

# HOW TO KEEP GOVERNMENT TRANSPARENT THROUGH ILLINOIS OPEN MEETINGS ACT

Most Illinois government meetings are open to the public, with a few exceptions. Here's what to know about Illinoisans' rights to see what government is doing by using the Illinois Open Meetings Act.

Illinois state law guarantees access to government meetings so most public business is conducted within public view.

The rules and exceptions are contained in the [Illinois Open Meetings Act](#). It offers a guide to how public leaders should conduct deliberations and take action, as well as outlines the public's rights to keep an eye on those discussions and votes.



## WHAT IS THE ILLINOIS OPEN MEETINGS ACT?

Simply put, the act requires public bodies conducting public business to do so openly and with advance notice. There are rare and strictly construed exceptions. The act's opening paragraph spells out its intent:

*"It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly."*

## WHICH ENTITIES DOES THE ACT COVER?

It applies to all legislative, executive, administrative or advisory bodies of the state, counties, townships, villages, cities or incorporated towns, school districts and municipal corporations. In other words, it applies to your local city council, your park district and library boards, the school board and any advisory committee established by any of those for any purpose. All of these taxing bodies must conduct their deliberations and take votes in public — again, with rare and narrowly construed exceptions.

## IS THERE A GOVERNMENTAL ENTITY IN ILLINOIS TO WHICH THE ACT DOES NOT APPLY?

The Illinois state lawmakers who passed the act also excluded themselves from it. It does not apply to the Illinois State Senate or state House of Representatives, nor the General Assembly's committees or commissions. In practice, most of the General Assembly's business is conducted in the open. Some child welfare proceedings and tax hearings are also excluded.

## WHAT CONSTITUTES A PUBLIC MEETING?

If a majority of a quorum of a public body gathers in person – or by electronic means, including email and chat – to discuss public business, this falls under the act. Failing to provide notice or to allow public access is a violation. A quorum is the minimum number of members of a body whose presence is required to legally take action. For a nine-member board, for example, a quorum would be five, and a majority of a quorum would be three. If three members of that board meet for coffee, any discussion of public business would violate the act.

## HOW IS NOTICE GIVEN? IF I CAN'T ATTEND, HOW CAN I LEARN WHAT HAPPENED?

The Open Meetings Act requires public bodies to publish annual notices of regular meeting dates and times at the public body's primary, or meeting, location. Any public bodies maintaining a website – and this today should apply to all but the smallest and most minimally staffed public bodies – are required to post meeting notices, agendas and past meeting minutes on their websites. Regular and special meeting notices should be posted at least 48 hours in advance. Notices for bona fide emergency meetings should be posted as soon as is practicable. Any media member who has filed an annual request shall receive notice of all meetings.

Along with meeting notices, meeting agendas are to be posted at least 48 hours in advance. Minutes must be approved within 30 days of open meetings, or at the public body's second subsequent regular meeting, whichever is later. Within 10 days of approval, minutes must be made available for public inspection. If the public body maintains a website, they must be posted there, and they must remain posted for at least 60 days. Nothing in the act requires public bodies to post video recordings of meetings, although some do.

Local news media often cover public meetings when matters of particular importance will be discussed, so local media outlets are a source of coverage as well.

## CAN A MEETING OF A PUBLIC BODY BE CLOSED TO THE PUBLIC?

Yes, but only for very specific reasons that are spelled out in Section 2(c) of [the act](#). The most common reasons are:

- To discuss the employment, compensation, discipline, performance or dismissal of a specific employee.
- To discuss collective bargaining between the public body and its employees.
- To discuss a student disciplinary matter.
- To discuss the candidacy of an individual to fill a vacancy.
- To discuss the acquisition of property or to set a sales price for a property.
- To discuss pending, threatened or likely litigation.

Importantly, a board wishing to go into closed session must vote in open session to do so, clearly citing the applicable exemption. Minutes must be taken during the closed session, although they remain unavailable to the public in most instances. If the closed session is to discuss "likely" litigation, the reason for that determination must be entered into the minutes. Further, any decision to be taken after the closed session must be voted upon in open session, with a statement sufficient to inform the public of the matter being decided.

## WHAT IF I AM CONFIDENT A VIOLATION HAS OCCURRED?

Illinoisans may file a request for review by the Public Access Counselor in the Illinois Attorney General's Office within 60 days of an alleged violation. Additionally, anyone, including a State's Attorney, may bring a civil ac-

tion. A judge may review minutes of closed meetings to determine whether a violation has occurred. Violating the act is a Class C misdemeanor, punishable by up to 30 days in jail and a fine of up to \$1,500.

### WHERE CAN I LEARN MORE?

Aside from studying the act itself, [this guide](#) prepared by the Illinois Counties Risk Management Trust provides a good synopsis, with examples given of illegally closed meetings, as well as consequences for failure to comply.

Another helpful guide to the Open Meetings Act is available [here](#) on the Better Government Association's website. Especially useful on the BGA site are three relatively brief explainer videos featuring Michael J. Luke, counsel to the Illinois Attorney General's Office.

