

House Engrossed

public bodies; executive sessions; agenda

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2876

AN ACT

AMENDING SECTIONS 38-431.01 AND 38-431.03, ARIZONA REVISED STATUTES;
RELATING TO PUBLIC MEETINGS AND PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-431.01, Arizona Revised Statutes, is amended
3 to read:

4 38-431.01. Public bodies; open meetings required; seating;
5 minutes; posting; recordings; open calls

6 A. All meetings of any public body shall be public meetings and all
7 persons so desiring shall be allowed to attend and listen to the
8 deliberations and proceedings. All legal action of public bodies shall
9 occur during a public meeting.

10 B. Schools, school boards, executive boards and municipalities
11 shall provide for an amount of seating sufficient to accommodate the
12 reasonably anticipated attendance of all persons desiring to attend the
13 deliberations and proceedings, when feasible. This section does not
14 require a public body to relocate a meeting outside of the largest regular
15 meeting room.

16 C. All public bodies shall provide for the taking of written
17 minutes or a recording of all their meetings, including executive
18 sessions. For meetings other than executive sessions, the minutes or
19 recording shall include:

20 1. The date, time and place of the meeting.

21 2. The members of the public body recorded as either present or
22 absent.

23 3. A general description of the matters considered.

24 4. An accurate description of all legal actions proposed, discussed
25 or taken, including a record of how each member voted. The minutes shall
26 also include the names of the members who propose each motion and the
27 names of the persons, as given, who make statements or present material to
28 the public body and a reference to the legal action about which they made
29 statements or presented material.

30 D. Minutes of executive sessions shall include items set forth in
31 subsection C, paragraphs 1, 2 and 3 of this section, an accurate
32 description of all instructions given pursuant to section 38-431.03,
33 subsection A, paragraphs 4, 5 and 7 and other matters as may be deemed
34 appropriate by the public body.

35 E. The minutes or a recording of a meeting shall be available for
36 public inspection three working days after the meeting except as otherwise
37 specifically provided by this article.

38 F. A public body of a city or town with a population of more than
39 two thousand five hundred persons shall:

40 1. Within three working days after a meeting, except for
41 subcommittees and advisory committees, post on its website, if applicable,
42 either:

43 (a) A statement describing the legal actions taken by the public
44 body of the city or town during the meeting.

1 (b) Any recording of the meeting.

2 2. Within two working days following approval of the minutes, post
3 approved minutes of city or town council meetings on its website, if
4 applicable, except as otherwise specifically provided by this article.

5 3. Within ten working days after a subcommittee or advisory
6 committee meeting, post on its website, if applicable, either:

7 (a) A statement describing legal action, if any.

8 (b) A recording of the meeting.

9 G. All or any part of a public meeting of a public body may be
10 recorded by any person in attendance by means of a tape recorder or camera
11 or any other means of sonic reproduction, provided that there is no active
12 interference with the conduct of the meeting.

13 H. The secretary of state for state public bodies, the city or town
14 clerk for municipal public bodies and the county clerk for all other local
15 public bodies shall conspicuously post open meeting law materials prepared
16 and approved by the attorney general on their website. A person elected
17 or appointed to a public body shall review the open meeting law materials
18 at least one day before the day that person takes office.

19 I. A public body may make an open call to the public during a
20 public meeting, subject to reasonable time, place and manner restrictions,
21 to allow individuals to address the public body on any issue within the
22 jurisdiction of the public body. At the conclusion of an open call to the
23 public, individual members of the public body may respond to criticism
24 made by those who have addressed the public body, may ask staff to review
25 a matter or may ask that a matter be put on a future agenda. However,
26 members of the public body shall not discuss or take legal action on
27 matters raised during an open call to the public unless the matters are
28 properly noticed for discussion and legal action.

29 J. A member of a public body shall not knowingly direct any staff
30 member to communicate in violation of this article.

31 K. Any posting required by subsection F of this section must remain
32 on the applicable website for at least one year after the date of the
33 posting.

34 L. A PUBLIC BODY MAY NOT PLACE ANY PROPOSAL TO IMPOSE OR INCREASE A
35 TAX RATE, ASSESSMENT OR FEE IN THIS STATE ON THE CONSENT AGENDA FOR A
36 MEETING OF THE PUBLIC BODY.

