

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 1. This Act may be cited as the Electronic
5 Attendance Act.

6 Section 5. Definitions. As used in this Act:

7 "Electronic means" means teleconference, video
8 conference, or any other means that enables identifiable
9 voices or other transmissions to be received from any
10 location and enables concurrent actual ability to communicate
11 with the member who is not physically present.

12 "Meeting" means any gathering of a majority of a quorum
13 of the members of a public body held for the purpose of
14 discussing public business.

15 "Public body" includes the following:

16 (a) Municipalities to include cities, villages, and
17 incorporated towns.

18 (b) Units of local government to include counties,
19 municipalities, townships, special districts, and units,
20 designated as units of local government by law, which
21 exercise limited governmental powers or powers in respect to
22 limited governmental subjects.

23 Section 10. Attendance by electronic means. A member of
24 a public body shall be considered present at a public meeting
25 if the member is present by electronic means. The attendance
26 by the mayor, president, or any other presiding officer by
27 electronic means shall not constitute the temporary absence
28 of the mayor, president, or any other presiding officer.

29 Section 15. Authorization. A member of a public body

1 may attend a meeting by electronic means if the member is
2 prevented from physically attending because of (i) personal
3 illness or disability, (ii) absence from the district of the
4 public body for personal reasons, employment purposes, or for
5 the business of the public body, or (iii) a family or other
6 emergency.

7 Section 20. Notice by member. If a member wishes to
8 attend a meeting by electronic means, the member shall notify
9 the public body at least 48 hours before the meeting unless
10 impracticable. The public body shall determine if the notice
11 requirement is impracticable on a case-by-case basis.

12 Section 25. Quorum. A member shall be considered
13 present for purposes of determining a quorum if the member is
14 present by electronic means, except in the case of meetings
15 to (i) vote on the issuance of bonds or (ii) hold any hearing
16 required by law.

17 Section 30. Notice. If one or more members are present
18 at a meeting by electronic means, the public body shall issue
19 a written notice at the meeting stating (i) the names of the
20 members present by electronic means, (ii) the electronic
21 means that the member will use to attend the meeting, and
22 (iii) the location of the monitor or speaker phone receiving
23 communications from the member present by electronic means.

24 Section 35. Conduct.

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

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

1 Section 40. Availability. Any voice, electronic, or
2 other transmission by electronic means made during the
3 meeting by a member who is attending a public meeting by
4 electronic means shall be made available to the public
5 concurrent with the transmission except for those meeting
6 subject to the exceptions in subsection (c) of Section 2 of
7 the Open Meetings Act.

8 Section 45. Rules. A public body may promulgate any
9 rules, not inconsistent with this Act, concerning attendance
10 at meetings by electronic means and may prescribe more
11 stringent requirements, which shall be binding upon the
12 public body, that would give further notice to the public and
13 facilitate public access to meetings.

14 Section 85. The Open Meetings Act is amended by changing
15 Sections 1.02, 2.02, 2.05, and 2.06 and adding Section 7 as
16 follows:

17 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

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

19 "Meeting" means any gathering of a majority of a quorum
20 of the members of a public body held for the purpose of
21 discussing public business, whether present physically, by
22 teleconference, video conference, or by other electronic
23 means that enables identifiable voices or other transmissions
24 to be received from any location and enables concurrent
25 actual ability to communicate with the member who is not
26 physically present.

27 "Public body" includes all legislative, executive,
28 administrative or advisory bodies of the State, counties,
29 townships, cities, villages, incorporated towns, school
30 districts and all other municipal corporations, boards,
31 bureaus, committees or commissions of this State, and any

1 subsidiary bodies of any of the foregoing including but not
2 limited to committees and subcommittees which are supported
3 in whole or in part by tax revenue, or which expend tax
4 revenue, except the General Assembly and committees or
5 commissions thereof. "Public body" includes tourism boards
6 and convention or civic center boards located in counties
7 that are contiguous to the Mississippi River with populations
8 of more than 250,000 but less than 300,000. "Public body"
9 includes the Health Facilities Planning Board. "Public body"
10 does not include a child death review team or the Illinois
11 Child Death Review Teams Executive Council established under
12 the Child Death Review Team Act or an ethics commission,
13 ethics officer, or ultimate jurisdictional authority acting
14 under the State Gift Ban Act as provided by Section 80 of
15 that Act.

