



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 6, 2017



RE: OMA Request for Review – 2017 PAC 46208

Dear [REDACTED]:

This determination letter is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2015 Supp.)). For the reasons that follow, the Public Access Bureau concludes that it will take no action with respect to this matter.

Your Request for Review dated January 29, 2017, and received by this office on February 2, 2017, alleged that portions of the public comment policy of the Board of Trustees of Illinois State University (Board) violate section 2.06(g) of OMA (5 ILCS/120/2.06(g) (West 2014), as amended by Public Act 99-515, effective June 30, 2016). Section 2.06(g) provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." Your letter highlighted portions of the Board's public comment policy that you allege are in violation of OMA, and also included a copy of a binding opinion issued by the Attorney General (Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014) concluding that requiring a public body to send a written request to speak at an open meeting multiple days before an agenda had to be posted violated OMA.

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2015 Supp.)) provides:

A person who believes that a violation of this Act by a public body has occurred may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later 60 days after the alleged OMA violation. * * *
The request for review must be in writing, must be signed by the

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requester, and must include a summary of the facts supporting the allegation.

Your Request for Review has not alleged a specific instance in which you or another member of the public was prohibited from addressing the Board based upon the Board's policies. Because you have not alleged a violation of OMA within 60 days of the filing of this Request for Review, our office has determined that no further action is warranted.

However, the Office of the Public Access Counselor is also charged with providing advice and education to both the public and public officials. *See* 15 ILCS 205/7(a), (b), (c) (West 2014). "[T]he primary purpose of adopting rules governing public comment pursuant to section 2.06(g) of OMA is to accommodate the speaker's statutory right to address the public body, while ensuring that the public body can maintain order and decorum at public meetings." Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 6. Further, "[t]he language of section 2.06(g) does not support a requirement that a person must provide his or her complete home address prior to being allowed to make a public comment." Ill. Att'y Gen. Pub. Acc. Op. No. 14-009, issued September 4, 2014. The Board may wish to consider reviewing its public comment policies to ensure that those rules preserve the public's right to address the Board and impose only those reasonable limitations that are necessary to further significant governmental interests, such as order and decorum.

This letter will serve to close this matter. If you have any questions, please contact me at (217) 557-0548.

Very truly yours,


SARAH L. PRATT
Public Access Counselor

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cc: Mr. Rocky Donahue, Chair
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