LINK
Local Information, News and KnowHow

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Illinois Sunshine Laws

Shedding Light on Illinois Sunshine Laws

Ensuring Local Government Transparency



Table of Contents

Sunshine Laws: OMA and FOIA	3
Definitions of Public Body Vary	4
Open Meetings Act Training	5
Closed Door Public Body Meetings	6
OMA Non-Compliance Consequences	7
OMA Public Posting Requirements	8
FOIA and Public Records	9
FOIA Exemptions	10
FOIA Requests and Litigation	11
Filing Statements of Economic Interests	13
Rural Development Grants	16

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Local Information. News and KnowHow

OUR MISSION

To improve county Farm Bureau® influence in local government issues and advance county Farm Bureau leaders' awareness, capability, and involvement in local government through information and assistance in understanding and planning on local government issues.

CALL TO ACTION

We encourage you to share LINK with county Farm Bureau leadership and membership.

We invite you to share this publication with your local officials. This information may be a LINK to their success.

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UPCOMING DATES & EVENTS

October 1 – December 1: IFB Rural Development Grant Program applications open

November 3: General Election

November 4: IFB Statewide Resolutions Committee Meeting

November 16-18: Illinois Association of County Officials (IACO) Fall Conference in Bloomington

December 12-15: IAA® Annual Meeting in Chicago

January 21-22: Illinois Association of Drainage Districts Annual Conference in Bloomington

January 27-29: From Food to Flowers: Everything Local Conference in Springfield

February 16: Governmental Affairs Leadership Conference in Springfield

ILLINOIS FARM BUREAU®

Shedding Light on Sunshine Laws: Understanding OMA and FOIA

In Illinois, there are two laws that are largely responsible for ensuring local government transparency: the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA). Often referred to as Illinois' "sunshine laws," each of these laws approach government transparency from different directions. In general, OMA requires public access to meetings and actions of public bodies, while FOIA provides public access to government records and documented information.

Transparency should be a fundamental part of local government. Residents have a right to understand how decisions are made, how public money is spent and what actions their elected and appointed officials are taking on their behalf. In summary, government works best when the people it serves can see and understand what it is doing.

For county Farm Bureaus and farmers, this transparency can be especially important. Decisions involving taxation, roads, economic development, renewable energy, land use and many other issues affecting agriculture frequently occur at the local government level. Knowing how OMA and FOIA work provide another set of tools for staying informed and engaged.

These sunshine laws apply to all elected and appointed boards. Examples at the local level include county, municipal and township boards; planning and zoning commissions; school boards and community college trustees; and more. Learn more about who the laws do not apply to on page 4.

Two Laws with One Goal:

An easy way to distinguish between the two laws is to think about meetings versus records.

Open Meetings Act: Keeping Public Business Public

OMA (5 ILCS 120/) requires that the actions and deliberations of public bodies be conducted openly and in a public setting, providing an open door into the business operations of government.

FOIA: Keeping Public Files Public

FOIA (5 ILCS 140) establishes the public's right to inspect or obtain copies of public records by allowing any person to request access to documents maintained by public bodies. These documents can include both written and electronic information.

Exceptions to Every Rule:

Public access is not unlimited. Not every government record or meeting is subject to public access. Both OMA and FOIA contain exceptions that allow certain meetings to be closed, or certain records to be withheld. The challenge for local governments and the public is determining when these exemptions apply.

In this issue of LINK, we will shine more light on Illinois' sunshine laws, including who the laws apply to, what constitutes a meeting or public body, who oversees compliance and what exceptions exist.



Similar but Different: Definitions of Public Body Vary Slightly Under Sunshine Laws

One of the biggest challenges for local officials and the citizens they serve is knowing when a group, event, meeting or record falls under the provisions of the Open Meetings Act (OMA) or the Freedom of Information Act (FOIA) based on the definition of a public body.

County Farm Bureau (CFB) staff and leadership might even wonder if they themselves qualify as a public body while hosting events featuring public officials.

The answer is no. CFBs do not fall under the definition of a public body and therefore are not required to comply under the OMA or FOIA. A private organization does not become a public body simply because it works closely with local officials, participates in matters of public policy or interacts with a unit of government.

The definitions of "public body" under Illinois' OMA and FOIA are very similar, but they are not identical.

The biggest difference is how the two laws treat subsidiary bodies (smaller groups created by a public body, such as committees, subcommittees, advisory boards and task forces).

Under OMA, a public body includes state and local legislative, executive and administrative bodies, as well as boards, commissions and subsidiary bodies that are supported in whole or in part by tax revenue or that spend tax revenue. The General Assembly and its committees and commissions are expressly excluded. The Illinois Constitution contains its own separate requirement that General Assembly sessions and committee meetings be open to the public, though there are times when closed sessions are allowed.

Under FOIA, the definition covers the same tax-supported governmental bodies, boards and commissions. It also includes state universities and colleges, and subsidiary bodies regardless of whether they receive or spend tax revenue.

That difference is intentional. Before 2010, FOIA contained essentially the same tax-revenue language as OMA. Under Public Act 96-542, the requirement that a subsidiary body be supported by or spend tax revenue was removed from the FOIA definition.

