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# Wisconsin Legislative Council



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## OPEN MEETINGS LAW AND PUBLIC RECORDS LAW GUIDANCE FOR PUBLIC MEMBERS OF LEGISLATIVE COUNCIL STUDY COMMITTEES

### The Open Meetings Law

The study committees of the Joint Legislative Council (JLC) are subject to the Wisconsin Open Meetings Law (OML), ss. 19.81-19.98, Stats., which requires any meeting to receive public notice and be held in open session. A meeting is presumed to occur whenever one-half or more of the members assemble to discuss, gather, or exchange information about matters within the scope of the study committee. A meeting may also be presumed to occur when a number of electronic or in-person communications, among individual members or small groups of members, result in collaboration among one-half or more of the members to gather or exchange information about matters within the scope of the study committee. (This is commonly called a “walking quorum.”) Thus, we recommend that members take steps to avoid a group discussion about such matters outside of a noticed meeting. In particular, members should not send electronic communications about such matters to one another via group messaging, or a “reply all” function, due to concerns about a potential walking quorum.

For more information regarding the OML, see Legislative Council (LC) staff publication [IM-2020-18, \*The Open Meetings Law\*](#).

### The Public Records Law

The Wisconsin Public Records Law (PRL), ss. 19.31-19.39, Stats., applies to records created by the JLC study committees and their members. Members of a study committee who create records relating to study committee activities should be aware that such records may be subject to a public records request under the PRL, and they must ensure that copies of any such records are presented to the legal custodian for PRL response and retention. As provided under s. 19.33 (4) and (5), Stats., the LC staff is the designated legal custodian of the records of the JLC and its study committees. Thus, for example, if a member uses email or text communications for study committee activities, they should forward a copy of the communication to the study committee’s designated LC staff, or include LC staff in the carbon copy (CC) field, to ensure proper records retention. Also, if a member receives a public records request in regard to their study committee, that request should be forwarded to the LC staff as the legal custodian of the records.

For more information regarding the PRL, see LC staff publication [IM-2020-19, \*The Public Records Law\*](#).