



**Testimony of Kimberly McCullough, Policy Director
In Support of the Addition of a Sunshine Committee to HB 2101
House Committee on Rules
April 25, 2017**

Chair Williamson and Members of the Committee,

Thank you for the opportunity to submit comments in support of the addition of a Sunshine Committee to HB 2101, which would help inform the review and analysis of Oregon's public records law exemptions.

We previously submitted comments on February 21st in support of HB 2101, which as originally drafted would prompt the legislature to periodically reevaluate our Public Records Law and its exemptions. We believe a critical examination of the use of exemptions will promote transparency, which will in turn make government more open and accountable to the people and promote public trust. Please refer to our February 21st testimony (attached) for a discussion of why we believe this type of review is so necessary for open government in Oregon.

We are now submitting testimony in support of the addition of a Sunshine Committee to HB 2101. Our hope is that such a committee would include a diverse group of lawmakers, public records experts, community members, and advocates for open government. This committee would ensure that the process of reviewing and improving Oregon's Public Record Law is transparent and meaningfully engages the public. We understand that similar committees in other states (for example, Washington, Maine and Virginia) are open to the public, transparent, and help ensure public trust.

For these reasons, we urge you to amend HB 2101 to include a Sunshine Committee. Please feel free to contact me if you have any questions, comments, or concerns.



**Testimony of Kimberly McCullough, Legislative Director, ACLU of Oregon
In Support of HB 2101
House Committee on Rules
February 21, 2017**

Chair Williamson and Members of the Committee,

Thank you for the opportunity to submit comments in support of HB 2101, which creates a schedule for sunsets on Oregon's public records law exemptions.

HB 2101 would prompt the legislature to periodically reevaluate our Public Records Law and its exemptions. This critical examination of the use of exemptions will promote transparency, which will in turn make government more open and accountable to the people and promote public trust.

Journalists, concerned citizens, and others with a need—and right—to know how our government is working often can't get that information or are hindered by the difficulty of wading through Oregon's complex and ever-expanding public records laws.

Over the years, the exemptions to our public records laws have continued to multiply. Every year the legislature adds new exemptions, adding more and more secrecy to state government. The list of exemptions continues to grow, yet it is rare that an exemption is reassessed to determine if it is truly serving the people of Oregon or even the purpose it was designed for.

This ongoing expansion of public records exemptions, with no correlating retraction or reexamination, runs contrary to Oregon's strong values of open and transparent government.

Open government is a cornerstone of democracy. It enables the public and the press to play a watchful role in curbing wasteful government spending and guarding against corruption and misconduct. It permits the people to be engaged in their governance. Indeed, openness is a prerequisite for trust, which has often been in short supply both here in Oregon and across the country.

By keeping its actions open to scrutiny, government can show the public that it has nothing to hide, while helping cast light on inappropriate or unlawful activity when it does occur. As explained by United States Supreme Court Justice Louis Brandeis, "Sunlight is...the best of disinfectants."¹

For these reasons, we urge you to support HB 2101. Please feel free to contact me if you have any questions, comments, or concerns.

¹ Louis D. Brandeis, *Other People's Money and How the Bankers Use It*, 92 (1914), New York, Frederick A. Stokes Co.