Note: Unlike the definition of public body under OMA, FOIA does not exclude the General Assembly or its committees and commissions from the definition.

Comparing public body in Illinois sunshine laws	OMA	FOIA
Main purpose	Opens meetings to the public	Opens government records to the public
Counties, municipalities, townships, school districts, etc.	Yes	Yes
Boards, commissions and committees	Yes	Yes
Subsidiary committees not supported by tax revenue	No	Yes
Subsidiary bodies supported by tax revenue	Yes	Yes
State universities and colleges	No	Yes
General Assembly	Expressly excluded	Yes

Common examples of public bodies included under the Open Meetings Act

- County government: county boards, county board committees, zoning boards of appeals and planning commissions.
- Municipal government: city councils, village and town boards and their committees.
- Township government: township boards and certain committees they create.
- School government: school boards and school board committees.
- Other local government: park district boards, library district boards and fire protection district boards.
- Advisory groups: commissions, task forces, or committees created by a government body to study an issue or make recommendations.
- Committees and subcommittees: smaller groups created by a public body, particularly those supported by or spending tax dollars.

Open Meetings Act Training: Newly Elected Officials Go from the Ballot Box to the Training Table

The November elections are fast approaching, and many soon-to-be-elected officials will be considering what comes next.

Now that the focus on getting elected is winding down, your soon-to-be-elected officials will be turning their efforts to a well-earned victory celebration, and the processes and rules that will need to be followed in those first few months. One of those responsibilities is to comply with the Open Meetings Act (OMA).

As of January 1, 2012, any person who becomes an elected or appointed member of a public body must complete OMA training. The required electronic training curriculum is offered by the Public Access Counselor with the Illinois Attorney General's office.

By law, that training is to be completed no later than the 90th day after taking the oath of office. Most newly elected local officials will take the oath of office on Dec. 7. Those who do will be required to complete the OMA electronic training no later than March 7.

For many of these officials, that training needs only be completed once during their term. It is only OMA designees who are required to take the training annually. Every public body must designate someone to serve as its OMA designee. That person can be an employee, officer or member.

The electronic training is available free of charge through the Public Access Counselor's website at https://www.illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/.



When Can a Public Body Meet Behind Closed Doors?

The Open Meetings Act (OMA) identifies several specific topics that a public body may discuss "behind closed doors", known as a closed or executive session. While closed sessions are the exception and not the rule, the law allows a public body to close a meeting for specific discussions.

A public body cannot just decide that it would be easier to meet on a topic privately. The discussion must fall within one of OMA's statutory exceptions, and the body must follow required procedures before going into a closed session.

The law provides for 40 exceptions, including discussions around:

- Personnel issues, including employment, compensation, discipline, performance or dismissal of an employee
- Selecting a person to fill a vacancy for a public office
- The purchase, lease or sale of property
- Security and safety procedures
- Litigation that has been filed and is pending, or litigation in which the public body is or is likely to become involved
- The placement of individual students in special education programs or disciplinary actions involving students
- The review of closed-session minutes to determine if they should remain confidential or be made available to the public

It's important to note that while the public body can meet in a closed session to discuss an issue covered under the OMA exceptions, they cannot take final action behind closed doors. Final action must be taken in an open meeting. For example, a county board may discuss the performance of an employee during a closed session. If the board decides to dismiss that employee, the final vote must happen in an open meeting.

To enter a closed session, the public body must follow procedures spelled out in the law. A majority of a quorum present must vote in favor of closing the meeting. The vote must be taken in an open session. The public body must make a verbatim audio or video recording of the closed session and must also prepare written minutes. The minutes must include the date, time and place; members present or absent; a summary of matters discussed; and a record of votes taken.

Public bodies must meet every six months or as close to that as is practical to review the minutes of all closed meetings to determine whether the need for confidentiality still exists or is no longer required and the minutes can be made available for public inspection.

OMA's exceptions recognize that while government should generally conduct its business in public, limited confidentiality is sometimes necessary to protect individuals, public resources and the public body's ability to effectively carry out its responsibilities and keep individuals and property safe and secure.

COMMON REASONS THE DOORS CAN CLOSE

Personnel matters
Discussing the appointment, employment, compensation, discipline, performance or dismissal of a specific employee or legal counsel.

Collective bargaining
Discussing collective negotiating matters between the public body and its employees or their representatives, including salary schedules.

Public office appointments
Considering an individual to fill a vacancy in a public office or discussing the performance or removal of an officeholder when authorized by law.

Property acquisition
Discussing the purchase or lease of specific real property for the public body's use, including whether a particular parcel should be acquired.

Sale of public property
Discussing the price at which publicly owned property should be sold or leased.

Litigation
Discussing pending litigation or litigation that is probable or imminent, in which the public body is or is likely to become involved.

Security and Safety
Discussing security procedures, emergency response procedures and the use of personnel or equipment to respond to an actual, threatened or reasonably potential danger to people or public property.

Closed-session minutes
Reviewing previous closed-session minutes to determine whether they should remain confidential or be released to the public.