37 Sec. 2. Section 38-431.03, Arizona Revised Statutes, is amended to
38 read:

39 38-431.03. Executive sessions; definitions

40 A. On a public majority vote of the members constituting a quorum,
41 a public body may hold an executive session but only for the following
42 purposes:

43 1. Discussion or consideration of employment, assignment,
44 appointment, promotion, demotion, dismissal, salaries, disciplining or

1 resignation of a public officer, appointee or employee of any public body,
2 except that, with the exception of salary discussions, an officer,
3 appointee or employee may demand that the discussion or consideration
4 occur at a public meeting. The public body shall provide the officer,
5 appointee or employee with written notice of the executive session as is
6 appropriate but not less than twenty-four hours for the officer, appointee
7 or employee to determine whether the discussion or consideration should
8 occur at a public meeting.

9 2. Discussion or consideration of records exempt by law from public
10 inspection, including the receipt and discussion of information or
11 testimony that is specifically required to be maintained as confidential
12 by state or federal law.

13 3. Discussion or consultation for legal advice with the attorney or
14 attorneys of the public body.

15 4. Discussion or consultation with the attorneys of the public body
16 in order to consider its position and instruct its attorneys regarding the
17 public body's position regarding contracts that are the subject of
18 negotiations, in pending or contemplated litigation or in settlement
19 discussions conducted in order to avoid or resolve litigation.

20 5. Discussions or consultations with designated representatives of
21 the public body in order to consider its position and instruct its
22 representatives regarding negotiations with employee organizations
23 regarding the salaries, salary schedules or compensation paid in the form
24 of fringe benefits of employees of the public body.

25 6. Discussion, consultation or consideration for international and
26 interstate negotiations or for negotiations by a city or town, or its
27 designated representatives, with members of a tribal council, or its
28 designated representatives, of an Indian reservation located within or
29 adjacent to the city or town.

30 7. Discussions or consultations with designated representatives of
31 the public body in order to consider its position and instruct its
32 representatives regarding negotiations for the purchase, sale or lease of
33 real property.

34 8. Discussion or consideration of matters relating to school safety
35 operations or school safety plans or programs.

36 9. Discussions or consultations with designated representatives of
37 the public body in order to discuss security plans, procedures,
38 assessments, measures or systems relating to, or having an impact on, the
39 security or safety of buildings, facilities, operations, critical
40 infrastructure information and information technology maintained by the
41 public body. Records, documentation, notes, or other materials made by,
42 or provided to, the representatives pursuant to this paragraph are
43 confidential and exempt from public disclosure under this chapter and
44 title 39, chapter 1.

1 B. Minutes of and discussions made at executive sessions shall be
2 kept confidential except from:
3 1. Members of the public body that met in executive session.
4 2. Officers, appointees or employees who were the subject of
5 discussion or consideration pursuant to subsection A, paragraph 1 of this
6 section.
7 3. The auditor general on a request made in connection with an
8 audit authorized as provided by law.
9 4. A county attorney or the attorney general when investigating
10 alleged violations of this article.
11 C. The public body shall instruct persons who are present at the
12 executive session regarding the confidentiality requirements of this
13 article.
14 D. Legal action involving a final vote or decision shall not be
15 taken at an executive session, except that the public body may instruct
16 its attorneys or representatives as provided in subsection A, paragraphs
17 4, 5 and 7 of this section. A public vote shall be taken before any legal
18 action binds the public body. A MATTER THAT IS DISCUSSED IN EXECUTIVE
19 SESSION ON WHICH THE PUBLIC BODY MUST TAKE A FINAL VOTE OR MAKE A FINAL
20 DECISION MUST BE PLACED ON THE REGULAR AGENDA AND MAY NOT BE PLACED ON THE
21 CONSENT AGENDA.
22 E. Except as provided in section 38-431.02, subsections I and J, a
23 public body shall not discuss any matter in an executive session that is
24 not described in the notice of the executive session.
25 F. Disclosure of executive session information pursuant to this
26 section or section 38-431.06 does not constitute a waiver of any
27 privilege, including the attorney-client privilege. Any person receiving
28 executive session information pursuant to this section or section
29 38-431.06 shall not disclose that information except to the attorney
30 general or county attorney, by agreement with the public body or to a
31 court in camera for purposes of enforcing this article. Any court that
32 reviews executive session information shall take appropriate action to
33 protect privileged information.
34 G. For the purposes of this section:
35 1. "Critical infrastructure" has the same meaning prescribed in
36 section 41-1801.
37 2. "Information technology" has the same meaning prescribed in
38 section 18-101.