



The League of Women Voters of Oregon is a 102-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

Hearing Date: February 10, 2022

To: [Representative Barbara Smith Warner](#), Chair
[House Committee on Rules](#)

Re: [HB 4140](#) – Public meetings and OGEC oversight – **Support**

Since endorsing the public meetings concept in 1974, the League of Women Voters of the United States (LWVUS) has maintained the position that:

... democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

Oregon has similar public policy goals. The state's 49-year-old open meetings law declares its rationale as follows:

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ... [this law] that decisions of governing bodies be arrived at openly. (ORS 192.620)

Yet recent oversight of our open meetings law has revealed deficiencies in this law which are easily correctable. The publication of the Secretary of State's Oregon Audits Division last year ("Oregon's Ethics Commission and Laws Could Be Better Leveraged to Improve Ethical Culture and Trust in Government"; Report 21-14) included a recommendation that OGEC strengthen the ethical culture among public officials by, among other things, "implementing ethics training requirements" (summary; pp. 22-23).

HB 4140 presents an opportunity to further these goals, and correct these deficiencies. It would expand the duties of Oregon Government Ethics Commission (OGEC) to conduct investigations, make findings, and impose penalties for violations of public meetings law, and make related changes. The LWVOR joins with the voices of other Oregon citizens and organizations in urging a more active and effective role for an agency which is essential to public confidence in the actions of elected and appointed state and local officials, and which has proven its value over time: the Oregon Government Ethics Commission.

This version of the bill is the product of extensive discussions among affected stakeholders. The provisions of the bill, which particularly address the LWVOR's goals of ethical conduct of public officials, acknowledgement of existing laws, accountability, and transparency, include:

- A prohibition on conduct (*public* meetings in violation of Oregon's open meetings law) without any enforcement mechanism encourages violations with literal impunity, thus increasing disrespect for the law. The bill would allow the OGEC to act on alleged violations of **public meetings**, not just Executive Sessions (proposed ORS 192.685(2)).

- Administrative complaint **processes** can be swifter and more nuanced than the current blunt remedies of court proceedings, or recall of elected public officials.
- The **training** requirements for public officials are intended not only to reduce the number of occurrences of inadvertent violations, but to prevent them from arising, by training incoming members of public bodies. Preventive training is a far better bulwark against public meetings violations than the cumbersome, lengthy, and expensive remedy of a lawsuit.
- If the OGEC elects to impose a **penalty**, the penalty is a personal liability to the offending official and may not be paid or indemnified by the governing or public body (proposed ORS 244.350(a)). Such a penalty would constitute a meaningful deterrent for an official to engage in unlawful conduct.

We urge your support of HB 4140.

Thank you for the opportunity to discuss this legislation.



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