



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1537

Introduced 2/8/2023, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.01	from Ch. 102, par. 42.01
5 ILCS 120/2.02	from Ch. 102, par. 42.02
5 ILCS 120/2.03	from Ch. 102, par. 42.03
5 ILCS 120/2.06	from Ch. 102, par. 42.06
5 ILCS 120/7	

Amends the Open Meetings Act. Allows meetings to be held by audio or video conference if the head of the public body determines that an in-person meeting or a meeting is not in the best interests of the public body or its members. Makes conforming changes. Modifies the requirements for meetings held by audio or video conference. Allows news outlets to receive notice of all special, emergency, rescheduled, or reconvened meetings by email. Removes provisions concerning meetings held on a legal holiday and certain quorum requirements.

LRB103 27822 DTM 54200 b

1 AN ACT concerning State government.

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 2.01, 2.02, 2.03, 2.06, and 7 as follows:

6 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

7 Sec. 2.01. All meetings required by this Act to be public
8 shall be held at specified times and places that ~~which~~ are
9 convenient and open to the public or through websites that are
10 accessible to the public. ~~No meeting required by this Act to be~~
11 ~~public shall be held on a legal holiday unless the regular~~
12 ~~meeting day falls on that holiday.~~

13 ~~Except as otherwise provided in this Act, a quorum of~~
14 ~~members of a public body must be physically present at the~~
15 ~~location of an open meeting. If, however, an open meeting of a~~
16 ~~public body (i) with statewide jurisdiction, (ii) that is an~~
17 ~~Illinois library system with jurisdiction over a specific~~
18 ~~geographic area of more than 4,500 square miles, (iii) that is~~
19 ~~a municipal transit district with jurisdiction over a specific~~
20 ~~geographic area of more than 4,500 square miles, or (iv) that~~
21 ~~is a local workforce investment area with jurisdiction over a~~
22 ~~specific geographic area of more than 4,500 square miles is~~
23 ~~held simultaneously at one of its offices and one or more other~~

1 ~~locations in a public building, which may include other of its~~
2 ~~offices, through an interactive video conference and the~~
3 ~~public body provides public notice and public access as~~
4 ~~required under this Act for all locations, then members~~
5 ~~physically present in those locations all count towards~~
6 ~~determining a quorum. "Public building", as used in this~~
7 ~~Section, means any building or portion thereof owned or leased~~
8 ~~by any public body. The requirement that a quorum be~~
9 ~~physically present at the location of an open meeting shall~~
10 ~~not apply, however, to State advisory boards or bodies that do~~
11 ~~not have authority to make binding recommendations or~~
12 ~~determinations or to take any other substantive action.~~

13 ~~Except as otherwise provided in this Act, a quorum of~~
14 ~~members of a public body that is not (i) a public body with~~
15 ~~statewide jurisdiction, (ii) an Illinois library system with~~
16 ~~jurisdiction over a specific geographic area of more than~~
17 ~~4,500 square miles, (iii) a municipal transit district with~~
18 ~~jurisdiction over a specific geographic area of more than~~
19 ~~4,500 square miles, or (iv) a local workforce innovation area~~
20 ~~with jurisdiction over a specific geographic area of more than~~
21 ~~4,500 square miles must be physically present at the location~~
22 ~~of a closed meeting. Other members who are not physically~~
23 ~~present at a closed meeting of such a public body may~~
24 ~~participate in the meeting by means of a video or audio~~
25 ~~conference. For the purposes of this Section, "local workforce~~
26 ~~innovation area" means any local workforce innovation area or~~

1 ~~areas designated by the Governor pursuant to the federal~~
2 ~~Workforce Innovation and Opportunity Act or its reauthorizing~~
3 ~~legislation.~~

4 (Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)

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

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

8 (a) Every public body shall give public notice of the
9 schedule of regular meetings at the beginning of each calendar
10 or fiscal year and shall state the regular dates, times, and
11 places of such meetings and the websites, if any, through
12 which those meetings may be accessed. An agenda for each
13 regular meeting shall be posted at the principal office of the
14 public body and at the location where an in-person ~~the~~ meeting
15 is to be held at least 48 hours in advance of the holding of
16 the meeting. A public body that has a website that the
17 full-time staff of the public body maintains shall also post
18 on its website the agenda of any regular meetings of the
19 governing body of that public body. Any agenda of a regular
20 meeting that is posted on a public body's website shall remain
21 posted on the website until the regular meeting is concluded.
22 The requirement of a regular meeting agenda shall not preclude
23 the consideration of items not specifically set forth in the
24 agenda. Public notice of any special meeting except a meeting
25 held in the event of a bona fide emergency, or of any