A FEW IMPORTANT REMINDERS

- Closed session is the exception, not the rule.
- The topic must fit within a specific exception in 5 ILCS 120/2(c).
- A public body generally cannot take final action in closed session.
- Final action must be taken in an open meeting, and the public must be informed.

WHEN IN DOUBT: THE OMA FAVORS OPEN GOVERNMENT.

Failure to Comply with OMA Prompts A Wide Range of Consequences

If a public body violates Illinois' Open Meetings Act (OMA), its actions can be challenged in court or reviewed by the Illinois Attorney General's Public Access Counselor. However, there is a wide range of penalties or corrective action that can be given.

Below is a list of options for corrective action if a public body is found in violation of OMA. However, not every violation results in a formal penalty. Enforcement usually depends on the type and seriousness of the violation.

- Require corrective action: The public access counselor or a court may require the public body to correct the violation, such as releasing improperly withheld information or complying with OMA requirements going forward.
- Court order to comply: A court can issue an injunction requiring the public body to follow OMA or prevent it from continuing conduct that violates the law.
- Payment of attorney fees and costs: A court may award reasonable attorney fees and costs to a person who is successful in a lawsuit.
- Public body action declared invalid: A court may declare action taken at a meeting held in violation of OMA to be null and void, meaning the public body's action may no longer be recognized or legally enforced.
- Criminal penalty for an individual: The most serious consequence applies when a person willfully violates OMA. That is a Class C misdemeanor, which can result in a fine and possible jail time. This criminal penalty is directed at the individual who willfully violated the law, rather than the public body itself.



Understanding Public Posting Requirements Under the Illinois Open Meetings Act

Local government meetings play an important role in shaping decisions that affect farmers, landowners and rural communities. Whether a county board is considering a zoning ordinance, a township is discussing a budget or a municipality is taking action on a development proposal, the Illinois Open Meetings Act (OMA) establishes requirements for providing the public with advance notice of these meetings, including an agenda of items that will be considered.

For farmers and county Farm Bureaus (CFBs), understanding these requirements can help ensure members have a meaningful opportunity to know when local government is meeting and what issues will be considered. For public bodies, understanding the requirements helps ensure that meetings are properly noticed and conducted.

When Must Meetings be Posted?

Regular meetings. Public bodies must establish and publish a schedule of regular meetings at the beginning of each calendar or fiscal year, including the dates, times and locations of those meetings. An agenda must be posted at least 48 hours before each regular meeting. If the public body posts the meeting notice and agenda on its website, those materials must remain available until the meeting concludes.

Special meetings. Notice of a special meeting, including its agenda, must be posted at least 48 hours before the meeting.

Emergency meetings. When an emergency meeting is necessary, notice must be provided as soon as feasible.

Rescheduled meetings. When a meeting is rescheduled, notice and an agenda generally must be posted at least 48 hours before the rescheduled meeting. More information about rescheduled meetings is found below.

Reconvened meetings. A meeting that is reconvened does not require additional notice when it will occur within 24 hours of the original meeting or when the time and place were announced at the original meeting and there is no change to the agenda.

Where Must Notices be Posted?

Meeting notices must be posted at the public body's principal office or, if it does not have a principal office, at the building where the meeting will be held. For public bodies with websites maintained by full-time staff, notice and agendas for meetings must also be posted on the website.

The public body also must provide meeting notices to news media that have filed an annual request to receive them. In addition, at least one copy of the notice and agenda must be continuously available for public review during the 48 hours before the meeting. Posting the materials on a public body's website satisfies this continuously available requirement.

What about Changes to the Meeting Schedule?

There is an important distinction between rescheduling an individual meeting and changing an entire schedule of regular meetings.

If the entire schedule of regular meetings is going to be changed, as opposed to just rescheduling one meeting, 10 days' notice must be given of the change. Notice must be posted by publication in a newspaper or posted in three prominent places within the governmental unit if the population of the public body is less than 500. Additionally, notice must be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice also must be provided to news media that have filed an annual request.

Public bodies may not hold or schedule regular or special meetings on the day of a general primary election, general election, consolidated primary election or consolidated election.

Why it Matters

For farmers and CFBs, monitoring meeting notices and agendas can provide an early opportunity to identify local government actions that may affect agriculture. Checking the meeting schedule and agenda in advance can help Farm Bureau members determine what is being considered, when the discussion will occur and whether participation may be appropriate.

For CFBs, establishing a routine for monitoring county, township and municipal meeting notices can be a useful part of local government engagement. Staying informed early can provide more time to review proposals, communicate with local officials and, when appropriate, engage members in the public process.

Freedom of Information Act Means Public Records Are the Public's Business

The Freedom of Information Act (FOIA) is an Illinois law that gives the public the right to access public records held and maintained by government/public bodies. While the Open Meetings Act focuses largely on providing public access to government meetings, events and actions, FOIA focuses on access to records and information. While certain records are exempt to protect privacy, security or other interests, FOIA generally requires government records to be accessible to the public.

A public record can take many forms. Emails, meeting documents, contracts, correspondence, reports, budget and financial information may all potentially qualify under the FOIA. These documents can be written and electronic.

