



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 30, 2016

Chairwoman Denise Williams
Board of Election Commissioners
City of Bloomington
115 East Washington Street, Room 403
P.O. Box 2400
Bloomington, Illinois 61702

RE: OMA Request for Review – 2016 PAC 45469

Dear Chairwoman Williams:

The Public Access Bureau has received a Request for Review in which Ms. Diane Benjamin alleges that the City of Bloomington Board of Election Commissioners (Board) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2014)). A copy of the Request for Review is enclosed.

In her Request for Review, Ms. Benjamin alleges that the Board held a meeting on December 5, 2016, without giving proper public notice. She also alleges that the Board improperly closed its December 5, 2016, meeting. Ms. Benjamin further contends that during a Board meeting held on or near December 12, 2016, the Board voted on the adoption of rules for public comment, a matter that was not identified on the meeting agenda as an item on which final action would be taken.¹ We construe Ms. Benjamin's Request for Review as alleging violations of sections 2.02(a) and 2.02(c) (5 ILCS 120/2.02(a), (c) (West 2014)), 2(a) (5 ILCS 120/2(a) (West 2015 Supp.), as amended by Public Acts 99-642, effective July 28, 2016; 99-646, effective July 28, 2016), and 2a (5 ILCS 120/2a (West 2014) of OMA. We have determined that further inquiry is warranted.

To further evaluate this matter, we request that the Board or its representative provide a written response to the allegations in the Request for Review. In your response, please address whether the Board held a meeting on December 5, 2016; if so, please specify when and

¹Although no date of the meeting at issue is specified in the Request for Review, in an e-mail communication with an Assistant Attorney General in this office, Ms. Benjamin indicated that the meeting she attended occurred on December 12, 2016, or December 13, 2016. (E-mail from Diane Benjamin to Laura S. Harter, Assistant Attorney General, Public Access Bureau (December 29, 2016)).

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where the meeting agenda was posted. The Board's response should also address whether the Board entered closed session at its December 5, 2016, meeting, and if so, whether the Board publicly disclosed the citation to the specific exception contained in section 2 of OMA that authorized the closed session. If the Board held a closed session during the December 5, 2016, meeting, please provide a copy of the verbatim recording of the closed session for our confidential review. Please also clarify whether the Board voted to adopt rules for public comment at a meeting on or near December 12, 2016, and, if so, address whether the agenda for meeting set forth the general subject matter of that final action, as required by section 2.02(c) of OMA. Please also provide copies of the meeting notices, agendas, and all minutes, whether from open or closed sessions (draft form if necessary) for the December 5, 2016, meeting, and the meeting referenced in the Request for Review that was held on or near December 12, 2016.

As required by section 3.5(b) of the Open Meetings Act (5 ILCS 120/3.5(b) (West 2015 Supp.)), please provide this information to our office within 7 working days after receipt of this letter. As we conduct our review of this matter, we will notify you if we need to review additional records or information. You have the option under the Act to provide a written response to these allegations in addition to the requested materials. That response may take the form of a letter, brief or memorandum. Please note that under the Act, we are required to forward a copy of any response from a public body to the requester and provide the requester an opportunity to reply. 5 ILCS 120/3.5(c) (West 2015 Supp.). The Act also permits a public body to provide a copy of a response with confidential information redacted for release to the requester. **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.** If you believe that other documents or information would be helpful to us as we review the issues, you may submit additional records or affidavits.

If you have any questions or would like to discuss this matter, please contact me at (217) 524-7958 or at LHarter@atg.state.il.us.

Very truly yours,



LAURA S. HARTER
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Ms. Diane Benjamin (will receive letter only)
blnnews@yahoo.com