1 rescheduled regular meeting, or of any reconvened meeting,
2 shall be given at least 48 hours before such meeting, which
3 notice shall also include the agenda for the special,
4 rescheduled, or reconvened meeting, but the validity of any
5 action taken by the public body which is germane to a subject
6 on the agenda shall not be affected by other errors or
7 omissions in the agenda. The requirement of public notice of
8 reconvened meetings does not apply to any case where the
9 meeting was open to the public and (1) it is to be reconvened
10 within 24 hours, or (2) an announcement of the time and place
11 of the reconvened meeting, and the website, if any, through
12 which it is accessible, was made at the original meeting and
13 there is no change in the agenda. Notice of an emergency
14 meeting shall be given as soon as practicable, but in any event
15 prior to the holding of such meeting, to any news medium which
16 has filed an annual request for notice under subsection (b) of
17 this Section.

18 (b) Public notice shall be given by posting a copy of the
19 notice at the principal office of the body holding the meeting
20 or, if no such office exists, at the building in which the
21 in-person meeting is to be held. In addition to posting the
22 public notice at the principal office or the building in which
23 the meeting is to be held, a public body that has a website
24 that the full-time staff of the public body maintains shall
25 post notice on its website of all meetings of the governing
26 body of the public body and the website, if any, through which

1 those meetings may be accessed. Any notice of an annual
2 schedule of meetings shall remain on the website until a new
3 public notice of the schedule of regular meetings is approved.
4 Any notice of a regular meeting that is posted on a public
5 body's website shall remain posted on the website until the
6 regular meeting is concluded. If a public body that is
7 conducting an audio or video conference meeting does not have
8 a principal office or a website that the full-time staff of the
9 public body maintains, notices shall be posted as provided in
10 Section 2.03 for public bodies without a principal office or
11 website. The body shall provide ~~supply copies of the~~ notice of
12 its regular meetings, and ~~of the notice~~ of any special,
13 emergency, rescheduled or reconvened meeting, to any news
14 medium that has filed an annual request for such notice. Any
15 such news medium shall also be given the same notice of all
16 special, emergency, rescheduled or reconvened meetings in the
17 same manner as is given to members of the body provided such
18 news medium has given the public body an address, email
19 address, or telephone number within the territorial
20 jurisdiction of the public body at which such notice may be
21 given. The failure of a public body to post on its website
22 notice of any meeting or the agenda of any meeting shall not
23 invalidate any meeting or any actions taken at a meeting.

24 (c) Any agenda required under this Section shall set forth
25 the general subject matter of any resolution or ordinance that
26 will be the subject of final action at the meeting. The public

1 body conducting a public meeting shall ensure that at least
2 one copy of any requested notice and agenda for the meeting is
3 continuously available for public review during the entire
4 48-hour period preceding the meeting. Posting of the notice
5 and agenda on a website that is maintained by the public body
6 satisfies the requirement for continuous posting under this
7 subsection (c). If a notice or agenda is not continuously
8 available for the full 48-hour period due to actions outside
9 of the control of the public body, then that lack of
10 availability does not invalidate any meeting or action taken
11 at a meeting.

12 (Source: P.A. 97-827, eff. 1-1-13.)

13 (5 ILCS 120/2.03) (from Ch. 102, par. 42.03)

14 Sec. 2.03. In addition to the notice required by Section
15 2.02, each body subject to this Act must, at the beginning of
16 each calendar or fiscal year, prepare and make available a
17 schedule of all its regular meetings for such calendar or
18 fiscal year, listing the times and places of such meetings and
19 the website, if any, through which those meetings may be
20 accessed.

21 If a change is made in regular meeting dates, at least 10
22 days' notice of such change shall be given by publication in a
23 newspaper of general circulation in the area in which such
24 body functions or on the public body's website. However, in
25 the case of bodies of local governmental units with a

1 population of less than 500 in which no newspaper is published
2 and that do not have a website, such 10 days' notice may be
3 given by posting a notice of such change in at least 3
4 prominent places within the governmental unit. Notice of such
5 change shall also be posted at the principal office of the
6 public body or on its website, or, if no such office or website
7 exists, at the building in which the meeting is to be held or
8 on the county's website. Notice of such change shall also be
9 supplied to those news media which have filed an annual
10 request for notice as provided in paragraph (b) of Section
11 2.02.

