

1 AN ACT concerning electronic transmissions.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Open Meetings Act is amended by changing  
5 Sections 1.02, 2.02, 2.05, and 2.06 and by adding Section 7  
6 as follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

8 Sec. 1.02. For the purposes of this Act:

9 "Meeting" means any gathering of a majority of a quorum  
10 of the members of a public body held for the purpose of  
11 discussing public business, whether present physically within  
12 the territorial limits of the public body, by teleconference,  
13 video conference, or by other electronic means that enables  
14 identifiable voices or other transmissions to be received  
15 from any location and enables concurrent actual ability to  
16 communicate with the member who is not physically present  
17 within the territorial limits of the public body.

18 "Public body" includes all legislative, executive,  
19 administrative or advisory bodies of the State, counties,  
20 townships, cities, villages, incorporated towns, school  
21 districts and all other municipal corporations, boards,  
22 bureaus, committees or commissions of this State, and any  
23 subsidiary bodies of any of the foregoing including but not  
24 limited to committees and subcommittees which are supported  
25 in whole or in part by tax revenue, or which expend tax  
26 revenue, except the General Assembly and committees or  
27 commissions thereof. "Public body" includes tourism boards  
28 and convention or civic center boards located in counties  
29 that are contiguous to the Mississippi River with populations  
30 of more than 250,000 but less than 300,000. "Public body"  
31 includes the Health Facilities Planning Board. "Public body"

1 does not include a child death review team or the Illinois  
2 Child Death Review Teams Executive Council established under  
3 the Child Death Review Team Act or an ethics commission,  
4 ethics officer, or ultimate jurisdictional authority acting  
5 under the State Gift Ban Act as provided by Section 80 of  
6 that Act.

7 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

8 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

9 Sec. 2.02. Public notice of all meetings, whether open  
10 or closed to the public, shall be given as follows:

11 (a) Every public body shall give public notice of the  
12 schedule of regular meetings at the beginning of each  
13 calendar or fiscal year and shall state the regular dates,  
14 times, and places of such meetings. For meetings at which  
15 one or more members are present by teleconference, video  
16 conference, or other electronic means, all locations at which  
17 the public may participate in the meeting must be disclosed  
18 in the agenda. An agenda for each regular meeting shall be  
19 posted at the principal office of the public body and at the  
20 location where the meeting is to be held at least 48 hours in  
21 advance of the holding of the meeting. The requirement of a  
22 regular meeting agenda shall not preclude the consideration  
23 of items not specifically set forth in the agenda. Public  
24 notice of any special meeting except a meeting held in the  
25 event of a bona fide emergency, or of any rescheduled regular  
26 meeting, or of any reconvened meeting, shall be given at  
27 least 48 hours before such meeting, which notice shall also  
28 include the agenda for the special, rescheduled, or  
29 reconvened meeting, but the validity of any action taken by  
30 the public body which is germane to a subject on the agenda  
31 shall not be affected by other errors or omissions in the  
32 agenda. The requirement of public notice of reconvened  
33 meetings does not apply to any case where the meeting was

1 open to the public and (1) it is to be reconvened within 24  
2 hours, or (2) an announcement of the time and place of the  
3 reconvened meeting was made at the original meeting and there  
4 is no change in the agenda. Notice of an emergency meeting  
5 shall be given as soon as practicable, but in any event prior  
6 to the holding of such meeting, to any news medium which has  
7 filed an annual request for notice under subsection (b) of  
8 this Section.

9 (b) Public notice shall be given by posting a copy of  
10 the notice at the principal office of the body holding the  
11 meeting or, if no such office exists, at the building in  
12 which the meeting is to be held. The body shall supply copies  
13 of the notice of its regular meetings, and of the notice of  
14 any special, emergency, rescheduled or reconvened meeting, to  
15 any news medium that has filed an annual request for such  
16 notice. Any such news medium shall also be given the same  
17 notice of all special, emergency, rescheduled or reconvened  
18 meetings in the same manner as is given to members of the  
19 body provided such news medium has given the public body an  
20 address or telephone number within the territorial  
21 jurisdiction of the public body at which such notice may be  
22 given.

23 (Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

24 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

25 Sec. 2.05. Recording meetings.

26 (a) Subject to the provisions of Section 8-701 of the  
27 Code of Civil Procedure "~~An Act in relation to the rights of~~  
28 ~~witnesses at proceedings conducted by a court, commission,~~  
29 ~~administrative agency or other tribunal in this State which~~  
30 ~~are televised or broadcast or at which motion pictures are~~  
31 ~~taken"~~, approved July 14, 1953, as amended, any person may  
32 record the proceedings at meetings required to be open by  
33 this Act by tape, film or other means. The authority holding

1 the meeting shall prescribe reasonable rules to govern the  
2 right to make such recordings.

