

LEGISLATIVE CHANGES TO THE OPEN MEETINGS ACT

During the early days of the public health emergency, Governor Pritzker issued Executive Order 2020-7. That order, which has since been extended, suspended requirements under the Open Meetings Act that required members be physically present at meetings and altered the conditions of remote participation in meetings. On May 23, the General Assembly passed Senate Bill 2135, which amends the Open Meetings Act and formalizes a structure to permit similar meetings in the future.

Pending the Governor's expected approval, [Senate Bill 2135](#) permits meetings through audio-video conference under the following conditions:

1. A disaster declaration related to public health concerns by the Governor or Director of the Illinois Department of

- Public Health for the area covered by the body;
2. A determination by the head of the public body that an in-person meeting is not practical or prudent due to the disaster;
 3. Verification that all members of the body can fully participate and hear each other and the discussion;
 4. Means for the public to hear all discussions and votes of the body, as well as means for public participation;
 5. Presence at the regular meeting location by at least one member of the body, its chief legal officer, or chief administrative officer, unless not feasible because of the disaster;
 6. All votes must be conducted by roll call;
 7. Notice of the meeting, and any changes to how the meeting is conducted, must be provided at least 48 hours prior to the meeting;
 8. The public body must prepare and maintain a verbatim record of the meeting;
 9. The public body must bear all costs associated with conducting the meeting.



These changes are not designed to permit public bodies to use these alternative means indefinitely. Rather, these changes were designed to permit public bodies to continue meeting during extraordinary times.

We will continue to monitor similar changes. Any client with questions regarding these changes or interested in developing a detailed plan based on these changes should not hesitate to contact any of our attorneys.