12 (Source: Laws 1967, p. 1960.)

13 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

14 Sec. 2.06. Minutes; right to speak.

15 (a) All public bodies shall keep written minutes of all
16 their meetings, whether open or closed, and a verbatim record
17 of all their closed meetings in the form of an audio or video
18 recording. Minutes shall include, but need not be limited to:

19 (1) the date, time, and place of the meeting or the
20 website, if any, through which it may be accessed;

21 (2) the members of the public body recorded as either
22 present or absent and whether the members were physically
23 present or present by means of video or audio conference;
24 and

25 (3) a summary of discussion on all matters proposed,

1 deliberated, or decided, and a record of any votes taken.

2 (b) A public body shall approve the minutes of its open
3 meeting within 30 days after that meeting or at the public
4 body's second subsequent regular meeting, whichever is later.
5 The minutes of meetings open to the public shall be available
6 for public inspection within 10 days after the approval of
7 such minutes by the public body. Beginning July 1, 2006, at the
8 time it complies with the other requirements of this
9 subsection, a public body that has a website that the
10 full-time staff of the public body maintains shall post the
11 minutes of a regular meeting of its governing body open to the
12 public on the public body's website within 10 days after the
13 approval of the minutes by the public body. Beginning July 1,
14 2006, any minutes of meetings open to the public posted on the
15 public body's website shall remain posted on the website for
16 at least 60 days after their initial posting.

17 (c) The verbatim record may be destroyed without
18 notification to or the approval of a records commission or the
19 State Archivist under the Local Records Act or the State
20 Records Act no less than 18 months after the completion of the
21 meeting recorded but only after:

22 (1) the public body approves the destruction of a
23 particular recording; and

24 (2) the public body approves minutes of the closed
25 meeting that meet the written minutes requirements of
26 subsection (a) of this Section.

1 (d) Each public body shall periodically meet to review
2 minutes of all closed meetings. Meetings to review minutes
3 shall occur every 6 months, or as soon thereafter as is
4 practicable, taking into account the nature and meeting
5 schedule of the public body. Committees which are ad hoc in
6 nature shall review closed session minutes at the later of (1)
7 6 months from the date of the last review of closed session
8 minutes or (2) at the next scheduled meeting of the ad hoc
9 committee. At such meetings a determination shall be made, and
10 reported in an open session that (1) the need for
11 confidentiality still exists as to all or part of those
12 minutes or (2) that the minutes or portions thereof no longer
13 require confidential treatment and are available for public
14 inspection. The failure of a public body to strictly comply
15 with the semi-annual review of closed session written minutes,
16 whether before or after the effective date of this amendatory
17 Act of the 94th General Assembly, shall not cause the written
18 minutes or related verbatim record to become public or
19 available for inspection in any judicial proceeding, other
20 than a proceeding involving an alleged violation of this Act,
21 if the public body, within 60 days of discovering its failure
22 to strictly comply with the technical requirements of this
23 subsection, reviews the closed session minutes and determines
24 and thereafter reports in open session that either (1) the
25 need for confidentiality still exists as to all or part of the
26 minutes or verbatim record, or (2) that the minutes or

1 recordings or portions thereof no longer require confidential
2 treatment and are available for public inspection.

3 (e) Unless the public body has made a determination that
4 the verbatim recording no longer requires confidential
5 treatment or otherwise consents to disclosure, the verbatim
6 record of a meeting closed to the public shall not be open for
7 public inspection or subject to discovery in any
8 administrative or judicial proceeding other than one brought
9 to enforce this Act. In the case of a civil action brought to
10 enforce this Act, the court, if the judge believes such an
11 examination is necessary, must conduct such in camera
12 examination of the verbatim record as it finds appropriate in
13 order to determine whether there has been a violation of this
14 Act. In the case of a criminal proceeding, the court may
15 conduct an examination in order to determine what portions, if
16 any, must be made available to the parties for use as evidence
17 in the prosecution. Any such initial inspection must be held
18 in camera. If the court determines that a complaint or suit
19 brought for noncompliance under this Act is valid it may, for
20 the purposes of discovery, redact from the minutes of the
21 meeting closed to the public any information deemed to qualify
22 under the attorney-client privilege. The provisions of this
23 subsection do not supersede the privacy or confidentiality
24 provisions of State or federal law. Access to verbatim
25 recordings shall be provided to duly elected officials or
26 appointed officials filling a vacancy of an elected office in

1 a public body, and access shall be granted in the public body's
2 main office or official storage location, in the presence of a
3 records secretary, an administrative official of the public
4 body, or any elected official of the public body. No verbatim
5 recordings shall be recorded or removed from the public body's
6 main office or official storage location, except by vote of
7 the public body or by court order. Nothing in this subsection
8 (e) is intended to limit the Public Access Counselor's access
9 to those records necessary to address a request for
10 administrative review under Section 7.5 of this Act.

