**Suggested Guidelines for Public Comment Periods in Public Meetings**

All public bodies subject to the New Mexico Open Meetings Act should include a public comment period at their meetings. Doing so ensures that our citizens can directly and openly address their elected and appointed officials. First Amendment principles govern public comment periods. Courts commonly refer to public comment periods as “limited public forums.” That means that the public body can impose reasonable time, place and manner restrictions on public comment, so that the public’s interest in orderly, efficient meetings, is met. However, all rules must be viewpoint-neutral. “Viewpoint-neutral” means that the public body cannot restrict a citizen’s comments based on his or her particular point of view or position on an issue. In other words, a public body cannot regulate *what* is said, but merely such matters as *when, where, and in what manner*.

With these underlying principles in mind, here are suggestions to consider when developing a policy for the public comment period:

* Start with a general statement about the right of the public to participate in the public comment period because of the importance of such input.
* Remind participants to show respect and civility to all persons in attendance, including the governing body.
* The public body can, but is not obligated to, require persons to sign up before the meeting if they wish to make comments. Speakers then can be heard on a first come-first served basis.
* The public body can impose a time limit on each speaker—perhaps 3 to 5 minutes. The public body can also impose a cap on the length of the public comment period.
* The public comment period can prohibit the use of profanity or obscenity.
* The governing body must respect the presentation of each speaker, and not use threatening or intimidating language or behavior to chill speech.
* Speakers can be prohibited from interrupting other speakers or members of the governing body.
* The meeting chair can maintain order at a meeting but should exercise caution and restraint when cutting off comments from a speaker during the public forum.
* The public comment period cannot prohibit criticism of public officials or public employees, public policies, etc., because such a rule would not be viewpoint neutral.

Remember that even if a public entity’s rules for public comment are constitutional on their face, the entity must not enforce the rules in a way that makes them something other than viewpoint-neutral. For example, if a public entity allowed proponents of one side of an issue to speak but not the other side, the First Amendment would be violated.