



BUILDING DEMOCRACY FOR THE 21ST CENTURY

100th General Assembly Legislation Affecting Open Government

Citizen Advocacy Center is keeping a close eye on proposed legislation that would affect the capacity of Illinois citizens for civic engagement.

FREEDOM OF INFORMATION ACT

FOIA Coverage:

HB 3760 -This bill would expand FOIA to cover member-based organizations where the members are public bodies, such as the Illinois High School Association. A member-based organization "(1) has a membership that includes one or more government taxing bodies; (2) lobbies on behalf of its governmental members; and (3) receives a majority of its funding from its governmental members." [CAC SUPPORTS](#)

SB 1977 - This bill would narrow the range of documents available under FOIA. It changes the definition of public records from records "having been prepared by of for, or having been or being used by, received by, in the possession of, or under the control of any public body" to records "having been prepared by or for the public body." [CAC OPPOSES](#)

HB 728 – This bill would require an annual audit of any attorney with two or more units of local government as clients. These audits would be public record. [CAC SUPPORTS](#)

FOIA Exemption:

HB 766 - This bill would create an exemption from FOIA for executable programs and source codes. While this is meant to protect certain proprietary and financial information, especially for township assessors, it is a broad exemption that would prevent journalists and watchdogs from accessing a wide range of useful information. [CAC OPPOSES](#) – recommend amendment to narrow the exemption

Citizen Participation Act:

SB 1831 – This bill would create a right of action under the Citizen Participation Act against a FOIA requester if the request "is based on, relates to, or is in response to any act or acts by (an) official, employee, or agent of (a) public body, in furtherance of the rights of the official, employee, or agent to petition, speak freely, associate freely, or otherwise participate in government." This is a broad attack on FOIA. It could

potentially apply to any communication involving a public official, employee, or agent. It would mandate the court to award \$5000 in damages against the FOIA requester, in addition to attorney's fees. It places the burden of proof on the requester, rather than the public official. [CAC OPPOSES](#)

IMMIGRATION

SB 31 – Prohibition on certain immigration activities by local law enforcement, and requirement of a warrant for immigration activities by immigration agents. This bill would bar federal agents from schools and health facilities if they do not have a warrant; bar local law enforcement from engaging in immigration enforcement without a court-issued warrant, and bar local participation in a federal registry based on country of origin or religion. [CAC SUPPORTS](#)

OPEN MEETINGS ACT

Right to Speak:

HB 3626 - This bill would codify certain public comment requirements. While two of the requirements would be good changes to the law, the bill would also explicitly allow public bodies to ban anonymous public comment. Citizen Advocacy Center believes people should be able to speak anonymously at meetings, as identification could chill speech. [CAC OPPOSES](#)

This bill passed out of the House State Government Administration committee.

OMA Exemption:

SB 1227 – This bill would create an exemption to the Open Meetings Act for “issues involving communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation.” This broad language would cover a wide range of issues currently open to the public and allow public bodies to shield their affairs from the public. [CAC OPPOSES](#)

ELECTIONS

Automatic Voter Registration:

SB 1933 – This bill would enact Automatic Voter Registration in Illinois. Qualified voters accessing certain state government services would be automatically registered to vote unless they choose to opt out. [CAC SUPPORTS](#)

The bill passed out of the Senate Executive Committee.



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Election Commission Consolidation:

SB 1592 - This bill allows counties to create an Election Commission within the county clerk's office, appointed by the county chair. [CAC OPPOSES](#)

This bill passed out of the Senate Executive Committee.

Local Government Voting Rights Act:

HB 2917 - This bill addresses systemic voting discrimination and dilution of minority representation. It prohibits units of local government from choosing a method of election that impairs the ability of a racial or language minority group to elect candidates of its choice because of the dilution, or abridgment of the group's voting rights. It provides an individual right of action to enforce the law. [CAC SUPPORTS](#)

Prison Gerrymandering:

HB 205 - This bill requires the state to count incarcerated individuals at their residential addresses instead of prison facilities for the purposes of redistricting. [CAC SUPPORTS](#)

NOTICE/PUBLICATION

SB 2032 - This bill would allow any school district or unit of local government to may publish any notice, agenda, record, or other information or material required by law electronically instead of in a newspaper. [CAC OPPOSES](#)

HB 3006 - This bill adds website notice requirements for units of local government and school districts with operating expenditures of more than \$1 million for 2 consecutive years. An amendment removed a provision that would have also allowed units of local government and school districts to replace required published notices with a URL address to the full notice. This would have restricted full and actual notification for people without adequate internet access and hurt local newspapers. [CAC OPPOSES](#) the underlying bill, and [SUPPORTS](#) the bill as amended (HA 1).

The bill passed out of the House State Government Administration committee, as amended.

HB 3660 - This bill would remove school notices from newspapers. [CAC OPPOSES](#)



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UNFUNDED MANDATES

HB 364 - This bill would ban the General Assembly from passing any unfunded mandates in a general election calendar year. [CAC OPPOSES](#)

HB 788 - This bill would allow public bodies to exempt themselves from many unfunded mandates with a finding that compliance is not economically feasible. [CAC OPPOSES](#)

HB 793 - This bill would allow school districts to exempt themselves from many unfunded mandates with only a hearing. [CAC OPPOSES](#)

SB 1862 - This bill would allow municipalities to exempt themselves from many unfunded mandates with a finding that compliance is not economically feasible, but only once per year and by three-fifths vote. [CAC OPPOSES](#)

SB 2064 - The bill would allow units of local government and school districts to exempt themselves from unfunded mandates upon a finding that the mandate is not economically feasible. [CAC OPPOSES](#)