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## New England First Amendment Coalition

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SENT VIA EMAIL TO [JWHITE@LEG.STATE.VT.US](mailto:JWHITE@LEG.STATE.VT.US)

Sen. Jeanette White  
Vermont State House  
115 State Street  
Montpelier, VT 05633-5301

March 20, 2018

Dear Senator White,

I'm writing on behalf of the New England First Amendment Coalition, a regional non-profit organization that advocates for government transparency. Our coalition includes journalists, First Amendment attorneys, academics and other proponents of the public's right to know.

NEFAC is concerned with House Bill 700, "An Act Relating to the Open Meeting Law and Meeting Minutes." This legislation is unnecessary and addresses a problem that can already be avoided by state agencies and municipalities. If passed, this bill will weaken the state's open meeting law and make it more difficult for Vermont residents to obtain timely information about their government.

We respectfully ask that the Government Operations Committee reject this bill or take no action. If HB 700 is to be considered, however, please provide an opportunity for the public to testify in opposition.

It's our understanding that HB 700 was introduced after a single town office failed to post the minutes of a meeting that occurred last November. Because no one at the office worked Veterans Day weekend, the staff there claimed there wasn't an opportunity to post minutes of the meeting within five calendar days as the law requires. This bill, if passed, addresses that scenario by exempting certain holidays from the five-day deadline and providing more time for minutes to be posted.

But more time is not needed.

The five-day deadline has been in effect for many years without issue. The law was even clarified recently — the phrase "calendar days" used rather than "business days" — to emphasize the urgency in which meeting minutes must be posted. At a time when minutes can be drafted on a laptop and uploaded remotely to a website at any hour, we believe — as did the state legislature — that five calendar days is sufficient.

Please remember, prior to the Internet when meeting minutes had to be manually typed and hard copies posted by hand at town offices, there existed an even shorter deadline of three days. Not one public office has been prosecuted under the open meeting law for failing to post minutes — even under the older more stringent deadline.

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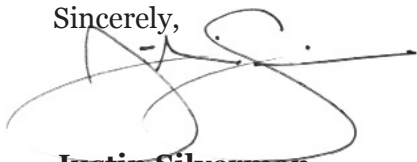


As is the case for most employees working around the holidays, deadlines can often be met with proper planning. Public meetings, for example, can be scheduled on days not quickly followed by long weekends. Rather than legislating a solution for an avoidable problem, we respectfully ask that your committee preserve the current deadline. We understand the difficulty of running small town offices with few employees. Meeting deadlines around the holidays can be a burden, but our emphasis on transparency is — as Secretary of State Jim Condos wrote earlier this month in honor of Sunshine Week — “an appropriately placed burden. The people have the right to know.”

As an advocate for government ethics and last year’s New Voices bill which provided valuable protections to student journalists, you certainly understand the need for accountability and information. While it may seem that HB 700 is simply a small accommodation, please consider whether it is actually needed, particularly when transparency is the price your constituents will pay. Even small concessions can shift the focus away from the people’s right to know and begin to erode the principles on which Vermont’s open meeting law stands.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Silverman", with a long horizontal line extending to the right.

**Justin Silverman**  
Executive Director



New England  
**First Amendment** Coalition