connection;
- If applicable, by meeting at a physical location; and
- Any other information to enable an owner to attend the meeting.

*SEE Sec. 3, SB 329 (New)/Sec. 6, SB 329 (ORS 100.420).*

### **ADDITIONAL AMENDMENTS BY SB 329**

#### **Electronic Notice to Owner or Director**

ORS 94.652 (Sec. 5, SB 329) and ORS 100.423 (Sec. 8, SB 329) are amended to include the following new subsection:

(4) Notice by electronic communication under this section is considered delivered and effective when it:

(a) Is initiated to an address, location or system designated by the recipient for that purpose; or

(b) Is posted on an electronic network and a separate record of the posting has been delivered to the recipient together with instructions regarding how to obtain access to the posting on the electronic network.

#### **ORS Organization**

▶ Sec. 1 of SB 329 amends ORS 94.640 (board of directors). The provisions relating to meetings of the board are deleted and moved under Sec. 3 of SB 329 to what will be assigned a new ORS number.

▶ SB 329 also includes technical and conforming amendments.

### **NOTICE**

**This Overview of SB 329 is provided by Vial Fotheringham LLP for information only. The content is not intended as legal advice. Associations and others should review Enrolled SB 329 and consult with legal counsel regarding any specific legal matters.**

**REVIEW SENATE BILL 329 (with VF Law Section Index) at:**

<https://vf-law.com/important-oregon-legislation-update-electronic-meetings-now-law/>

**or go to:**

<https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB329>