

SB0243



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0243

Introduced 1/22/2025, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Provides that, if a quorum of the members of the public body is physically present, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of performance of active military duty as a service member. Defines "active military duty" and "service member". Effective immediately.

LRB104 07181 BDA 17218 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 (v) performance of active
17 military duty as a service member. "Other means" is by video or
18 audio conference. As used in this subsection:

19 "Active military duty" has the meaning given to "active
20 service" in Section 1-10 of the Service Member Employment and
21 Reemployment Rights Act.

22 "Service member" means a resident of Illinois who is a
23 member of any component of the U.S. Armed Forces or the

1 National Guard of any state, the District of Columbia, a
2 commonwealth, or a territory of the United States.

3 (b) If a member wishes to attend a meeting by other means,
4 the member must notify the recording secretary or clerk of the
5 public body before the meeting unless advance notice is
6 impractical.

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

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

1 bodies with statewide jurisdiction, Illinois library systems
2 with jurisdiction over a specific geographic area of more than
3 4,500 square miles, municipal transit districts with
4 jurisdiction over a specific geographic area of more than
5 4,500 square miles, and local workforce investment areas with
6 jurisdiction over a specific geographic area of more than
7 4,500 square miles, however, may permit members to attend
8 meetings by other means only in accordance with and to the
9 extent allowed by specific procedural rules adopted by the
10 body. For the purposes of this Section, "local workforce
11 innovation area" means any local workforce innovation area or
12 areas designated by the Governor pursuant to the federal
13 Workforce Innovation and Opportunity Act or its reauthorizing
14 legislation.

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

20 (1) the Governor or the Director of the Illinois
21 Department of Public Health has issued a disaster
22 declaration related to public health concerns because of a
23 disaster as defined in Section 4 of the Illinois Emergency
24 Management Agency Act, and all or part of the jurisdiction
25 of the public body is covered by the disaster area;

26 (2) the head of the public body as defined in

1 subsection (e) of Section 2 of the Freedom of Information
2 Act determines that an in-person meeting or a meeting
3 conducted under this Act is not practical or prudent
4 because of a disaster;

5 (3) all members of the body participating in the
6 meeting, wherever their physical location, shall be
7 verified and can hear one another and can hear all
8 discussion and testimony;

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

21 (5) at least one member of the body, chief legal
22 counsel, or chief administrative officer is physically
23 present at the regular meeting location, unless unfeasible
24 due to the disaster, including the issued disaster
25 declaration; and

26 (6) all votes are conducted by roll call, so each

1 member's vote on each issue can be identified and
2 recorded.

3 (7) Except in the event of a bona fide emergency, 48
4 hours' notice shall be given of a meeting to be held
5 pursuant to this Section. Notice shall be given to all
6 members of the public body, shall be posted on the website
7 of the public body, and shall also be provided to any news
8 media who has requested notice of meetings pursuant to
9 subsection (a) of Section 2.02 of this Act. If the public
10 body declares a bona fide emergency:

11 (A) Notice shall be given pursuant to subsection
12 (a) of Section 2.02 of this Act, and the presiding
13 officer shall state the nature of the emergency at the
14 beginning of the meeting.

15 (B) The public body must comply with the verbatim
16 recording requirements set forth in Section 2.06 of
17 this Act.

18 (8) Each member of the body participating in a meeting
19 by audio or video conference for a meeting held pursuant
20 to this Section is considered present at the meeting for
21 purposes of determining a quorum and participating in all
22 proceedings.

23 (9) In addition to the requirements for open meetings
24 under Section 2.06, public bodies holding open meetings
25 under this subsection (e) must also keep a verbatim record
26 of all their meetings in the form of an audio or video

1 recording. Verbatim records made under this paragraph (9)
2 shall be made available to the public under, and are
3 otherwise subject to, the provisions of Section 2.06.

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.