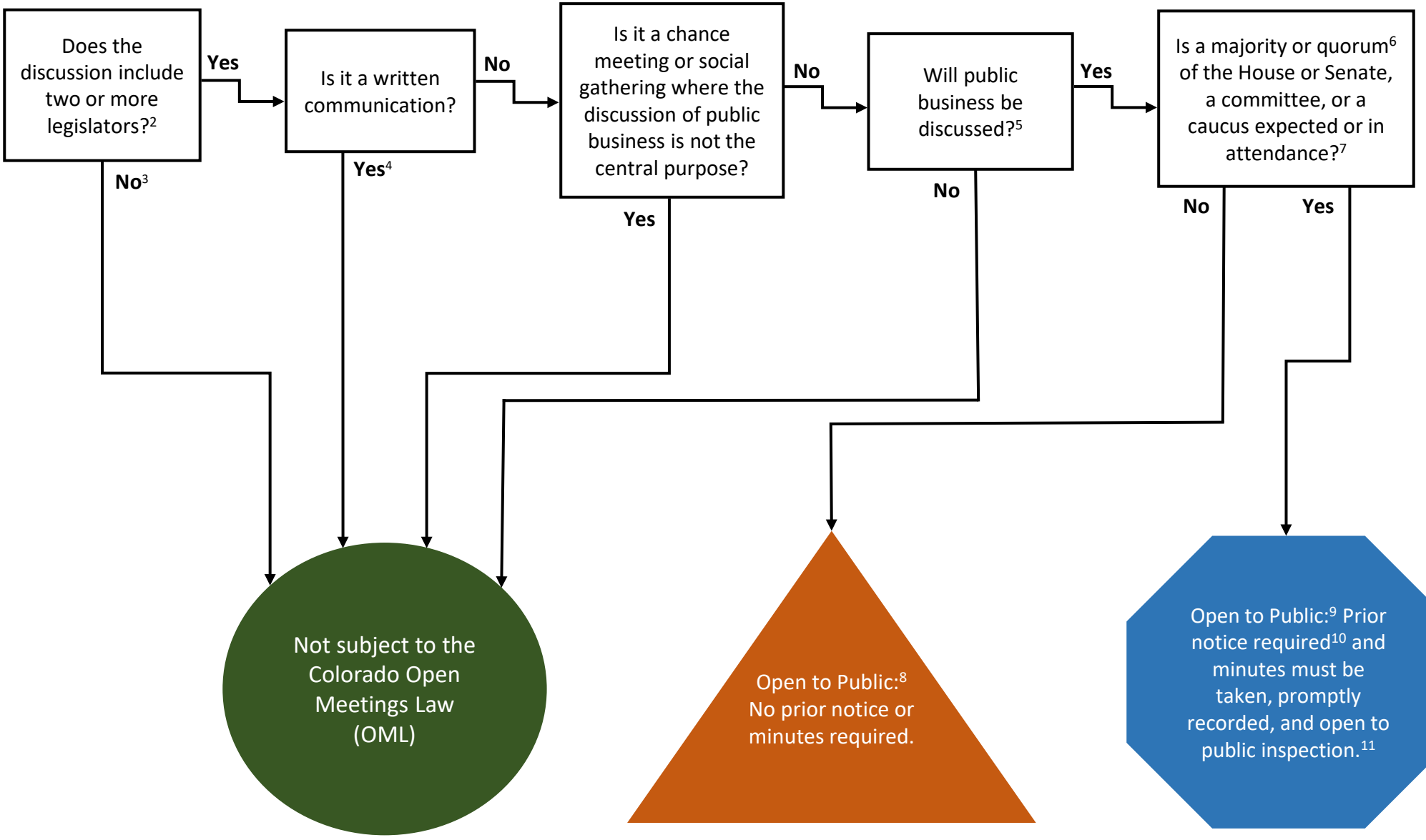
Guidance for Legislators to Comply with the Open Meetings Law (OML) When Conducting Meetings[1]



Prepared by the Office of Legislative Legal Services on November 6, 2026

Explanatory Notes for the Guidance for Legislators to Comply with the OML When Conducting Meetings

1. "Meeting" means "any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication." §24-6-402 (1)(b), C.R.S.

2. A meeting may be subject to the OML even it if is convened by a member of the public or an entity or organization. The legislators attending the meeting are responsible for ensuring that the requirements of the OML are met or avoiding discussions that would cause the meeting to be subject to the OML.

3. When a legislator meets only with people who are not legislators, such as lobbyists, stakeholders, constituents, legislative staff, or executive-agency staff, the meeting is never subject to the OML based on the legislator's participation.

4. Under §24-6-402 (2.5)(b), C.R.S., any form of written communication, electronic or otherwise, exchanged between two or more legislators is not subject to the OML, but those communications may be subject to disclosure under the Colorado Open Records Act (CORA).

5. For purposes of the application of the OML to the General Assembly, "public business" is defined to mean introduced legislation, including bills, resolutions, and memorials; proposed legislation, which includes a bill, resolution, or memorial, if a draft of the proposed legislation prepared by the OLLS is being discussed by a quorum of a statutory committee or a committee of reference during a regular or special legislative session or by a quorum of any type of interim committee; or other matters before a statutory committee, any type of interim committee, or a committee of reference. §24-6-402 (2.5)(c), C.R.S. The term does not include matters that are by nature interpersonal, administrative, or logistical or that concern personnel, planning, process, training, or operations, if the merits or substance of matters that are otherwise public business are not discussed. *Id.*

6. Under §24-6-402 (2.5)(a), "a quorum must be contemporaneous." This means that separate, successive meetings of two or more legislators cannot collectively create a quorum of the House or Senate, a committee, or a caucus for purposes of determining whether notice and minutes are required for those meetings.

7. Under House and Senate Rules, if less than a majority or quorum is present, the House, Senate, or a committee cannot take any type of formal action, and, therefore, meetings subject to the requirements of the OML because formal action may be taken are not separately addressed in this Guidance.

8. This means that any member of the public who seeks access must be allowed to listen to the discussion or observe the meeting in person or through electronic means, such as watching the meeting through Zoom or a similar platform. It does not mean that a person must be permitted to actively participate in the meeting.

9. Unless the House or Senate, committee, or caucus is in executive session, the entire meeting at which public business is discussed should be open to the public. This means that a committee of reference should not go into recess and have a separate side discussion about a bill it is considering during a hearing.

10. The meeting should only be held after full and timely notice to the public. If it is not a calendared meeting and a legislative service agency is not providing the notice, legislators may provide notice through publicly accessible websites or social media. What constitutes full and timely notice for the General Assembly is not defined in the OML. While the context around the meeting may dictate how much notice is possible, legislators should try to provide notice as far in advance as possible, and the notice should include the meeting's date and time, location, expected attendees, and agenda or items to be discussed.

11. Minutes are not defined in the OML but generally mean the official record of the proceedings of a meeting. At a minimum, minutes should identify the date, time, and attendees of the meeting and include a summary of the discussion and any action taken. The OML does not specify how long the minutes should be kept, and, therefore, the minutes should be kept indefinitely so that a legislator may produce them if a member of the public requests to inspect them.