That means a FOIA request might be used to obtain documents such as:

- County board and committee reports and supporting documents
- Contracts and agreements
- Studies and consultant reports
- Correspondence concerning a proposed project
- Maps and planning documents
- Financial records, including revenue and expenditures
- Zoning and land-use development records

FOIA also establishes procedures and deadlines for responding to requests. Public bodies must respond to standard FOIA requests within 5 business days, either by providing the records, asking for an extension or denying the request based on legal exemptions. FOIA is intended to provide access to existing records. It generally does not require a public body to answer questions, provide explanations or create a new record simply because someone submits a request.

Fees for providing the requested information are established under the law. When requesting multiple "hardcopy" pages, there is no charge for the first 50 pages. After the first 50 pages, the charge may not exceed 15 cents per page. When requesting digital records, there is generally no charge when records are delivered electronically through email or online access. If it is delivered using a storage device, such as a flash drive, the public body may charge for the cost of that device.

Special fees and considerations can apply when large requests are made. FOIA allows public bodies additional procedures and fees for handling large or "voluminous" requests. A voluminous request is considered one that asks for more than five categories of records or more than 20 individual records within a 20-business-day period. If the request is overly large or broad, the public body has the option of asking the requester to narrow the request.

When used as intended, FOIA can be an informative tool for farmers and county Farm Bureaus. Many decisions impacting agriculture are made at the local government level. Obtaining public records on those decisions can lead to understanding and engagement.

FOIA can be used to access more detailed information on issues such as:

- **Land use and zoning**: Applications, staff reports, maps and other records involving zoning changes, special use requests and proposed developments near agricultural property.
- **Property assessments and taxes:** Assessment information, taxing district records and other documents that can help explain how property assessment and tax decisions are made.
- **Roads and infrastructure:** Records involving road improvements or closures, weight limits, drainage and other infrastructure projects affecting local farm operations.
- **Renewable energy and development:** Applications, site plans, studies and agreements involving renewable energy and storage projects.
- **Local government spending:** Budgets, contracts, invoices and other records showing how public funds are being spent.
- **Economic development:** Records involving TIF districts, enterprise zones, development agreements and other economic development programs that may affect farmland and local property taxes.

Understanding FOIA Exemptions Can Set Realistic Expectations

Like the Open Meetings Act, Illinois' Freedom of Information Act (FOIA) revolves around the principle that government information should generally be available to the public. But that does not mean every document, file or record held by a public body must be released. The law contains a narrow list of exemptions that allow certain records or portions of records to be withheld.

FOIA recognizes that there are circumstances when the sharing of information should be restricted. Protecting records dealing with things such as personal privacy, public safety, trade secrets and confidential legal communications, can outweigh the public's interest for disclosure.

An exemption does not necessarily mean an entire document can be withheld. If a record contains both exempt and nonexempt information, FOIA generally requires the public body to remove the sensitive details and make the remaining information available.

For example, a document might contain information that the public has a right to see along with an individual's private information. Rather than withholding the entire document, the private information may be redacted (blacked out) and the remainder released.

A document labeled "confidential," "draft" or "personnel" is not necessarily exempt simply because of its title. The public body must be able to identify a legal exemption for withholding the information.

For county Farm Bureaus, farmers and other residents, understanding FOIA exemptions can help set realistic expectations when requesting records. A public body may have a legitimate reason for withholding some information, but an exemption should not automatically close the door on the entire record.

The goal is balance: protecting information that legitimately needs to remain confidential while keeping the workings of government open and accessible to the people it serves.

COMMON EXCEPTIONS TO THE FREEDOM OF INFORMATION ACT (FOIA)

FOIA promotes transparency, but it also protects certain records from disclosure. Here are some of the most common exceptions:

Personal privacy
Records that would constitute a clearly unwarranted invasion of privacy. Examples: Social Security numbers, personal contact information or medical information.

Law enforcement records
Records compiled for law enforcement purposes, the release of which could interfere with an investigation, reveal confidential sources or endanger a person.

Attorney-client and litigation records
Communications between a public body and its arttorney, and records related to pending or reasonably anticipated litigation.

Security and safety
Records, the disclosure of which could jeopardize the security of a public building, the safety of individuals or security procedures.

Financial and procurement information
Certain financial, commercial and procurement records, such as trade secrets, proprietary information and competitive bidding materials before a contract is awarded.

Personnel records
Certain records related to public employees, including performance evaluations, disciplinary records and other materials, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Pre-decisional and deliberative materials
Drafts, notes, recommendations and other pre-decisional communications used in the deliberative process and not shared outside the public body.

Statutorily exempt records
Records that are specifically exempt from disclosure by other state or federal laws. Examples: Student records (FERPA), certain health records, and driver's license information under the Driver's Privacy Protection Act.

A FEW IMPORTANT REMINDERS

- FOIA requires disclosure of public records, but only to the extent they are not exempt by law:
- If a record contains both exempt and non-exempt information, the public body must release the non-exempt portion (redaction).
- The public body has the burden of proving that an exemption applies.
- When in doubt, FOIA favors disclosure.

TRANSPARENCY IS THE RULE. EXEMPTIONS ARE THE EXCEPTION.

