



## Understanding Louisiana’s Sunshine Laws

“Sunshine” is a term often used to describe laws that help citizens monitor and participate in the business of government.

# Open Meetings in Louisiana

- Public business is supposed to be performed in an “open and public manner.” Generally, every *meeting* of a *public body* must be open to the public.
- A “quorum” is the minimum number of members who need to be present in order for a vote to be taken. Generally a quorum is a majority of members.
- Votes on issues must be made aloud and written in the minutes of the meeting. Minutes are written notes of the discussion and votes that take place at a meeting.
- Minutes of meetings are public records and must be made available to the public if requested.
- No “proxy voting” (votes made by one member on behalf of another), secret ballots or any other non-public voting methods are allowed.
- You can be removed from an open meeting if you cause a major disruption.

### 1. What is a public body?

A government agency, department, board, commission, committee, subcommittee or other entity at the state, parish or local level that makes policy, gives advice or has administrative duties.

### 2. What is a public meeting?

A gathering of a quorum of a public body if the members receive information, talk about or act on something that the body supervises or has control over. Gatherings can be held in person or by phone, fax or e-mail.

A chance meeting or a social gathering where no action (such as receiving information or discussing public business) is taken, is not a meeting.

### 3. Do public bodies have to give notice of meetings?

**Yes.** The notice must include the date, time and place of regular meetings.

#### When must the notice be posted?

- Most public bodies (except the Legislature and its committees) must give written public notice of all regular meetings at the beginning of each calendar year. Also, at least 24 hours before a regular, special or rescheduled meeting starts, the public body must post the date, time, place *and agenda* of the meeting.
- The Legislature and its committees are required to give “reasonable” public notice, which is determined on a case-by-case basis.

#### Where must the notice be posted?

- At the public body’s main office. If there is no main office, then the notice must be posted at the building where the meeting is held or in a printed journal (usually a local newspaper).
- The body is not required to post the notice on the Internet or to notify any individual person.



- *Some public bodies do post notices on the Internet or send them by e-mail.*
- *You can ask the secretary or director of the public body where the notices are posted and if there is a mailing list that you can join.*

#### 4. Can the public body consider an issue that is not listed on its meeting agenda?

**Yes.** Discussing an issue not listed on the agenda is allowed only if:

- A member of the public body makes a motion to add the issue and provides a reason for it;
- The public is given an opportunity to comment before the members vote on the motion to add the issue; and
- The motion to discuss the issue is approved by all members of the public body who are present.

#### 5. May I speak at a public meeting?

**Yes.** Many public bodies require you to fill out a request card if you would like to speak.

All public bodies must provide a “reasonable” opportunity for public comment. What is “reasonable” depends on the situation.

In the case of school boards, providing an opportunity to speak only at the beginning of a meeting is not considered reasonable and does not satisfy the law. For school boards that represent smaller populations (fewer than 400,000 people), even more opportunity for public comment is required. The public must be allowed to comment on each agenda item, before the item is discussed by the body or a vote is taken.

#### 6. Can the meetings of public bodies ever be closed to the public?

**Yes.** Closed meetings are called “executive sessions.” An executive session is allowed only when:

- Two-thirds of the members present vote to meet in private (hold an executive session), and
- The body announces a reason for holding the meeting in private that is listed in the open meetings laws.

No votes may be taken or decisions made during an executive session.

Members often ask for an executive session to discuss sensitive issues. Examples of reasons for executive sessions include such things as:

- Information on lawsuits
- Security matters
- Extraordinary emergencies
- Investigations of misconduct
- Discussions about a person’s character, competence or mental health



- *When a public body decides to have an executive session, you can object. Raise your hand and ask politely to speak.*
- *Tell the members that you object to the executive session. Ask them what law allows them to meet in private.*
- *They may (or may not) change their minds, but your objection will be noted in the minutes.*

#### 7. What can I do if I think a public body has violated the open meetings laws?

Any person may file a complaint (at no cost) with the state attorney general’s office or with the local district attorney (or both). Also, any person may hire a lawyer to sue the public body.

If the court agrees with you, it may void actions taken by the body, stop the body from continuing certain actions, fine members and award attorney fees and legal costs.



- *You don’t have to wait until after a meeting if you think a public body is violating the law.*
- *You can object by raising your hand and asking politely to speak.*
- *Tell the members that you object to the action they are taking. Ask them what law allows them to act in such a way.*
- *The members may (or may not) change their actions but they may pause to think about their actions and make sure they are acting legally.*