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## Open Meetings Law FAQ 4

Can members of a governmental body violate the open meeting law by communicating regarding city or village business via telephone or e-mail?

Yes, members of a governmental body can violate the open meeting law by communicating regarding city or village business if there is communication amongst a sufficient number of the members. The Wisconsin Supreme Court has held that the open meeting law applies whenever members of a governmental body meet to engage in government business, whether it's for purposes of discussion, decision or information gathering, if the number of members present are sufficient to determine the parent body's course of action regarding the proposal discussed at the meeting. *State ex rel. Showers*, 135 Wis.2d 77, 398 N.W.2d 154 (1987). In *Showers*, the court recognized that members of a governmental body can violate the open meeting law by participating in what is called a "walking quorum." A walking quorum is a series of gatherings among separate groups of members, each less than quorum size, who agree, tacitly or explicitly, to act and vote in a certain manner in numbers sufficient to reach a quorum. See Informal Op. Att'y Gen to Paul Kritzer dated August 20, 1996; 69 Op. Att'y Gen. 143 (1980); and League opinion Governing Bodies 339.

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