



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

February 23, 2021

Via electronic mail

RE: OMA Request for Review – 2021 PAC 66989

Dear [REDACTED]:

On February 14, 2021, you submitted a Request for Review to the Public Access Bureau alleging that the City of Champaign Electoral Board (Board) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2018)) in connection with meetings held on December 7, 2020, and on each day from December 15 through December 18, 2020. For the reasons that follow, this office has determined that no further action is warranted in this matter.

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2018)) requires a Request for Review to include "a summary of the facts supporting the allegation[]" that the public body violated OMA.

In your Request for Review, you allege that the Board improperly provided notice for only the December 7, 2020, meeting, and not for the subsequent four meetings held on December 15 through December 18, 2020. You also allege that public comment was allowed during only the December 7, 2020, meeting, and argue that the "Electoral Board should have provided an opportunity for public input during one or more of the meetings held during the December 15-18 period."¹ Additionally, you claim that "[f]or the purposes of OMA, these meetings cannot have counted as a continuation of the December 7th meeting due to the amount of time that had passed."²

Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2018)) provides, in relevant part:

¹Letter from [REDACTED] to Public Access Counselor Pratt (February 14, 2021).

²Letter from [REDACTED] to Public Access Counselor Pratt (February 14, 2021).

Public notice of any special meeting except * * * any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special * * * or reconvened meeting * * *. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) **an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.** (Emphasis added.)

This office has reviewed the agenda for the December 7, 2020, meeting. The initial portion of the agenda provides that "[t]he members of the Electoral Board will not be physically present for the Monday, December 7, 2020 Meeting **and subsequent proceedings as they are continued from time to time** but will instead be participating in the meeting through audio or audio/video access using a virtual meeting platform." (Emphasis added.)³ The final agenda item provides:

I. RECESS UNTIL DECEMBER 15, 2020 AT 1:30 P.M.
(TENTATIVE) OR OTHER DATE DETERMINED BY THE
BOARD

(Note: The Board will continue to reconvene and schedule future meeting dates during each meeting as required with no additional notice.)⁴

This office's review of the video recording of the December 7, 2020, meeting posted on the City's website confirmed that at the end of the meeting, the Board voted to recess and reconvene via Zoom on December 15, 2020, at 6:00 p.m.⁵ The same agenda was used for the reconvened meeting on December 15, 2020 (and the reconvened meetings on the subsequent three days). Thus, as to the December 15, 2020, meeting, no additional notice was required because the Board met the requirement in section 2.02(a) that "an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda."

³City of Champaign Electoral Board, Agenda (December 7, 2020).

⁴City of Champaign Electoral Board, Agenda Item I (December 7, 2020).

⁵Champaign Government Television, Electoral Board Hearing 12/7/20,
<https://champaign.cablecast.tv/CablecastPublicSite/show/5134?channel=1>.

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Additionally, this office's review of the video recordings of the December 15 through December 17, 2020, meetings confirmed that at the end of each meeting, the Board decided to reconvene within 24 hours.⁶ Therefore, no additional notice was required for the meetings held on December 16 through December 18, 2020, because they were reach reconvened within 24 hours.

Because the meeting was properly scheduled to reconvene at the conclusion of each session, the Board held one meeting that stretched across five dates. Section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2018)) provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." The Attorney General has concluded that section 2.06(g) of OMA "requires that all public bodies subject to the Act provide an opportunity for members of the public to address public officials at open meetings." Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 5. In this instance, you acknowledge that the Board provided an opportunity for public comment during the meeting, on December 7, 2020.

Under these circumstances, the Public Access Bureau has determined that no further action is warranted in this matter. This letter serves to close this file. Please contact me at jjones@atg.state.il.us if you have questions.

Very truly yours,

JOSHUA M. JONES
Deputy Bureau Chief
Public Access Bureau

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cc: *Via electronic mail*
The Honorable Deborah Frank Feinen
Chairperson
City of Champaign Electoral Board
102 North Neil Street
Champaign, Illinois 61820
Deb.Feinen@champaignil.gov

⁶Champaign Government Television, Electoral Board Hearing 12/15/20, <https://champaign.cablecast.tv/CablecastPublicSite/show/5138?channel=1>; Champaign Government Television, Electoral Board Hearing 12/16/20, <https://champaign.cablecast.tv/CablecastPublicSite/show/5139>; Champaign Government Television, Electoral Board Hearing 12/17/20, <https://champaign.cablecast.tv/CablecastPublicSite/show/5142?channel=1>.