Senate Bill 1640
“Walking Quorum”

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Section 551.001(2), Government Code, is amended to read as follows:

(2) “Deliberation” means a verbal or written exchange between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body.

Federal and Texas Rules of Evidence define "writing" as letters, words, numbers, or their equivalent set down in any form.
Gov’t Code §551.143

Section 551.143(a), Government Code is amended to read as follows:

(a) A member of a governmental body commits an offense if the member:

(1) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
Gov’t Code §551.143 Con’t.

(2) Knew at the time the member engaged in the communication that the series of communications:

(A) involved or would involve a quorum; and

(B) would constitute a deliberation once a quorum of members engaged in the series of communications.
Breakdown

• Knowingly engages in at least one communication among a series of communications that occur outside authorized meeting;

• Concerns issue w/in jurisdiction of the governmental body in which members engaging in individual communications constitute fewer than a quorum but members engaging in the series of communications constitute a quorum;

• Knew at the time member engaged in the communication that series of communications involved or would involve a quorum; and

• Would constitute a deliberation once a quorum of members engaged in the series of communications
Example 1

O1: Hey u c what guy is saying online about our transit system?

O2: Yea saw it

O3: Its craaaazy talk?!

O1: Duznt have facts rite

O2: Don’t need any, he’s got 20k followers

O3: WHAAAT?!?!

Unbeknownst to Officials 1-3, one month later, Chair schedules public meeting to discuss online cite.
Example 2

- Funding sources for road projects and road improvements are being considered by county commissioners. C1 and C2 meet with a consultant in C1’s small office and discuss a road bond referendum. Through MOU, consultant promises political support for putting a road bond proposal on the commissioner’s special meeting agenda.

- C1 posts the agenda for a special meeting and many citizens praised C1 at the special meeting and thank him for putting a road bond referendum on the ballot. Consultant continues providing political support for the bond referendum and voters pass it in the November election.
Criminal Penalty

• Class B Misdemeanor-fine of up to $500; confinement in county jail of up to 90 days; or both fine and confinement.
BEST PRACTICE

• Conduct government business in properly noticed meetings open to the public
Questions?

Thank you!