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Sunshine Act Update: PA Act 103 of 2026

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On October 22, 2026, Pennsylvania Governor Shapiro signed Act 103 of 2026, which **changes the language of the Sunshine Act to set limits on the reasons for which a government agency may add an item of business to its agenda during a meeting.** The changes effectively eliminate the catch-all "Majority Vote Clause" and reverse the impact of the *Coleman v. Parkland School District* decision. **The changes go into effect December 21, 2026.**

Under the Sunshine Act, an agency must post a meeting agenda on its website at least twenty-four (24) hours before a meeting (the "24-hour Notice Rule"). Under the amendments made by Act 103 of 2026, the agenda may be changed within 24 hours of the meeting **only** if one of the following exceptions applies:

- A "matter of agency business relating to a real or potential emergency involving a clear and present danger to life or property." 65 Pa. C.S. § 712.1(b);
- A matter that "arises or is brought to the attention of the agency within the 24-hour period prior to the meeting" and "the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency." 65 Pa. C.S. § 712.1(c);
- A matter brought to the attention of the agency by a "resident or taxpayer" during a meeting. Under this exception, the agency may "take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting, or, if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter." 65 Pa. C.S. § 712.1(d).

In 2025, the Pennsylvania Supreme Court had ruled that the then-existing wording of the Sunshine Act – which stated, "Upon majority vote of the individuals present and voting during the conduct of a meeting, an agency may add a matter of agency business to the agenda" – created a fourth exception to the 24-hour Notice Rule. **Act 103 of 2026 clarifies that the *reasons* an item may be added to the agenda are limited to the three exceptions described above, while a majority vote is part of the *procedure* for amending the agenda.**

To properly invoke one of of the three exceptions to the 24-hour Notice Rule, an agency must use the following procedures:

- Announce the reasons for the proposed agenda change at the meeting;
- Hold a separate vote to add the matter to the agenda before taking action on the item; and
- Post the amended agenda on the agency's website to reflect the change no later than one (1) business day after the meeting. 65 Pa.C.S. § 712.1(e).

When an agenda is amended under any of the four exceptions, the meeting minutes must reflect the substance of the added matter, including the reasons for the addition and the voting results. 65 Pa.C.S. § 712.1(f).

As always, section 710.1 of the Sunshine Act obligates an agency to ensure an opportunity for public comment on "matters of concern, official action or deliberation" before a board takes official action. Although

the Sunshine Act and the Coleman court did not address the issue of public comment for added agenda items, our recommendation is to allow public comment on an item added to the agenda mid-meeting before voting on that item to ensure full compliance with Sunshine Act requirements.

If you have questions about the Sunshine Act or other public governance issues, please reach out to one of our Governmental Practice attorneys or call us at 814-459-2800.



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