



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1619

Introduced 2/8/2023, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Provides that an open or closed meeting may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following additional requirements are met: (1) the public body makes available a dedicated meeting space where those individuals who do not have access to the Internet may participate in the meeting; (2) the public body ensures that a means of remote participation other than audio-only communication is made available to those individuals who are interested in participating in the meeting; (3) the public body ensures that all cameras used for remote participation are operating properly; and (4) the public body maintains a written record of those individuals who participated in the meeting and a description of whether those individuals participated in person or by remote means. Makes technical and other changes.

LRB103 30611 JDS 57054 b

1 AN ACT concerning 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 Section 7 as follows:

6 (5 ILCS 120/7)

7 Sec. 7. Attendance by a means other than physical  
8 presence.

9 (a) If a quorum of the members of the public body is  
10 physically present as required by Section 2.01, a majority of  
11 the public body may allow a member of that body to attend the  
12 meeting by other means if the member is prevented from  
13 physically attending because of: (i) personal illness or  
14 disability; (ii) employment purposes or the business of the  
15 public body; or (iii) a family or other emergency. "Other  
16 means" is by video or audio conference.

17 (b) If a member wishes to attend a meeting by other means,  
18 the member must notify the recording secretary or clerk of the  
19 public body before the meeting unless advance notice is  
20 impractical.

21 (c) A majority of the public body may allow a member to  
22 attend a meeting by other means only in accordance with and to  
23 the extent allowed by rules adopted by the public body. The

1 rules must conform to the requirements and restrictions of  
2 this Section, may further limit the extent to which attendance  
3 by other means is allowed, and may provide for the giving of  
4 additional notice to the public or further facilitate public  
5 access to meetings.

6 (d) The limitations of this Section shall not apply to (i)  
7 closed meetings of (A) public bodies with statewide  
8 jurisdiction, (B) Illinois library systems with jurisdiction  
9 over a specific geographic area of more than 4,500 square  
10 miles, (C) municipal transit districts with jurisdiction over  
11 a specific geographic area of more than 4,500 square miles, or  
12 (D) local workforce innovation areas with jurisdiction over a  
13 specific geographic area of more than 4,500 square miles or  
14 (ii) open or closed meetings of State advisory boards or  
15 bodies that do not have authority to make binding  
16 recommendations or determinations or to take any other  
17 substantive action. State advisory boards or bodies, public  
18 bodies with statewide jurisdiction, Illinois library systems  
19 with jurisdiction over a specific geographic area of more than  
20 4,500 square miles, municipal transit districts with  
21 jurisdiction over a specific geographic area of more than  
22 4,500 square miles, and local workforce investment areas with  
23 jurisdiction over a specific geographic area of more than  
24 4,500 square miles, however, may permit members to attend  
25 meetings by other means only in accordance with and to the  
26 extent allowed by specific procedural rules adopted by the

1 body. For the purposes of this Section, "local workforce  
2 innovation area" means any local workforce innovation area or  
3 areas designated by the Governor pursuant to the federal  
4 Workforce Innovation and Opportunity Act or its reauthorizing  
5 legislation.

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

11 (1) the Governor or the Director of the Illinois  
12 Department of Public Health has issued a disaster  
13 declaration related to public health concerns because of a  
14 disaster as defined in Section 4 of the Illinois Emergency  
15 Management Agency Act, and all or part of the jurisdiction  
16 of the public body is covered by the disaster area;

17 (2) the head of the public body as defined in  
18 subsection (e) of Section 2 of the Freedom of Information  
19 Act determines that an in-person meeting or a meeting  
20 conducted under this Act is not practical or prudent  
21 because of a disaster;

22 (3) all members of the body participating in the  
23 meeting, wherever their physical location, shall be  
24 verified and can hear one another and can hear all  
25 discussion and testimony;

26 (4) for open meetings, members of the public present

1 at the regular meeting location of the body can hear all  
2 discussion and testimony and all votes of the members of  
3 the body, unless attendance at the regular meeting  
4 location is not feasible due to the disaster, including  
5 the issued disaster declaration, in which case the public  
6 body must make alternative arrangements and provide notice  
7 pursuant to this Section of such alternative arrangements  
8 in a manner to allow any interested member of the public  
9 access to contemporaneously hear all discussion,  
10 testimony, and roll call votes, such as by offering a  
11 telephone number or a web-based link;

