

This table provides a side-by-side review of the text of the Open Meetings Law found in Louisiana’s Revised Statutes and what that text actually means in plain English. The comparison was prepared by The Public Law Center at Tulane University Law School and is available here as part of PAR’s work with the New Orleans Coalition on Open Governance (NOCOG) and through grants from the Open Society Foundation and the Greater New Orleans Foundation. The side-by-side was a current statement of the law when posted to PAR’s website but has not been updated to incorporate new legislation passed or judicial decisions rendered since 2012. These copyrighted materials are used here by permission of The Public Law Center and may be further used only with the written consent of The Public Law Center or in compliance with the terms of a Creative Commons license: <http://creativecommons.org/licenses/by-nc-nd/3.0/>.

La. R.S. 42:11- 42: 28 <sup>1</sup>	<b>What does the law say?</b> <sup>2</sup>	<b>What does it mean?</b>
42:11	This Chapter shall be known and may be cited as the “Open Meetings Law.”	This is called the “Open Meetings Law.”
<b>42:12</b>	<p><b>Public policy for open meetings; liberal construction</b></p> <p>A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, <b>the provisions of R.S. 42:11 through 25 shall be construed liberally.</b></p>	<p>The Legislature is instructing courts that Louisiana’s Open Meetings Law is to be “construed liberally.” This means that in a “close” question of law, judges should favor the purpose of the law, which is to require open meetings. The members of public bodies should bear in mind this “liberally construed” standard, when facing a close question about whether or</p>

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<sup>1</sup> Updated: 11/30/2012.

<sup>2</sup> Occasional emphasis added throughout.

	<p>B. Further, to advance this policy, all public bodies shall post a copy of R.S. 42:11 through 28.</p>	<p>not a meeting must be open to the public.</p>
<p><b>42:13</b></p>	<p><b>Definitions</b></p> <p>A. (1) <b>“Meeting”</b> means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.</p> <p>-----</p> <p>(2) <b>“Public body”</b> means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district</p>	<p>A <b>meeting</b> takes place whenever a majority of the members of a public body come together in order to receive information, discuss, or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power.</p> <p>-----</p> <p><b>Public body</b> includes all levels of government (city or parish entities, regional or district entities, and state entities), when the entity has policy making, advisory, or administrative functions.</p>

	<p>boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.</p> <p>-----</p> <p>(3) <b>“Quorum”</b> means a simple majority of the total membership of a public body.</p> <p>B. The provisions of this Chapter shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.</p>	<p><b>Public body</b> means not only the entity itself, but also any committees or subcommittees of the entity.</p> <p>-----</p> <p>A “quorum” means more than 50% of the members of a public body.</p> <p>If a <b>quorum</b> of members come together by chance or exclusively for a social gathering, that is not a meeting. But a meeting does take place if they act or vote (including any formal or informal polling of members) on a matter within their jurisdiction.</p>
<p><b>42:14</b></p>	<p><b>Meetings of public bodies to be open to the public</b></p> <p>A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, 17, or 18.</p> <p>-----</p> <p>B. Each public body shall be prohibited from</p>	<p>Public bodies must meet in public, unless specifically exempted from this requirement.</p> <p>-----</p> <p><b>Proxy voting, secret balloting, or</b></p>

	<p>utilizing any manner of <b>proxy voting procedure, secret balloting, or any other means</b> to circumvent the intent of this Chapter.</p> <p>-----</p> <p>C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.</p> <p>-----</p> <p>D. Except school boards, which shall be subject to R.S. 42:15, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:19(A) shall <b>allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken.</b> The governing body may adopt reasonable rules and restrictions regarding such comment period.</p>	<p><b>“other means”</b> to avoid public voting are not allowed, because they would undermine the purpose of the Act, which requires most deliberations of governmental bodies to take place in public.</p> <p>-----</p> <p>All individual votes cast by members of a public body must be recorded in the minutes.</p> <p>-----</p> <p>Public bodies, except school boards, must allow members of the public an opportunity to comment before the public body votes on an agenda item.</p>
<p><b>42:15</b></p>	<p><b><i>School board meetings; public comment</i></b></p>	

