



Nonprofit board meetings are typically not required to be open to the public. However, sunshine laws require certain organizations to open their board meetings to anyone who wants to attend.

WHAT ARE SUNSHINE LAWS?

Sunshine laws, also called open meeting laws, are state laws that were written to provide transparency and accountability in government.

WHICH NONPROFITS ARE IMPACTED?*

Nonprofits that receive or disburse state funds.

Nonprofits that perform a government function or have a government contract.

Nonprofits that have government officials on the board or whose board is appointed by government officials.

Nonprofits that receive public funding need to look closely at the laws specific to their state to determine whether they are applicable.

WHAT IS INCLUDED IN SUNSHINE LAWS?

Sunshine laws have many components, but the specifics vary from state to state. The major sections usually include:

- A basic statement of the law that provides definitions for the terms used.
- Notification requirements for regular meetings.
- Requirements for location of the meeting.
- Regulations for recording minutes.
- Requirements for special and emergency meetings.
- Allowances for closed meetings and executive sessions.
- Enforcement and punishment for violation of the law.

*These are the main categories, but there are many variations, and in some states more than one of these categories apply.

WHAT MEETINGS CAN BE CLOSED?

Organizations that fall under sunshine laws can have closed meetings for specific purposes. Standard allowances are for:

- discussions with an attorney about court cases or potential court cases
- personnel issues
- certain financial issues such as the purchase of real estate
- disciplinary action or student records
- security arrangements
- patient care issues
- labor negotiations
- tax matters

In addition, the board can get together privately for social purposes, retreats, or other situations that do not involve discussing organizational business.

WHAT MEETING PROCEDURES MUST BE FOLLOWED?

Notice – The organization must publicize the date, time, and place of the meeting enough in advance to allow interested people to be aware of the meeting.

Agendas – Agendas should provide a description of the items that will be addressed at the meeting with enough specificity that the public is able to understand what will be discussed.

Public access – Sunshine laws require public access to meetings so all interested parties can attend. The time of the meeting also must be conducive to public access, so a meeting held at three in the morning would be in violation of the law.

Public comment – Very few states require the board to allow for public comments or statements. Open meeting laws are intended to allow the public to be present to observe a business meeting, not to require board meetings to become town hall forums.

Minutes – Most states require minutes to be taken at all meetings (regular, special, emergency, or closed) and that the minutes of open meetings be available to the public. State laws vary as to the specific information that must be included in meeting minutes.

TIPS FOR GOVERNING UNDER SUNSHINE LAWS

- **Recruit board members who are serious about serving the public and public interest and who are comfortable with being scrutinized by the public.**
- **Incorporate a discussion of sunshine laws into new board member orientation to ensure that all board members fully understand their roles and expectations during board meetings.**
- **Formally educate the organization's members and the general public about the state's sunshine laws.**
- **Get to know fellow board members but be very careful not to discuss organizational business outside the boardroom.**
- **Look to committees and task forces, rather than individual board members, to handle the board's detail work.**
- **Develop governance policies that stipulate what information should be discussed by the board and when.**
- **Construct meeting agendas that invite discussion but do not overwhelm the board or public with information that is difficult to process.**
- **If the public is allowed a voice and if the state laws do not stipulate otherwise, set a specific timeframe or length for the open segment of the meeting.**

Resources: [Board Fundamentals](#), [Open Meeting Laws and Nonprofit Organizations](#), [Sunshine Laws](#)