3 If a witness at any meeting required to be open by this  
4 Act which is conducted by a commission, administrative agency  
5 or other tribunal, refuses to testify on the grounds that he  
6 may not be compelled to testify if any portion of his  
7 testimony is to be broadcast or televised or if motion  
8 pictures are to be taken of him while he is testifying, the  
9 authority holding the meeting shall prohibit such recording  
10 during the testimony of the witness. Nothing in this Section  
11 shall be construed to extend the right to refuse to testify  
12 at any meeting not subject to the provisions of Section 8-701  
13 of the Code of Civil Procedure "An Act in relation to the  
14 rights of witnesses at proceedings conducted by a court,  
15 commission, administrative agency or other tribunal in this  
16 State which are televised or broadcast or at which motion  
17 pictures are taken", approved July 14, 1953, as amended.

18 (b) In any contested case, as defined by the Illinois  
19 Administrative Procedure Act, no live testimony may be  
20 offered except upon the physical presence of the person  
21 testifying unless all parties to the contested case waive the  
22 requirement of physical presence. Affidavits, depositions,  
23 or other recorded evidence are otherwise admissible as  
24 provided by law.

25 (Source: P.A. 82-378.)

26 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

27 Sec. 2.06. (a) All public bodies shall keep written  
28 minutes of all their meetings, whether open or closed. Such  
29 minutes shall include, but need not be limited to:

- 30 (1) the date, time and place of the meeting;  
31 (2) the members of the public body recorded as  
32 either present or absent and whether the members were  
33 physically present or present by electronic means; and

1           (3) a summary of discussion on all matters  
2 proposed, deliberated, or decided, and a record of any  
3 votes taken.

4           (b) The minutes of meetings open to the public shall be  
5 available for public inspection within 7 days of the approval  
6 of such minutes by the public body. Minutes of meetings  
7 closed to the public shall be available only after the public  
8 body determines that it is no longer necessary to protect the  
9 public interest or the privacy of an individual by keeping  
10 them confidential.

11           (c) Each public body shall periodically, but no less  
12 than semi-annually, meet to review minutes of all closed  
13 meetings. At such meetings a determination shall be made,  
14 and reported in an open session that (1) the need for  
15 confidentiality still exists as to all or part of those  
16 minutes or (2) that the minutes or portions thereof no longer  
17 require confidential treatment and are available for public  
18 inspection.

19 (Source: P.A. 88-621, eff. 1-1-95.)

20 (5 ILCS 120/7 new)

21 Sec. 7. Attendance by electronic means.

22 (a) At any regular, special, emergency, rescheduled, or  
23 reconvened meeting held pursuant to the public notice and  
24 agenda requirements of this Act, so long as a majority of a  
25 quorum of the members of the public body are present at the  
26 place designated in the notice of the meeting, a member of a  
27 public body may attend the meeting by electronic means if the  
28 member is prevented from physically attending because of: (i)  
29 personal illness or disability; (ii) absence from the  
30 territorial limits of the public body for personal reasons,  
31 for employment purposes, or for the business of the public  
32 body; or (iii) a family or other emergency. Unless a member  
33 presents a document from his or her physician attesting to

1 the member's inability to physically attend a meeting or  
2 meetings, a member may not attend by electronic means more  
3 than half of the regularly scheduled meetings of that public  
4 body held in a calendar year.

5 (b) If a member wishes to attend a meeting by electronic  
6 means, the member shall notify the recording secretary or  
7 clerk of the public body at least 48 hours before the meeting  
8 unless impracticable. The public body shall determine if the  
9 notice requirement is impracticable on a case-by-case basis.

10 (c) A member shall be considered present for purposes of  
11 determining a quorum and voting if the member is present by  
12 electronic means; provided, however, that if the public body  
13 is (i) voting on an ordinance or a resolution authorizing,  
14 approving, or providing for the issuance of bonds (as that  
15 term is defined in the Local Government Debt Reform Act) or  
16 (ii) conducting any hearing required by law, then any member  
17 attending the meeting by electronic means shall be considered  
18 absent for purposes of determining a quorum and voting.

19 (d) If one or more members are present at a meeting by  
20 electronic means, the public body shall issue a written  
21 notice at the meeting stating the following: (i) the names of  
22 the members present by electronic means; (ii) the electronic  
23 means that the member will use to attend the meeting; and  
24 (iii) the location of the monitor or speakerphone receiving  
25 communications from the member present by electronic means.

26 (e) If one or more members of the public body attend a  
27 meeting by electronic means, then all votes of the body shall  
28 be by roll call.

29 (f) If a member is present by electronic means, then the  
30 member must identify himself or herself by name and be  
31 recognized by the presiding officer before communicating.

32 (g) Any voice, electronic, or other transmission by  
33 electronic means made during the meeting by a member who is  
34 attending a public meeting by electronic means shall be made

1 available to the public concurrent with the transmission  
2 except for those meetings subject to the exceptions in  
3 subsection (c) of Section 2 of this Act.

4 (h) A public body may promulgate any rules, not  
5 inconsistent with this Act, concerning attendance at meetings  
6 by electronic means and may prescribe more stringent  
7 requirements, which shall be binding upon the public body,  
8 that would give further notice to the public and facilitate  
9 public access to meetings.