	<p>A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.</p> <p>B. The Orleans Parish School Board, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.</p> <p>C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.</p>	<p>Before taking a vote at any school board meeting, the school board must allow the public to comment on each agenda item.</p> <p>The Orleans Parish School Board must allow public comment, subject to reasonable rules, regulations, and restrictions adopted by the Orleans Parish School Board.</p> <p>A general comment period at the beginning of a school board meeting does not meet the requirements listed above.</p>
<p><b>42:16</b></p>	<p><b>Executive Sessions</b></p> <p>A public body may hold <b>executive sessions</b> upon an affirmative vote, taken at an open meeting for which notice has been given</p>	<p>An <b>executive session</b> is a closed meeting that the public cannot attend. A public body can only go into <b>executive</b></p>

	<p>pursuant to R.S. 42:19, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:17; however, <b>no final or binding action shall be taken during an executive session.</b> The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:17 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of this Chapter.</p>	<p><b>session</b> if 2/3 of the members present vote in favor in an open meeting. The vote and the reason for holding an executive session must be recorded in the open meeting's minutes.</p> <p>During an executive session, public officials may only discuss matters listed in 42:17. Public officials may not take any final or binding action during the executive session.</p> <p>A public body cannot falsely use an executive session to avoid the requirements of the Open Meetings Law.</p>
<p><b>42:17</b></p>	<p><b>Exceptions to open meetings</b></p> <p>A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:</p> <p>(1) Discussion of the <b>character, professional competence, or physical or mental health</b> of a person, provided that such person is notified in writing at least</p>	<p>A. A public body may hold an executive session only for the following reasons:</p> <p>(1) Discussion of the <b>character, professional competence, or physical or mental health of a person</b>, but the person must get written notice at least 24</p>

<p>twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting. However, nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to a public body or, except as provided in R.S. 39:1593(C)(2)(c), for discussing the award of a public contract. In cases of</p> <p>extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.</p> <p>(2) Strategy sessions or negotiations with respect to <b>collective bargaining, prospective litigation after formal written demand, or litigation</b> when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.</p> <p>(3) Discussion regarding the report, development, or course of action regarding <b>security personnel, plans, or devices.</b></p> <p>(4) <b>Investigative proceedings</b> regarding</p>	<p>hours before the meeting and the person may require that the discussions be held in an open public meeting. This exception does not apply when considering appointment of a person to a public body or when discussing the award of a public contract; those discussions must be held in public.</p> <p>(2) Strategy sessions or negotiations over <b>collective bargaining, future litigation</b> (after receiving notice in writing), or <b>current litigation;</b></p> <p>(3) Discussion regarding <b>security personnel, plans, or devices;</b></p> <p>(4) <b>Investigative proceedings</b> regarding</p>
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<p>allegations of misconduct.</p> <p>(5) Cases of <b>extraordinary emergency</b>, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.</p> <p>(6) [<i>Any meeting of the State Mineral and Energy Board . . .</i>]</p> <p>(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.</p> <p>(8) [<i>Presentations and discussions at meetings of civil service boards of test questions, answers, and papers . . .</i>]</p> <p>(9) [<i>The portion of any meeting of the Second Injury Board . . .</i>]</p>	<p>allegations of misconduct;</p> <p>(5) An <b>extraordinary emergency</b> (which includes natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude);</p> <p>(6) <i>Meetings of the State Mineral and Energy Board . . . ;</i></p> <p>(7) Discussions between a school board and students, parents, or tutors, and relating to the students, parents, or tutors, unless the students, parents, or tutors require the discussions to be held in an open meeting.</p> <p>(8) <i>Presentations at civil service board meetings about test questions, answers, and papers . . . ;</i></p> <p>(9) <i>Second Injury Board meetings regarding the settlement of a workers'</i></p>
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	<p>(10) <i>Or any other matters now provided for or as may be provided for by the legislature.</i></p> <p>-----</p> <p>B. The provisions of this Chapter shall not apply to judicial proceedings.</p> <p>-----</p> <p>C. The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.</p> <p>-----</p> <p>D. The provisions of R.S. 42:19 and R.S. 42:20 shall not apply to any meeting of a <b>private citizens' advisory group or a private citizens' advisory committee</b> established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in</p>	<p><i>compensation claim . . . ; or</i></p> <p>(10) <i>Any other matters as provided for by the legislature.</i></p> <p>-----</p> <p>B. Courts are exempt from the Open Meetings Law.</p> <p>-----</p> <p>C. You can be evicted from a meeting if your conduct is disruptive.</p> <p>-----</p> <p>D. Generally speaking, a <b>citizens' advisory committee</b> that is not compensated and that has no decision-making authority must comply with all provisions of the Open Meetings Law except for the notice provisions in section 19 and the requirement of written minutes in section 20. The public body that established the advisory committee must give public notice of the advisory committee's meetings as required in R.S. 42:19.</p>
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	<p>R.S. 42:11 through 42:27 shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:19 in providing the required notice of meetings of such group or committee.</p>	
<p><b>42:18</b></p>	<p><i>[Executive or closed meetings of the legislature and committees]</i></p>	<p><i>This provision, which governs meetings of the legislature and its committees, has been omitted because it does not apply to city employees.</i></p>
<p><b>42:19</b></p>	<p><b>Notice of meetings</b></p> <p>A. (1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.</p> <p>(b)(i) All public bodies, except the legislature</p>	<p>At the beginning of each calendar year, public bodies must give written notice of the dates, times, and locations of their regular meetings.</p> <p>At least 24 hours before any regular,</p>

