

SB2166



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2166

Introduced 2/7/2025, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Allows attendance by a means other than physical presence under certain circumstances if a member of a public body is prevented from physically attending because of any reason designated in rules adopted by the public body in accordance with certain provisions in the Act.

LRB104 08966 BDA 19021 b

A BILL FOR

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; (iii) a family or other emergency; or (iv)
16 unexpected childcare obligations; or (iv) any other reason
17 designated in rules adopted by the public body in accordance
18 with subsection (c). "Other means" is by video or audio
19 conference.

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

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

(d) The limitations of this Section shall not apply to (i) closed meetings of (A) public bodies with statewide jurisdiction, (B) Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, (C) municipal transit districts with jurisdiction over a specific geographic area of more than 4,500 square miles, or (D) local workforce innovation areas with jurisdiction over a specific geographic area of more than 4,500 square miles or (ii) open or closed meetings of State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action. State advisory boards or bodies, public bodies with statewide jurisdiction, Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, municipal transit districts with jurisdiction over a specific geographic area of more than 4,500 square miles, and local workforce investment areas with jurisdiction over a specific geographic area of more than 4,500 square miles.

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

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

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

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

25 (3) all members of the body participating in the
26 meeting, wherever their physical location, shall be

1 verified and can hear one another and can hear all
2 discussion and testimony;

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

15 (5) at least one member of the body, chief legal
16 counsel, or chief administrative officer is physically
17 present at the regular meeting location, unless unfeasible
18 due to the disaster, including the issued disaster
19 declaration; and

20 (6) all votes are conducted by roll call, so each
21 member's vote on each issue can be identified and
22 recorded.

23 (7) Except in the event of a bona fide emergency, 48
24 hours' notice shall be given of a meeting to be held
25 pursuant to this Section. Notice shall be given to all
26 members of the public body, shall be posted on the website

1 of the public body, and shall also be provided to any news
2 media who has requested notice of meetings pursuant to
3 subsection (a) of Section 2.02 of this Act. If the public
4 body declares a bona fide emergency:

5 (A) Notice shall be given pursuant to subsection
6 (a) of Section 2.02 of this Act, and the presiding
7 officer shall state the nature of the emergency at the
8 beginning of the meeting.

9 (B) The public body must comply with the verbatim
10 recording requirements set forth in Section 2.06 of
11 this Act.

12 (8) Each member of the body participating in a meeting
13 by audio or video conference for a meeting held pursuant
14 to this Section is considered present at the meeting for
15 purposes of determining a quorum and participating in all
16 proceedings.

17 (9) In addition to the requirements for open meetings
18 under Section 2.06, public bodies holding open meetings
19 under this subsection (e) must also keep a verbatim record
20 of all their meetings in the form of an audio or video
21 recording. Verbatim records made under this paragraph (9)
22 shall be made available to the public under, and are
23 otherwise subject to, the provisions of Section 2.06.

24 (10) The public body shall bear all costs associated
25 with compliance with this subsection (e).

26 (Source: P.A. 103-311, eff. 7-28-23.)