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# Wisconsin Facts

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## WISCONSIN'S OPEN MEETINGS LAW, 1974

Prepared by the Wisconsin Legislative Reference Bureau

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During the 1973 regular session, the Wisconsin Legislature amended the state's open meetings law for the third time since it was enacted in 1959. Chapter 297, Laws of 1973 (1973 Senate Bill 462), repealed and recreated Section 66.77 of the Wisconsin Statutes. The major provisions of the law are now as follows:

Coverage — All meetings of state and local governmental bodies, except those excluded by law, are declared to be open. Open session includes the requirement of giving public notice of such session as required by statute. If no statutory requirement exists, public notice means communication to the public and to the official municipal or city newspaper, as designated in Section 985.05 or 985.06 of the statutes, or, if none exists, then as defined in Section 66.77 (2) (e) of the statutes, i.e. "communication...to members of the news media who have filed a written request for such notice, which communication is reasonably likely to apprise members of the public and of the news media of the time, place and subject matter of the meeting at a time, not less than one hour prior to the commencement of such meeting, which affords them a reasonable opportunity to attend." Action taken at any meeting held in violation of this act is void.

### Prohibited Activities

- a. Introduction of or deliberation upon any formal action, except that specifically exempted by law, at any closed meeting;
- b. Adoption of a motion to hold a closed session or to adjourn an open meeting into a closed session, unless the presiding officer announces the nature of the business to be discussed at the closed meeting. No other business can be considered;
- c. Adjourning an open meeting into a closed meeting and subsequently reconvening in an open meeting in a 12-hour period, unless public notice was given of the reconvened open session at the same time and in the same manner as that of the initial open meeting;
- d. Use of a secret ballot, unless authorized by law, to determine any election or decision made at any meeting;
- e. The exclusion of any member of a governmental body from its meeting, open or closed, unless the governing rules so allow.

Exceptions --- Closed sessions may be held for the following purposes:

- a. Deliberating after judicial or quasi-judicial trial or hearing;
- b. Considering employment, dismissal, promotion, demotion, compensation, licensing or discipline of any public employe or person licensed by a state board or commission or the investigation of charges against such person, unless an open meeting is requested by the employe or person charged, investigated or otherwise under discussion;
- c. Probation, parole, crime detection and prevention;
- d. Deliberating or negotiating on the purchasing of public property, the investing of public funds, or conducting other public business which for competitive or bargaining reasons require closed sessions;
- e. Financial, medical, social or personal histories and disciplinary data which may unduly damage reputations;
- f. Conferences between any local government or committee thereof, or administrative body, and its attorney concerning the legal rights and duties of such agency with regard to matters within its jurisdiction;
- g. Partisan caucuses of members of the state legislature;
- h. Transacting the business of the state legislature, pursuant to joint rules or rules of the senate or assembly, which specifically so permit.

Enforcement

- a. The Department of Justice may commence action on its own motion;
- b. Action may be begun by a district attorney upon complaint of any person;
- c. If no action has been taken within 20 days of verification of complaint, action may be taken by a citizen under his own name.

Penalty --- Any member of a governmental body who attends a meeting of that body during which a violation of the act occurs is personally subject to a forfeiture (for which he cannot be reimbursed by the governmental body) of not more than \$200 for each violation, unless 1) such member called for a vote on the action which constituted the violation or 2) such member is recorded in the minutes as voting against the action constituting the violation.

Effective Date --- June 16, 1974.

## COMPARISON OF OLD AND NEW PROVISIONS OF WISCONSIN'S OPEN MEETINGS LAW

	Old Law	New Law
Coverage	All meetings of state and local governmental bodies, unless excepted.	All meetings of state and local governmental bodies, unless excepted. Includes requirement that public notice be given of such open sessions.
Prohibited Activities	<p>a) Introduction of, deliberation upon, or adoption of any formal action at any closed session or at any reconvened open session during the same calendar day following a closed session;</p> <p>b) Adjournment of open session into a closed one without public announcement of the general nature of business to be discussed.</p>	<p>a) Introduction of or deliberation upon any formal action, except that specifically authorized by law, at any closed session;</p> <p>b) Adoption of a motion to hold a closed session or adjournment of an open session into a closed session without announcement of general nature of business to be discussed;</p> <p>c) Adjourning an open meeting into a closed one and subsequently reconvening into an open meeting without proper public notice;</p> <p>d) Use of secret ballot, unless so authorized; and</p> <p>e) Exclusion of any member of a governmental body from any of its meetings, unless rules so authorize.</p>
Exceptions	<p>a) Deliberating after judicial or quasi-judicial trial or hearing;</p> <p>b) Considering employment, dismissal, promotion, demotion, compensation, licensing or discipline of any public employe or person licensed by a state board or commission or the investigation of charges against such person, unless an open meeting is requested by the employe or person charged, investigated or otherwise under discussion;</p> <p>c) Probation, parole, crime detection and prevention;</p> <p>d) Deliberating or negotiating on the purchasing of public property, the investing of public funds, or conducting other public business which for competitive or bargaining reasons require closed sessions;</p> <p>e) Financial, medical, social or personal histories and disciplinary data which may unduly damage</p>	<p>Same plus 2 additional exemptions:</p> <p>1) Partisan caucuses of members of the state legislature; and</p> <p>2) Transacting the business of the state legislature, pursuant to joint rules or rules of the senate or assembly, which specifically so permit.</p>

reputations;  
f) Conferences between any local government or committee thereof, or administrative body, and its attorney concerning the legal rights and duties of such agency with regard to matters within its jurisdiction.

Enforcement

No specific procedure.

Department of Justice may bring an action. Action may be begun by a district attorney upon complaint or by an individual person, if no action has been taken within 20 days of complaint's verification.

Penalty

No specific penalty  
(see Sec. 939.61)

Not more than \$200.