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

17 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

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

20 (a) Every public body shall give public notice of the
21 schedule of regular meetings at the beginning of each
22 calendar or fiscal year and shall state the regular dates,
23 times, and places of such meetings. For meetings at which
24 one or more members are present by teleconference, video
25 conference, or other electronic means, the location of the
26 monitor or speaker phone receiving communications from the
27 member present by teleconference or other electronic means
28 shall be disclosed in the agenda for the meeting. An agenda
29 for each regular meeting shall be posted at the principal
30 office of the public body and at the location where the
31 meeting is to be held at least 48 hours in advance of the
32 holding of the meeting. The requirement of a regular meeting
33 agenda shall not preclude the consideration of items not

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

19 (b) Public notice shall be given by posting a copy of
20 the notice at the principal office of the body holding the
21 meeting or, if no such office exists, at the building in
22 which the meeting is to be held. The body shall supply copies
23 of the notice of its regular meetings, and of the notice of
24 any special, emergency, rescheduled or reconvened meeting, to
25 any news medium that has filed an annual request for such
26 notice. Any such news medium shall also be given the same
27 notice of all special, emergency, rescheduled or reconvened
28 meetings in the same manner as is given to members of the
29 body provided such news medium has given the public body an
30 address or telephone number within the territorial
31 jurisdiction of the public body at which such notice may be
32 given.

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

1 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

2 Sec. 2.05. Recording meetings.

3 (a) Subject to the provisions of Section 8-701 of the
4 Code of Civil Procedure "An Act in relation to the rights of
5 witnesses at proceedings conducted by a court, commission,
6 administrative agency or other tribunal in this State which
7 are televised or broadcast or at which motion pictures are
8 taken", approved July 14, 1953, as amended, any person may
9 record the proceedings at meetings required to be open by
10 this Act by tape, film or other means. The authority holding
11 the meeting shall prescribe reasonable rules to govern the
12 right to make such recordings.

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

28 (b) In any contested case, as defined by the Illinois
29 Administrative Procedure Act, no live testimony may be
30 offered except upon the physical presence of the person
31 testifying unless all parties to the contested case waive the
32 requirement of physical presence. Affidavits, depositions,
33 or other recorded evidence are otherwise admissible as
34 provided by law.

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

2 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

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

6 (1) the date, time and place of the meeting;

7 (2) the members of the public body recorded as
8 either present or absent and whether the members were
9 physically present or present by electronic means; and

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

13 (b) The minutes of meetings open to the public shall be
14 available for public inspection within 7 days of the approval
15 of such minutes by the public body. Minutes of meetings
16 closed to the public shall be available only after the public
17 body determines that it is no longer necessary to protect the
18 public interest or the privacy of an individual by keeping
19 them confidential.

20 (c) Each public body shall periodically, but no less
21 than semi-annually, meet to review minutes of all closed
22 meetings. At such meetings a determination shall be made,
23 and reported in an open session that (1) the need for
24 confidentiality still exists as to all or part of those
25 minutes or (2) that the minutes or portions thereof no longer
26 require confidential treatment and are available for public
27 inspection.

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

29 (5 ILCS 120/7 new)

30 Sec. 7. Attendance by electronic means.

31 (a) If a member is present by speaker phone, video
32 conference, or by other electronic means, then the member

1 must identify himself or herself by name and be recognized by
2 the presiding officer before communicating.

3 (b) A public body may adopt and enforce rules not
4 inconsistent with the provisions of this Act concerning
5 attendance at meetings by teleconference, videoconference, or
6 electronic means and may prescribe more stringent
7 requirements binding upon the public body that would give
8 further notice to the public and facilitate public access to
9 meetings. The rules shall provide that any voice,
10 electronic, or other transmission made during a meeting by a
11 member attending a meeting by teleconference,
12 videoconference, or other electronic means shall be made
13 available to the public concurrent with the transmission
14 except for those meeting subject to the exceptions in
15 subsection (c) of Section 2.