Illinois Local Governments: Be Prepared for FOIA Requests and Litigation

Units of local government throughout Illinois – including drainage districts, fire protection districts, townships, school districts, municipalities and other governmental entities – are receiving extensive Freedom of Information Act (FOIA) requests from private organizations.

One company that has generated a number of these requests is Judiciocracy. At least one other company appears to be making similar requests.

Judiciocracy describes itself as "a media organization committed to providing comprehensive and accurate news coverage on local government affairs." Whatever the stated purpose of these requests, local governments should be aware that responding to extensive FOIA requests can require significant staff time and, in some circumstances, can result in litigation and settlement demands if requests or deadlines are missed.

How Are These Requests Being Generated?

Companies making these requests appear to be using publicly available information concerning Illinois local governments, including information maintained by the State of Illinois Comptroller. This information may include the name and email address of a unit of local government's designated FOIA officer.

FOIA requests are then sent directly to those officers by email. Some requests seek extensive categories of records and may require considerable time to identify, review and produce.

A failure to properly respond to a FOIA request – or a failure to respond within the applicable statutory deadline – can expose a local government to litigation.

Recently, several drainage districts, fire protection districts and other units of local government were named as defendants in FOIA litigation in Champaign County (Case 2026CH000055 in the Sixth Judicial Circuit). Additional lawsuits have been filed in other Illinois counties.

In one demand letter, Judiciocracy stated that "Courts in Illinois have recently awarded us mid-five figures in FOIA cases we have won."

Regardless of the merits of any particular case, these developments provide a good reason for every Illinois local government to review its FOIA procedures now.

What Should Your Local Government Do?

1. Confirm your FOIA officer is properly designated and trained

Make sure your unit of local government has a designated FOIA officer and that the officer has completed the required training. Maintain documentation of the training, including the required certificate, with your governmental records.

If your FOIA officer has changed recently, make sure the new officer has completed the required training and that your internal records have been updated.

2. Check your information with the Illinois comptroller

Verify that the State of Illinois Comptroller's Local Government Division has the correct FOIA officer listed for your organization.

Pay particular attention to the email address. An outdated or incorrect email address could result in a FOIA request being sent somewhere your organization does not routinely monitor.

3. Establish a reliable FOIA monitoring procedure

Your FOIA officer – or another designated employee – should know exactly where FOIA requests are received and should check that account every business day.

Do not rely solely on the FOIA officer noticing a message in a crowded inbox.

Consider establishing a written procedure that addresses:

- Who monitors the FOIA email account
- Who serves as backup when the FOIA officer is absent
- How the date and time of receipt are documented
- How response deadlines are tracked
- Where copies of requests and responses are maintained
- Who should be contacted if a request may require legal review

4. Check the SPAM/JUNK folder

The designated FOIA email account should be checked for messages that have been diverted to a SPAM or JUNK folder or been quarantined by an email security service.

This should be done every business day.

An Illinois Appellate Court case (Balzer v. Northeast Illinois Regional Commuter Railroad Corporation) recently addressed a situation in which a unit of local government

calculated the five-business-day response period from the date its personnel discovered and released a FOIA request that was in quarantine rather than from the date the request was received.

The practical lesson for local governments is simple: FOIA monitoring should include the SPAM/JUNK folder and any emails held in quarantine.

5. Track every FOIA deadline

Illinois FOIA generally requires a response within five business days, subject to the specific provisions of the act. When a request is received, immediately document the date of receipt and calculate the applicable response deadline.

Do not wait until the deadline is approaching to determine who will respond or where the responsive records are located.

For unusual, voluminous or legally complicated requests, contact your local government's attorney promptly rather than waiting until a deadline or potential dispute has arisen.

6. Keep your records organized

A well-organized recordkeeping system can make responding to FOIA requests significantly easier. Local governments should know where their commonly requested records are maintained and who has custody of them.

Good recordkeeping can help your organization:

- Locate responsive records quickly
- Meet statutory deadlines
- Reduce unnecessary staff time
- Identify records that may require review or redaction
- Demonstrate transparency and accountability

Good recordkeeping benefits both the public and the local government.

Don't Wait Until You Receive a Lawsuit

A FOIA request is not necessarily a problem. However, an improperly handled request can become one. Every unit of local government should take a few minutes now to review its FOIA procedures.

Ask yourself:

- Is our FOIA officer properly designated and trained?
- Is the comptroller's information current?
- Is the designated FOIA email account checked every business day?
- Is the SPAM/JUNK folder being checked?
- Do we have a backup person monitoring FOIA requests?
- Do we document the date each request is received?
- Do we have a system for tracking response deadlines?
- Can we quickly locate our records?
- Does our FOIA officer know when to involve our attorney?

If the answer to any of these questions is "no," now is the time to address it. A few simple procedures can help your local government respond promptly and appropriately when the next FOIA request arrives.

Thank you to the Illinois Association of Drainage Districts for their assistance with this article.

This article is intended for general informational purposes and is not a substitute for legal advice concerning a particular FOIA request or litigation.

MAKING A FOIA REQUEST

A person does not need to be an attorney, elected official or member of the media to submit a FOIA request. Any person may ask for public records.