11 (f) Minutes of meetings closed to the public shall be
12 available only after the public body determines that it is no
13 longer necessary to protect the public interest or the privacy
14 of an individual by keeping them confidential, except that
15 duly elected officials or appointed officials filling a
16 vacancy of an elected office in a public body shall be provided
17 access to minutes of meetings closed to the public. Access to
18 minutes shall be granted in the public body's main office or
19 official storage location, in the presence of a records
20 secretary, an administrative official of the public body, or
21 any elected official of the public body. No minutes of
22 meetings closed to the public shall be removed from the public
23 body's main office or official storage location, except by
24 vote of the public body or by court order. Nothing in this
25 subsection (f) is intended to limit the Public Access
26 Counselor's access to those records necessary to address a

1 request for administrative review under Section 7.5 of this
2 Act.

3 (g) Any person shall be permitted an opportunity to
4 address public officials under the rules established and
5 recorded by the public body.

6 (h) When a public body is dissolved, disbanded,
7 eliminated, or consolidated by executive action, legislative
8 action, or referendum, and its functions and responsibilities
9 are assumed by a unit of local government, the unit of local
10 government which assumes the functions of the prior public
11 body shall review the closed session minutes of that public
12 body pursuant to subsection (d).

13 (Source: P.A. 102-653, eff. 1-1-22.)

14 (5 ILCS 120/7)

15 Sec. 7. Audio or video conference meetings. ~~Attendance by~~
16 ~~a means other than physical presence.~~

17 ~~(a) If a quorum of the members of the public body is~~
18 ~~physically present as required by Section 2.01, a majority of~~
19 ~~the public body may allow a member of that body to attend the~~
20 ~~meeting by other means if the member is prevented from~~
21 ~~physically attending because of: (i) personal illness or~~
22 ~~disability; (ii) employment purposes or the business of the~~
23 ~~public body; or (iii) a family or other emergency. "Other~~
24 ~~means" is by video or audio conference.~~

25 ~~(b) If a member wishes to attend a meeting by other means,~~

1 ~~the member must notify the recording secretary or clerk of the~~
2 ~~public body before the meeting unless advance notice is~~
3 ~~impractical.~~

4 ~~(c) A majority of the public body may allow a member to~~
5 ~~attend a meeting by other means only in accordance with and to~~
6 ~~the extent allowed by rules adopted by the public body. The~~
7 ~~rules must conform to the requirements and restrictions of~~
8 ~~this Section, may further limit the extent to which attendance~~
9 ~~by other means is allowed, and may provide for the giving of~~
10 ~~additional notice to the public or further facilitate public~~
11 ~~access to meetings.~~

12 ~~(d) The limitations of this Section shall not apply to (i)~~
13 ~~closed meetings of (A) public bodies with statewide~~
14 ~~jurisdiction, (B) Illinois library systems with jurisdiction~~
15 ~~over a specific geographic area of more than 4,500 square~~
16 ~~miles, (C) municipal transit districts with jurisdiction over~~
17 ~~a specific geographic area of more than 4,500 square miles, or~~
18 ~~(D) local workforce innovation areas with jurisdiction over a~~
19 ~~specific geographic area of more than 4,500 square miles or~~
20 ~~(ii) open or closed meetings of State advisory boards or~~
21 ~~bodies that do not have authority to make binding~~
22 ~~recommendations or determinations or to take any other~~
23 ~~substantive action. State advisory boards or bodies, public~~
24 ~~bodies with statewide jurisdiction, Illinois library systems~~
25 ~~with jurisdiction over a specific geographic area of more than~~
26 ~~4,500 square miles, municipal transit districts with~~

