

2014 Legislative Priorities

Washington Coalition for Open Government has established the following four priorities for legislative action during the 2014 legislative session. The Coalition encourages its members and concerned citizens throughout Washington to contact members of the Legislature and encourage their support for these priorities.

1. Oppose Further Weakening of the Public Records Act. Agencies should not have discretion to reject or enjoin requests or requesters they subjectively deem “harassing” or “abusive”. The legislature should not increase the cost of inspecting or copying public records, or make it more difficult to hold agencies accountable for failing to comply with the law. Agencies should implement cost management measures already in the law before seeking to weaken the PRA or further raise costs for requesters. Proposed new exemptions must be carefully examined to ensure they are in the public interest, protect privacy or trade secrets, deter crime, or encourage provision of necessary information that would not otherwise be provided, and that they do not reduce government accountability.

2. Require Training for Every Elected or Appointed Official and Every Government Employee on basic open government principles, including their responsibility to preserve and disclose records. Require every member of councils, boards and commissions subject to the Open Public Meetings Act to be trained on its requirements. Training should be developed in conjunction with the Attorney General, and be concise, web-based, and available at low or no cost. Such training will avoid penalties, attorney fees and court costs due to violations, while improving public trust.

3. No Executive Privilege. The state Supreme Court recently declared that the separation of powers in the Washington state constitution implies an “executive privilege”, thereby allowing the governor to conceal public records at will and shift the burden of proof to the requester to establish that releasing the records is in the public interest. The state constitution should be amended to clarify that no such privilege exists, and that records of the governor and other state executive officers belong to the people and are fully disclosable under the Public Records Act unless exempt under statute law created by the legislature or the people.

4. Oppose Automatic Sealing of Juvenile Court Records. Automatic sealing is contrary to the state constitution, which requires justice to be administered openly, and would make it nearly impossible for the public to be aware of how juvenile offenses are handled, to hold public officials accountable for the decisions they make with regard to juvenile offenders, or to detect bias in the juvenile courts on the basis of race, gender, sexual orientation, economic status, political connections, or other factors. Concerns regarding discrimination against people with juvenile court records should be addressed by directly addressing the discrimination, not by allowing juvenile courts to operate in secrecy.

The following additional items of concern to open government advocates will be also be supported:

- Improve preservation of and access to electronic records.
- Require an opportunity for public comment before final action is taken under the OPMA.
- Create an exemption in the PRA for audio and video recordings of lawfully closed meetings.
- Create a private right of action under the PRA for improper destruction of public records.
- Make court administrative records available under the PRA.
- Restore the original intent of the attorney-client communications exemption in the PRA.
- Preserve the Sunshine Committee.
- Prevent agencies from initiating lawsuits or discovery against public records requesters.
- Fund the Open Government Ombudsman as a permanent, full-time position.
- Create a voluntary mediation program to reduce the cost of resolving PRA and OPMA disputes.
- Restore funding for superior and appellate courts and for the Washington State Archives.
- Oppose creation of a broad PRA exemption for driver license numbers.
- Fund capital equipment upgrades for TVW.