Requests must be made in writing to the appropriate public body. They may be submitted by personal delivery, mail, fax or another method made available by the public body. Under current Illinois law, an electronically submitted request must contain the entire information in the body of the electronic submission. As a cybersecurity measure, no public body is required to open electronically attached files or hyperlinks to view or access details.

A public body may not require that a request be submitted on a standard form, although a form may be provided to help both the requester and the public body determine what is asked. The public body cannot require the requester to specify the purpose for a request.

Public bodies are also required to provide information explaining how to ask for records, identify their FOIA officer(s) and provide the address where requests should be directed. That information must be prominently displayed on the public body's website if it maintains one.

FOIA does not require the information to be handed over immediately but instead, typically allows the public body five business days to address the request. Under certain circumstances, there are provisions in the law that allow for an extension of up to an additional five business days to reply.

The public body can respond by either complying with or denying the request. If denied, the requester must be notified, in writing, as to the reason for the denial.

Understanding the Illinois Statement of Economic Interests: Who Must File and What You Need to Know

Every year, thousands of Illinois public officials, employees, appointees and candidates are required to file a Statement of Economic Interests (SEI). The requirement is part of Illinois' governmental ethics and public-transparency framework and is established by the Illinois Governmental Ethics Act (5 ILCS 420).

Importantly, the requirement extends beyond elected officials. Depending on the position, an SEI may be required for certain candidates, judges, appointed board members, pension board members and public employees with specified decision-making responsibilities.

This article provides general information about Illinois SEIs. Filing requirements, reporting thresholds, forms and deadlines can change, so filers should consult the current instructions issued by the Illinois secretary of state, the Illinois Governmental Ethics Act, their county clerk, ethics officer or legal counsel.

What Is a Statement of Economic Interests?

An SEI is a public disclosure form requiring covered individuals to report certain economic interests and relationships identified by Illinois law. Depending on the circumstances, these may include assets, sources of income, capital gains, debts, gifts, and certain governmental, lobbyist and family relationships.

An SEI generally identifies reportable interests rather than requiring the exact dollar value of each asset or income source.

Who Must File?

Individuals who may be required to file include:

- Elected officials and candidates for elected office
- Members of state boards and commissions and certain gubernatorial appointees
- Judges and judicial candidates
- Local government officials and candidates
- Certain members of governing, planning, zoning, farmland assessment and similar boards or commissions
- Certain public employees with significant decision-making authority, such as some department heads, contract administrators, licensing officials, rulemaking officials, adjudicators and supervisors
- Members of certain pension boards and pension funds

The exact obligation depends on the position and applicable provisions of the act. A job title alone may not determine whether an SEI is required.

Where and When Do You File?

The filing location depends on the position. Some individuals file with the Illinois secretary of state, while others file through the appropriate county clerk or local filing process.

For many individuals subject to the annual filing requirement, the deadline is May 1. Candidates may have additional filing obligations related to their candidacy. Because filing procedures and deadlines can change, filers should review the current year's instructions rather than relying solely on a prior year's information.

What Information Must Be Disclosed?

Illinois law identifies categories of economic interests and relationships that may need to be reported. Reporting thresholds and definitions should be reviewed each year.

Assets and Investments

Depending on the applicable requirements, reportable interests may include:

- Stocks, bonds, mutual funds and exchange-traded funds
- Commodity futures
- Investment real estate
- Trust interests
- Business and partnership interests

The SEI generally identifies the reportable interest rather than requiring its precise dollar value.

Income and Capital Gains

Certain sources of income received by the filer or spouse may need to be disclosed when they meet statutory requirements. These can include employment or business income, dividends, interest, rents, royalties, certain trust distributions and capital gains.

Certain sales or transfers producing capital gains may also be reportable, including information about the transaction date.

Debts and Creditors

Certain debts and creditor relationships may be reportable when they exceed the applicable threshold. Illinois law excludes some common consumer obligations under specified circumstances, including certain mortgages, student loans, automobile loans and credit-card debt. Filers should review the current instructions before determining that a debt is exempt.

Gifts and Other Relationships

Certain gifts may be reportable when they exceed applicable thresholds, including situations involving aggregate amounts. Depending on the circumstances, filers may also need to disclose:

- Employment, contracting or office-holding relationships with governmental entities
- Economic relationships with registered lobbyists
- Certain family relationships involving lobbyists
- Certain family employment relationships involving public utilities

What Generally Does Not Have to Be Reported?

The Ethics Act excludes various categories of personal assets and interests from disclosure, subject to statutory definitions and exceptions. These may include:

- Personal residences and vehicles
- Savings and checking accounts
- Most retirement accounts and pensions
- College savings plans and annuities
- Certain government-issued securities
- Medicare benefits
- Tangible personal property
- Certain inheritances and bequests

Because exceptions can apply, filers should consult the current instructions when determining whether a particular asset or interest must be disclosed.

SEI vs. Campaign-Finance Disclosure

An SEI concerns economic interests and relationships identified by the Governmental Ethics Act. It is not a comprehensive statement of personal finances and is separate from campaign-finance reporting.