<p>and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours before the meeting.</p> <p>(ii)(aa) Such notice shall include the agenda, date, time, and place of the meeting. The agenda shall not be changed less than twenty-four hours prior to the meeting.</p> <p>(bb) Each item on the agenda shall be listed separately and described with reasonable specificity. Before the public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item.</p> <p>(cc) Upon unanimous approval of the members presents at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such</p>	<p>special, or rescheduled meeting, public bodies must also give notice of the date, time, location, and agenda of the meeting.</p> <p>The notice must include the agenda, date, time, and place of the meeting. The agenda cannot be changed 24 hours before the meeting.</p> <p>Items on the agenda must be listed separately and reasonably described. Before any action can be taken on an item, a description of the item must be read aloud.</p> <p>A public body that wants to take up a matter not on the agenda must get unanimous approval from the members present; in addition, before voting on a motion to add the item to their agenda, they must give the public an opportunity to comment. The public body cannot deliberately use this late addition of agenda items to avoid the public notice requirements of the Open Meetings Law.</p>
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<p>motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.</p> <p>-----</p> <p>(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17(A)(2):</p> <p>(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.</p> <p>(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.</p> <p>-----</p> <p>(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and</p>	<p>-----</p> <p>A public body that wishes to discuss litigation must give the following information along with the written notice of its public meeting:</p> <ul style="list-style-type: none"> <li>• the court, case number, and parties relative to any pending litigation to be considered;</li> <li>• the parties involved and subject matter of any future litigation to be considered.</li> </ul> <p>-----</p> <p>In an emergency, notice need not be given 24 hours before a meeting, but the public body must still give the best notice</p>
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	<p>circumstances permit.</p> <p>(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:</p> <p>(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours before the meeting. If the public body has a website, additionally by providing notice via the Internet on the website of the public body for no less than twenty-four hours immediately preceding the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failures shall not be a violation of the provisions of this Chapter.</p> <p>(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given</p>	<p>it can manage.</p> <p>At least 24 hours before the meeting, notice must be posted at the principal office of the public body, or if no such office exists, notice must be posted at the building in which the meeting is to be held; or notice must be published in an official journal of the public body.</p> <p>In addition, if the public body has a website, the public body should try to post notice on its website at least 24 hours before the meeting.</p> <p>Notice must also be mailed to any member of the news media who requests notice.</p>
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	<p>to members of the public body.</p> <p><i>B. Reasonable public notice of day to day sessions of either house of the legislature . . .</i></p>	<p><i>This provision governs the legislature. It has been omitted because it does not apply to city employees.</i></p>
<p><b>42:20</b></p>	<p><b>Written minutes</b></p> <p>A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:21. The minutes of all other public bodies shall include but need not be limited to:</p> <p>(1) The date, time, and place of the meeting.</p> <p>(2) The members of the public body recorded as either present or absent.</p> <p>(3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.</p> <p>(4) Any other information that the public body requests be included or reflected in the minutes.</p>	<p>Public bodies must keep written minutes that include the date, time, and location of the meeting; members present and absent; substance of matters decided and (if requested by a member) the individual votes taken; and a record of any other information that the public body directs be included.</p>

