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Sunshine Protection Act of 2026: Latest Update Closes Agenda Loophole

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OCTOBER 22, 2026

A Briefing Summary for Municipal Officials

Governor Josh Shapiro has just signed the Sunshine Protection Act of 2026, tightening the rules for adding last-minute items to public meeting agendas. The measure was not unexpected as it responds to a recent Pennsylvania Supreme Court decision that gave government bodies more flexibility to act on matters not listed on an agenda 24 hours in advance. For the governing bodies of municipalities, such as councils, township boards, and other local agencies, now is a good time to review how agendas are prepared and amended.

Background: The 24-Hour Notice Requirement

The Sunshine Act generally requires state and local agencies to publish their meeting agendas at least 24 hours before a public meeting. The idea is straightforward: residents should know what their government plans to discuss and act upon and have a fair opportunity to participate. The Act currently allows a late revision to an agenda item in three situations:

- Emergency matters;
- Last-minute issues that are *de minimis* in nature; and
- Matters raised by a resident or taxpayer during a public meeting which would require an immediate vote or referral to staff.

The Act also provides that a government body may add an item by a simple majority vote. The question in recent litigation focused on the interpretation of whether that language created a separate, fourth exception or simply described the procedure for using one of the three existing exceptions.

The Supreme Court Decision

The issue arose in 2021, when a Lehigh County school board added an item to its agenda at the last minute and voted to ratify a teachers' union contract. Jarrett Coleman, now a state senator, challenged the board's action, arguing that a majority vote alone was not enough and that one of the Act's other exceptions also had to apply to allow the item to be added to the agenda and voted on by the Board. In late 2025, the Pennsylvania Supreme Court disagreed, based primarily on the use of the word "or" vs. "and" in the Act. The Court's decision effectively allowed local agencies to treat a majority vote as an independent basis for bypassing the 24-hour notice rule and the three other exceptions listed.

What the Legislation Does

The new bill, sponsored by Senators Patrick Stefano (R-Fayette) and Jarrett Coleman (R-Lehigh), would close that loophole. The proposed bill makes clear that a majority vote is required to add an item to the agenda within 24 hours of the meeting, but that one of the other three exceptions in the Act must exist as the basis for the late addition. In short, a majority vote to revise the agenda is not an exception in its own right. The Senate passed the bill unanimously in June, and the House approved it 182–21 on what was expected to be the final formal voting day of the two-year legislative session. Once signed by the Governor, the law would take effect in 60 days.

Considerations for Municipalities

If the bill becomes law, municipal officials and staff should keep a few practical points in mind:

- **Do not rely on a majority vote alone.** A last-minute item should fit one of the recognized exceptions: an emergency, a *de minimis* matter, or an issue raised by a resident or taxpayer that calls for immediate action or referral.
- **Describe agenda items clearly.** The public should be able to understand the action the governing body is considering.
- **Plan routine business ahead of time.** The bill does not include an exception for administrative hardship, so permit approvals, minor repairs, and similar matters should appear on the published agenda whenever possible.
- **Review local procedures.** Municipalities may want to consult with their solicitor and revisit their process for preparing and amending agendas.

Conclusion

In short, the bill returns Pennsylvania to a narrower reading of the Sunshine Act. Public bodies can still address genuine emergencies and other limited last-minute matters, but they can not avoid advance notice simply by taking a majority vote. As Senator Coleman stated, “Transparency only works when the public can see what’s coming.” Municipalities should prepare now by making sure their agendas are timely, clear, and complete. If you have any questions on this or another Municipal Law concern, please contact me or any member of our Municipal Law group.

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