Campaign contributions, expenditures and political committee activity may be subject to separate requirements under Illinois election law. Candidates and public officials should determine which disclosure requirement applies to the information they are reporting.

Public Records and Privacy

Statements of Economic Interests are public records. Filers should therefore provide the information required by law without adding unnecessary confidential information.

The Illinois secretary of state advises filers not to include information such as account numbers or Social Security numbers. Where residential information is required, filers should follow the current filing instructions.

What Happens If You File Late?

Failing to file by the applicable deadline can result in financial penalties and other consequences.

For filings handled by the Illinois secretary of state, current guidance provides for a penalty after the May 1 deadline, with substantially higher daily penalties beginning after May 15. Continued failure to file may lead to additional enforcement consequences and, depending on the position, consequences for employment or continued service.

Because penalties and procedures can change, filers should consult the current instructions for the applicable filing year. Filing early also provides time to correct errors or resolve questions.

HOW TO PREPARE FOR A SEI

BEFORE FILING:

1. Review the current year's instructions.
2. Confirm that you are required to file.
3. Gather financial records, such as tax returns and investment statements.
4. Review assets and investments, including jointly held or otherwise covered interests.
5. Review sources of income.
6. Review debts and creditor relationships.
7. Review gifts and potentially reportable governmental, lobbyist and family relationships.
8. Protect confidential information by excluding information the instructions identify as confidential.
9. File early to allow time for questions or corrections.
10. Keep a copy of your filing for future reference.

Conclusion

Illinois' Statement of Economic Interests is an important part of the state's governmental ethics and transparency framework. The requirement applies to a broad range of individuals, not just elected officials.

Anyone required to file should confirm the filing obligation, review the current instructions, gather the necessary information, protect confidential information and submit the SEI by the applicable deadline.

Because Illinois law and filing procedures can change, filers should rely on the current requirements issued by the applicable filing authority and the Illinois Governmental Ethics Act.

This article is provided for general informational purposes only. It is not legal advice, and the authors are not attorneys. Individuals with questions about their specific filing obligations should consult the appropriate government filing authority, ethics officer or qualified legal counsel.



In Other News: Rural Development Grants

Apply Now for an IFB Rural Development Grant

"Rural Ideas. Real Impact." This is the theme of the 2026-2027 Illinois Farm Bureau Rural Development Grant Program – and it captures exactly what the program is designed to do: provide resources to help bring ideas from county Farm Bureaus (CFBs) and community partners to life.

Through the program, IFB supports projects that strengthen rural economic and community development, enhance quality of life and address needs of farmers and rural residents across Illinois.

The Rural Development Grant Program is one of the ways IFB provides value to Farm Bureau members and the rural communities where they live and work. Here are the key details for the 2026-2027 program:

- **Available funding:** A total of **$120,000** is available, including a $100,000 investment from IFB and a $20,000 investment from COUNTRY Financial. Once again, IFB will dedicate 20 percent of the grant funds to projects supporting emergency service providers, including fire, police and/or ambulance services.
- **Applications:** The application period opens **October 1** and closes at **11:59 p.m. Central Time on December 1**. Applications must be submitted online through JotForm. Interested applicants should first contact their local CFB to discuss their project and request the JotForm application link. The application is designed so applicants do not need to be professional grant writers to complete it.
- **Potential applicants:** CFBs have two options: **1)** apply directly and lead a rural development project or **2)** collaborate with local partners who would like to submit an application for a CFB-endorsed project. Potential partners include units of local government (including emergency services), community and nonprofit organizations, economic development groups, small businesses and related entities.
- **Program promotion:** The grant program will be promoted through FarmWeek, FarmWeekNow.com, RFD Radio, LINK, social media, email, external media, partner organizations and a communications toolkit that CFBs can use through their own communication and social media channels.
- **Grant recipient selection:** IFB anticipates selecting and notifying grant recipients by **February 28, 2027**, at the latest. Funds are expected to be distributed through the CFBs in March 2027. Grants will be awarded in conjunction with CFBs, and IFB policy will be considered during the evaluation process to help ensure projects align with organizational priorities. A communications plan is also in place to announce and promote the grant recipients. Following completion of their projects, all grant recipients will be required to submit a Grant Impact Report through JotForm.

For questions or additional information, visit on.ilfb.org/rdgrants2026, where you'll find more details about the program, Frequently Asked Questions, testimonial videos and news stories about past recipients. Potential applicants are encouraged to read the FAQs before applying and to contact their county Farm Bureau with questions. You can also email RDGrants@ilfb.org.

A special thank you goes to **COUNTRY Financial** for its continued investment in the program, and to all of the **county Farm Bureaus** whose involvement makes this program possible. CFBs play an important role throughout the process – as applicants or endorsers, distributors of funding to successful applicants and partners directly engaged with projects in their communities and counties.

IFB looks forward to another year of supporting **"Rural Ideas. Real Impact."** to help turn impactful ideas into projects that benefit rural Illinois while also providing opportunities to build new relationships and strengthen connections between county Farm Bureaus and local partners.