12 (5) there shall be physically present at the regular  
13 meeting location at least one member of the body or, if a  
14 greater number of members is required under the rules of  
15 the public body to be physically present at the regular  
16 meeting location, that greater number of members of the  
17 public body, unless infeasible due to the disaster or the  
18 issued disaster declaration; ~~chief legal counsel, or~~  
19 ~~chief administrative officer is physically present at the~~  
20 ~~regular meeting location, unless unfeasible due to the~~  
21 ~~disaster, including the issued disaster declaration; and~~

22 (5.5) there shall be physically present at the regular  
23 meeting location the chief legal counsel of the public  
24 body or the chief administrative officer of the public  
25 body, unless infeasible due to the disaster or the issued  
26 disaster declaration;

1           (6) all votes shall be ~~are~~ conducted by roll call, and  
2 ~~, so~~ each member's vote on each issue shall ~~can~~ be  
3 identified and recorded;  ~~-~~

4           (7) the public body, except in the case in which it  
5 declares a bona fide emergency, shall give ~~Except in the~~  
6 ~~event of a bona fide emergency, 48 hours' notice shall be~~  
7 ~~given~~ of a meeting to be held pursuant to this Section, and  
8 that notice. ~~Notice~~ shall be given to all members of the  
9 public body, shall be posted on the website of the public  
10 body, and shall ~~also~~ be provided to any news medium that  
11 ~~media who~~ has requested notice of meetings pursuant to  
12 subsection (a) of Section 2.02 of this Act;  ~~- If the public~~  
13 ~~body declares a bona fide emergency:~~

14           ~~(A) Notice shall be given pursuant to subsection~~  
15 ~~(a) of Section 2.02 of this Act, and the presiding~~  
16 ~~officer shall state the nature of the emergency at the~~  
17 ~~beginning of the meeting.~~

18           ~~(B) The public body must comply with the verbatim~~  
19 ~~recording requirements set forth in Section 2.06 of~~  
20 ~~this Act.~~

21           (7.5) the public body, in the case in which it  
22 declares a bona fide emergency, shall give notice pursuant  
23 to subsection (a) of Section 2.02 of this Act, shall have  
24 the presiding officer state the nature of the emergency at  
25 the beginning of the meeting, and shall comply with the  
26 verbatim recording requirements set forth in Section 2.06

1 of this Act;

2 (8) each ~~Each~~ member of the body participating in a  
3 meeting by audio or video conference for a meeting held  
4 pursuant to this Section shall be ~~is~~ considered present at  
5 the meeting for purposes of determining a quorum and  
6 participating in all proceedings; ~~;~~

7 ~~(9) In addition to the requirements for open meetings~~  
8 ~~under Section 2.06, public bodies holding open meetings~~  
9 ~~under this subsection (e) must also keep~~ the public body,  
10 in addition to the requirements for open meetings under  
11 Section 2.06, shall keep a verbatim record of its ~~all~~  
12 ~~their~~ meetings in the form of an audio or video recording,  
13 and those records ~~. Verbatim records made under this~~  
14 ~~paragraph (9)~~ shall be made available to the public under,  
15 and are otherwise subject to, the provisions of Section  
16 2.06; ~~;~~

17 (10) the ~~The~~ public body shall bear all costs  
18 associated with compliance with this subsection (e); ~~;~~

19 (11) the public body shall make available a dedicated  
20 meeting space where those individuals who do not have  
21 access to the Internet may participate in the meeting;

22 (12) the public body shall ensure that a means of  
23 remote participation other than audio-only communication  
24 is made available to those individuals who are interested  
25 in participating in the meeting;

26 (13) the public body shall ensure that all cameras

1       used for remote participation are operating properly; and  
2       (14) the public body shall maintain a written record  
3       of those individuals who participated in the meeting and a  
4       description of whether those individuals participated in  
5       person or by remote means.

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