	<p>B. The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:16, 17, and 18, or rules adopted under the provisions of R.S. 42:21.</p>	<p>Minutes are generally public records and must be made available within a reasonable time after the meeting.</p>
<p><b>42:21</b></p>	<p><i>[Minutes of legislative sessions, legislative committees and subcommittees]</i></p>	<p><i>This provision governs the legislature. It has been omitted because it does not apply to city employees.</i></p>
<p><b>42:22</b></p>	<p><i>[Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body]</i></p>	<p><i>This provision has been omitted because it does not apply to city employees.</i></p>
<p><b>42:23</b></p>	<p><b>Sonic and video recordings; live broadcast</b></p> <p>A. All or any part of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live.</p> <p>B. A public body shall establish standards for the use of lighting, recording or</p>	<p>Members of the public have a right to record, film, or broadcast live the proceedings in a public meeting.</p> <p>The public body can establish reasonable restrictions to assure proper decorum in</p>

	<p>broadcasting equipment to insure proper decorum in a public meeting.</p>	<p>the meeting.</p>
<p><b>42:24</b></p>	<p><b>Voidability</b></p> <p>Any action taken in violation of this Chapter shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.</p>	<p>Actions taken in violation of the Open Meetings Law can be thrown out by the courts, but a lawsuit must be filed within 60 days of the action.</p>
<p><b>42:25</b></p>	<p><b>Enforcement</b></p> <p>A. The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.</p> <p>B. Each district attorney shall enforce the provisions of this Chapter throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.</p>	<p>The Open Meetings Law can be enforced by:</p> <p>(A) The Attorney General (AG). The AG’s office can act at its own initiative and must act in response to a claim filed with it. The AG can only decline to act in response to a complaint if written reasons are given.</p> <p>(B) the District Attorney (DA) for the judicial district. The DA’s Office can act at its own initiative and must act in response to a claim filed with the office. The DA can only decline to act if written reasons are given.</p>



	<p>C. Any person who has been denied any right conferred by the provisions of this Chapter or who has reason to believe that the provisions of this Chapter have been violated may institute enforcement proceedings.</p>	<p>(C) Any person who has been denied rights or who reasonably believes that the provisions of the Open Meetings Law have been violated.</p>
<p><b>42:26</b></p>	<p><b>Remedies; jurisdiction; authority; attorney fees</b></p> <p>A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:</p> <p>(1) A writ of mandamus.</p> <p>(2) Injunctive relief.</p> <p>(3) Declaratory judgment.</p> <p>(4) Judgment rendering the action void as provided in R.S. 42:24.</p>	<p>The Attorney General, the District Attorney, or any person enforcing the Open Meetings Law can ask for:</p> <p>(1) a writ of mandamus (a court order directing a public body or public official to do something)</p> <p>(2) injunctive relief (a court order prohibiting a public body or public official from doing something);</p> <p>(3) declaratory judgment (a court order declaring what the law requires);</p> <p>(4) judgment rendering the action void (a court order undoing whatever action was taken illegally by the public body);</p>

	<p>(5) Judgment awarding civil penalties as provided in R.S. 42:28.</p> <p>B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of this Chapter. Any noncompliance with the orders of the court may be punished as contempt of court.</p> <p>C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.</p>	<p>(5) civil penalties (such as a \$100 fine for each violation); or any combination of these remedies.</p> <p>Anyone who refuses to comply with judicial orders can be held in contempt of court, which could mean a fine or imprisonment or both.</p> <p>A party who brings an “open meetings” lawsuit and wins may recover reasonable attorney fees and costs. If the suit is frivolous, the court may award reasonable attorney fees against the party who brought the suit.</p>
<p><b>42:27</b></p>	<p><b>Venue; summary proceedings</b></p> <p>A. Enforcement proceedings shall be</p>	<p>An “open meetings” lawsuit can be filed</p>

	<p>instituted in the district court for the parish in which the meeting took place or will take place.</p> <p>B. Enforcement proceedings shall be tried by preference and in a summary manner. Any appellate court to which the proceeding is brought shall place it on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.</p>	<p>in the parish where the public meeting took place or will take place.</p> <p>Open meetings lawsuits must be tried quickly by the courts.</p>
<p><b>42:28</b></p>	<p><b>Civil penalties</b></p> <p>Any member of a public body who knowingly and willfully participates in a meeting conducted in violation of this Chapter, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.</p>	<p>If a member of a public body knowingly participates in a meeting that violates the Open Meetings Law, that member may be fined up to \$100 for each violation and must pay the fine(s) personally. Suit to collect the penalties must be brought within 60 days of the violation.</p>