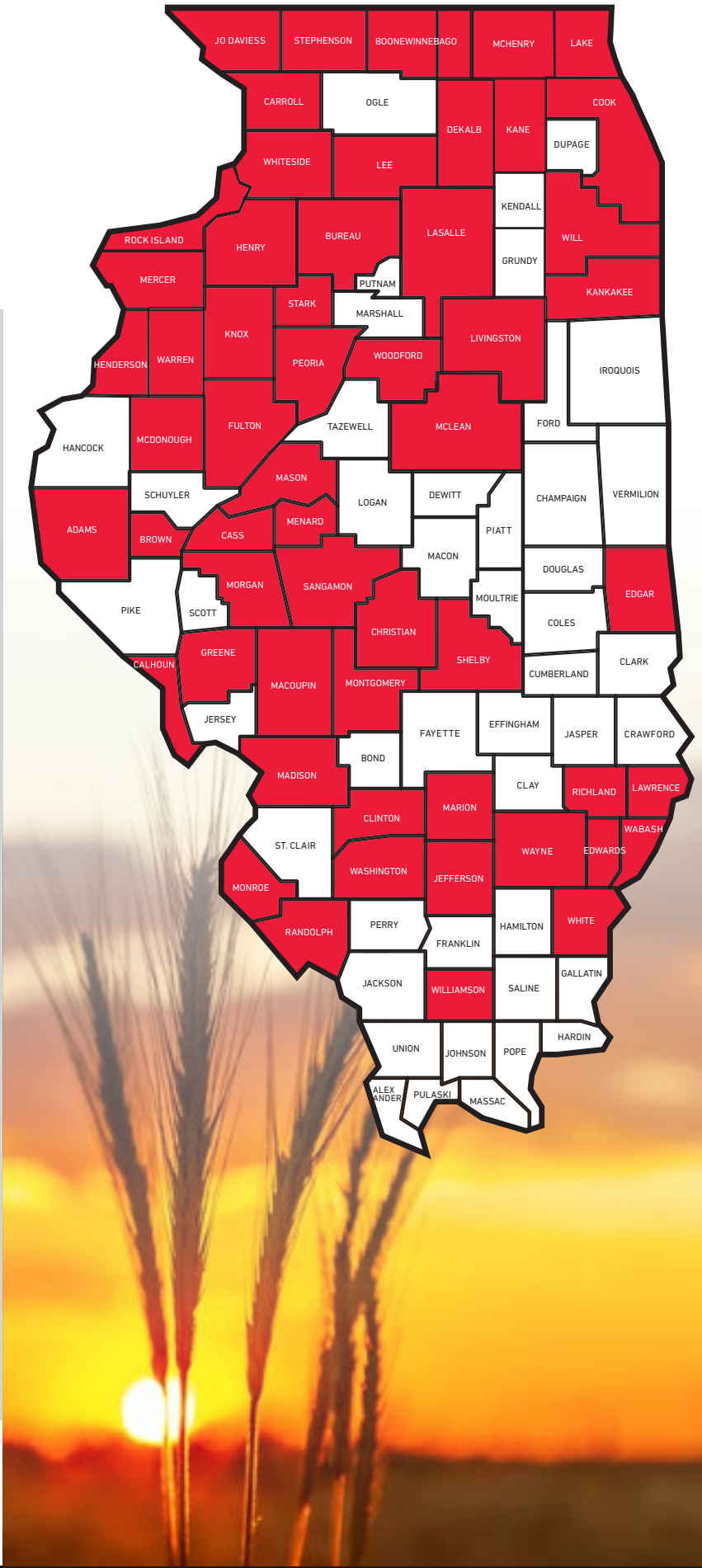


Rebecca Perry (Edwards County Farm Bureau), Ashely Spray & Heather Spray (West Salem Athletic Association), Matt Lynch (Edwards County Farm Bureau Board member), and Jason Arnold & Harvey Fenton (West Salem Fire Department) pose with the emergency medical equipment for the West Salem Community Park & Ballfield.

Thank You, County Farm Bureaus!

To date, 57 county governments have become Allies in Agriculture by partnering with their county Farm Bureaus to adopt or re-adopt a Pro-Agriculture Resolution during the 2025 – 2026 cycle:

1. Adams
2. Boone
3. Brown
4. Bureau
5. Calhoun
6. Carroll
7. Cass
8. Christian
9. Clinton
10. Cook
11. DeKalb
12. Edgar
13. Edwards
14. Fulton
15. Greene
16. Henderson
17. Henry
18. Jefferson
19. Jo Daviess
20. Kane
21. Kankakee
22. Knox
23. Lake
24. LaSalle
25. Lawrence
26. Lee
27. Livingston
28. Macoupin
29. Madison
30. Marion
31. Mason
32. McDonough
33. McHenry
34. McLean
35. Menard
36. Mercer
37. Monroe
38. Montgomery
39. Morgan
40. Peoria
41. Randolph
42. Richland
43. Rock Island
44. Sangamon
45. Shelby
46. Stark
47. Stephenson
48. Wabash
49. Warren
50. Washington
51. Wayne
52. White
53. Whiteside
54. Will
55. Williamson
56. Winnebago
57. Woodford



For more information on Allies in Agriculture please visit: https://www.ilfb.org/advocacy/allies-in-agriculture