

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, by  
12 teleconference, video conference, or by other electronic  
13 means that enables identifiable voices or other transmissions  
14 to be received from any location and enables concurrent  
15 actual ability to communicate with the member who is not  
16 physically present.

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

1 Child Death Review Teams Executive Council established under  
2 the Child Death Review Team Act or an ethics commission,  
3 ethics officer, or ultimate jurisdictional authority acting  
4 under the State Gift Ban Act as provided by Section 80 of  
5 that Act.

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

7 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

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

10 (a) Every public body shall give public notice of the  
11 schedule of regular meetings at the beginning of each  
12 calendar or fiscal year and shall state the regular dates,  
13 times, and places of such meetings. For meetings at which  
14 one or more members are present by teleconference, video  
15 conference, or other electronic means, all locations at which  
16 the public may participate in the meeting must be disclosed  
17 in the agenda. An agenda for each regular meeting shall be  
18 posted at the principal office of the public body and at the  
19 location where the meeting is to be held at least 48 hours in  
20 advance of the holding of the meeting. The requirement of a  
21 regular meeting agenda shall not preclude the consideration  
22 of items not specifically set forth in the agenda. Public  
23 notice of any special meeting except a meeting held in the  
24 event of a bona fide emergency, or of any rescheduled regular  
25 meeting, or of any reconvened meeting, shall be given at  
26 least 48 hours before such meeting, which notice shall also  
27 include the agenda for the special, rescheduled, or  
28 reconvened meeting, but the validity of any action taken by  
29 the public body which is germane to a subject on the agenda  
30 shall not be affected by other errors or omissions in the  
31 agenda. The requirement of public notice of reconvened  
32 meetings does not apply to any case where the meeting was  
33 open to the public and (1) it is to be reconvened within 24

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

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

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

23 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

24 Sec. 2.05. Recording meetings.

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

1 right to make such recordings.

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

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

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

25 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

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

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

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

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

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

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

19 (5 ILCS 120/7 new)

20 Sec. 7. Attendance by electronic means.

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

1 meetings, a member may not attend by electronic means more  
2 than half of the meetings of that public body held in a  
3 calendar year.

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

9 (c) A member shall be considered present for purposes of  
10 determining a quorum if the member is present by electronic  
11 means, except in the case of meetings to: (i) vote on the  
12 issuance of bonds; or (ii) hold any hearing required by law.

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

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

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

26 (g) Any voice, electronic, or other transmission by  
27 electronic means made during the meeting by a member who is  
28 attending a public meeting by electronic means shall be made  
29 available to the public concurrent with the transmission  
30 except for those meetings subject to the exceptions in  
31 subsection (c) of Section 2 of this Act.

32 (h) A public body may promulgate any rules, not  
33 inconsistent with this Act, concerning attendance at meetings  
34 by electronic means and may prescribe more stringent

1 requirements, which shall be binding upon the public body,  
2 that would give further notice to the public and facilitate  
3 public access to meetings.