

19.82, DEFINITIONS: The law applies to any state or local agency, board, commission, committee, or other public body, including most quasi-governmental corporations. A “meeting” is whenever a governmental body convenes for official purposes, as is presumed to be the case whenever one-half or more of its members are present.

19.83, MEETINGS: Every meeting of a governmental body shall be held in open session. All discussion shall be held and all action taken only in open session, except as provided in 19.85.

19.84, NOTICE: Notice of all meetings must be given to the public, news media which have filed requests, and the newspaper of record. Every notice must state the time, date, place of the meeting and reasonably describe the subject matter, including any contemplated closed session. The notice must generally be made at least 24 hours in advance.

19.85, EXEMPTIONS: Every meeting of a governmental body must begin in open session; motions to go into closed session must pass by majority vote. Announcement must be made as to the nature of the business to be considered in closed session, and the specific exemption or exemptions that allow this. No other

business may be taken up in closed session, and no body may reconvene afterward in open session, unless advance notice was given.

Closed sessions are allowed for only specific and limited purposes, such as to deliberate the subject of a quasi-judicial trial or hearing; discuss the discipline and licensing of individuals; evaluate or promote public employees; confer with legal counsel with respect to litigation; and deliberate or negotiate the purchase of public properties, the investing of public funds, or other specified public business, when competitive or bargaining reasons require a closed session.

19.87, LEGISLATIVE MEETINGS: All meetings of the state Senate and Assembly and its committees, subcommittees and other subunits are subject to the law, except those called solely for scheduling purposes. Meetings of partisan caucuses are also exempt.

19.88, BALLOTS AND VOTES: With rare exceptions, as for the election of officers, no government body may decide any matter by secret ballot. Any member of a body may require that the vote of each member is ascertained and recorded.

19.89, EXCLUSION: No duly elected or appoint-

ed member of a governmental body may be excluded from any meeting of that body.

19.90, USE OF EQUIPMENT: Whenever a governmental body meets in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting, so long as it does not interfere with the conduct of the meeting or the rights of participants.

19.96, PENALTY: Any member of a public body found to violate this statute is subject to a fine of \$25 to \$300 per violation, unless that person voted in favor of a motion to prevent the violation from occurring.

19.97, ENFORCEMENT: Enforcement actions can be brought by the state attorney general or, on receipt of a verified complaint, by the district attorney of any county in which a violation occurs. If the district attorney declines to act, any person may bring an action on his or her own. If a violation is sustained, a complainant may recover legal fees. A court may also order that an action taken in violation of the statute be voided.

19.98, INTERPRETATION: Any person may ask the state attorney general for advice on any aspect on the Open Meetings Law.



Wisconsin

FREEDOM OF INFORMATION COUNCIL

— summaries —

Wisconsin Open Records Law

FROM STATE STATUTES 19.31-19.39

Wisconsin Open Meetings Law

FROM STATE STATUTES 19.81-19.98

For the complete statutes, with relevant case law and Attorney General opinions, see www.WisFOIC.org.

A Summary of the

Wisconsin Open Records Law FROM STATE STATUTES 19.31-19.39

19.31, PREAMBLE: All persons are entitled to the greatest possible information regarding the affairs of government. Providing such information is an essential function of government officers and employees. The law shall be construed in every instance with a presumption of complete public access. Only in exceptional cases can access be denied.

19.32, DEFINITIONS: The law applies to any state or local office, elected official, commission, committee, department or public body, including most quasi-governmental corporations. "Records" include all written or electronic information that has been created or is being kept by an authority, but not notes or drafts intended for the exclusive use of the preparer.

19.33, CUSTODIANS: Elected officials and the heads of committees or other authorities are the legal custodians of records, but may designate others to handle inspection requests. The legal custodians must be publicly identified and have full legal power to process or deny requests.

19.34, NOTICE: Every authority must prominently display a notice explaining how the public may view records, and the costs of obtaining copies; agencies with regular office hours must permit access during those hours.

19.35, ACCESS: (1) Inspection. Requesters have a right to inspect and receive copies of all records, printed or electronic. Access may be denied only if the authority or legal custodian demonstrates a specific overriding public need for secrecy at the time of the request. Requests may be made orally, but must be in writing before an enforcement action can commence. No request may be refused because the requester is unwilling to be identified or to state a purpose.

(2) Facilities. Authorities shall provide requesters with facilities comparable to those used by its employees to inspect and copy records during established office hours. It is not necessary to provide a separate room.

(3) Fees. Except as otherwise specified by statute (as with court records), an authority may charge a requester only the actual, necessary and direct cost of copying records. A fee for locating records may be charged only if the cost exceeds \$50. Advance payment may be required for amounts of \$5 or more.

Custodians can waive fees in the public interest.

(4) Compliance. Requests must be filled or denied as soon as practicable and without delay. If an authority denies a written request in whole or in part, it must provide a written statement of its reasons, and inform the requester of the right to appeal.

(5) Destruction. No requested record can be destroyed until the request is granted or at least 60 days after the request is denied. If the denial is appealed, the record must be preserved until the process plays out.

19.356, NOTIFICATION: No authority is required to notify a record subject prior to providing a requested record, except for records regarding an investigation into a disciplinary matter involving a public employee. In these cases, employees are entitled to a process of notification and potential appeal.

19.36, LIMITATIONS: Certain records are exempt from disclosure, including employee personnel data, the identities of confidential informants, and trade secrets. Records produced by private contractors performing government services are open. Records that contain some confidential information should be released with redactions.

19.37, ENFORCEMENT: A requester who believes an authority has wrongly denied or unreasonably delayed access to a record may bring an action for mandamus asking a court to order its release, or ask the state attorney general or local district attorney to do so. Requesters who prevail in substantial part are entitled to recovery of their legal fees; custodians found to have wrongfully denied access are subject to fines of up to \$1,000.

19.39, INTERPRETATION: Any person may ask the state attorney general for advice on any aspect on the Open Records Law.

A Summary of the

Wisconsin Open Meetings Law FROM STATE STATUTES 19.81-19.98

19.81, DECLARATION: All meetings of state and local governmental bodies shall be held in places reasonably accessible to members of the public and be open to all citizens unless otherwise expressly provided by law. Interpretations of this law should be liberally construed to provide maximum public access.

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