1 ~~jurisdiction over a specific geographic area of more than~~
2 ~~4,500 square miles, and local workforce investment areas with~~
3 ~~jurisdiction over a specific geographic area of more than~~
4 ~~4,500 square miles, however, may permit members to attend~~
5 ~~meetings by other means only in accordance with and to the~~
6 ~~extent allowed by specific procedural rules adopted by the~~
7 ~~body. For the purposes of this Section, "local workforce~~
8 ~~innovation area" means any local workforce innovation area or~~
9 ~~areas designated by the Governor pursuant to the federal~~
10 ~~Workforce Innovation and Opportunity Act or its reauthorizing~~
11 ~~legislation.~~

12 ~~(e)~~ Subject to the requirements of Section 2.06 but
13 notwithstanding any other provision of law, an open or closed
14 meeting subject to this Act may be conducted by audio or video
15 conference, without the physical presence of ~~a quorum~~ of the
16 members, so long as the following conditions are met:

17 ~~(1) the Governor or the Director of the Illinois~~
18 ~~Department of Public Health has issued a disaster~~
19 ~~declaration related to public health concerns because of a~~
20 ~~disaster as defined in Section 4 of the Illinois Emergency~~
21 ~~Management Agency Act, and all or part of the jurisdiction~~
22 ~~of the public body is covered by the disaster area;~~

23 (1) ~~(2)~~ the head of the public body as defined in
24 subsection (e) of Section 2 of the Freedom of Information
25 Act determines that an in-person meeting or a meeting
26 conducted under this Act is not in the best interests of

1 the public body or its members ~~practical or prudent~~
2 ~~because of a disaster;~~

3 (2) ~~(3)~~ all members of the body participating in the
4 meeting, wherever their physical location, shall be
5 verified and can hear one another and can hear all
6 discussion and testimony;

7 (3) ~~(4)~~ for open meetings, members of the public
8 attending the meeting ~~present at the regular meeting~~
9 ~~location of the body~~ can hear all discussion and testimony
10 and all votes of the members of the body, and all attendees
11 can ~~unless attendance at the regular meeting location is~~
12 ~~not feasible due to the disaster, including the issued~~
13 ~~disaster declaration, in which case the public body must~~
14 ~~make alternative arrangements and provide notice pursuant~~
15 ~~to this Section of such alternative arrangements in a~~
16 ~~manner to allow any interested member of the public access~~
17 ~~to~~ contemporaneously hear all discussion, testimony, and
18 roll call votes, ~~such as by offering a telephone number or~~
19 ~~a web based link;~~

20 ~~(5)~~ ~~at least one member of the body, chief legal~~
21 ~~counsel, or chief administrative officer is physically~~
22 ~~present at the regular meeting location, unless unfeasible~~
23 ~~due to the disaster, including the issued disaster~~
24 ~~declaration; and~~

25 (4) ~~(6)~~ all votes are conducted by roll call, so each
26 member's vote on each issue can be identified and

1 recorded; ~~7~~

2 ~~(7) Except in the event of a bona fide emergency, 48~~
3 ~~hours' notice shall be given of a meeting to be held~~
4 ~~pursuant to this Section. Notice shall be given to all~~
5 ~~members of the public body, shall be posted on the website~~
6 ~~of the public body, and shall also be provided to any news~~
7 ~~media who has requested notice of meetings pursuant to~~
8 ~~subsection (a) of Section 2.02 of this Act. If the public~~
9 ~~body declares a bona fide emergency:~~

10 ~~(A) Notice shall be given pursuant to subsection~~
11 ~~(a) of Section 2.02 of this Act, and the presiding~~
12 ~~officer shall state the nature of the emergency at the~~
13 ~~beginning of the meeting.~~

14 ~~(B) The public body must comply with the verbatim~~
15 ~~recording requirements set forth in Section 2.06 of~~
16 ~~this Act.~~

17 (5) each ~~(8) Each~~ member of the body participating in
18 a meeting by audio or video conference ~~for a meeting held~~
19 ~~pursuant to this Section~~ is considered present at the
20 meeting for purposes of determining a quorum and
21 participating in all proceedings; ~~7~~

22 (6) in ~~(9) In~~ addition to the requirements for open
23 meetings under Section 2.06, public bodies holding open
24 meetings under this Section ~~subsection (e)~~ must also keep
25 a verbatim record of all their meetings in the form of an
26 audio or video recording. Verbatim records made under this

1 paragraph ~~(9)~~ shall be made available to the public under,
2 and are otherwise subject to, the provisions of Section
3 2.06; and ~~—~~

4 (7) the ~~(10) The~~ public body shall bear all costs
5 associated with compliance with this Section ~~subsection~~
6 ~~(e)~~.

7 (Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)