# J.H. Snider’s Testimony before the Maryland House of Delegate’s Committee on Health and Government Operations

# Concerning House Bill 139, Open Meetings Act -- Training

# Thursday, February 7, 2013

Good afternoon. My name is J.H. (“Jim”) Snider. I am the President of iSolon.org and a Fellow at the Edmond J. Safra Center for Ethics at Harvard University. I have testified extensively before the Maryland General Assembly’s Joint Committee on Transparency and Open Government.

I applaud the intent of House Bill 139, including its intent to disseminate high quality, low cost, and easily accessible knowledge about Maryland’s Open Meetings Act. It also takes praiseworthy steps to ensure that ignorance of the law is no excuse for violating the law.

However, it is vital that such training be made available and directed to the general public, as well as to public officials. The point of the open meeting laws, after all, is to empower the public. To the extent the public lacks reasonable access to information about its right, its rights become meaningless.

In an age of Wikipedia, YouTube, and free online courses on just about any subject under the sun, it is inexcusable that no free online training exists for the public to understand its own rights-to-know. If the current online documents are inadequate for public officials, they are even more inadequate for your constituents.

Unfortunately, training materials for public officials and the public may need to be somewhat different. For example, the public needs to understand that there is a huge difference between the spirit and the letter of the Open Meetings Act and that in Maryland the boilerplate right-to-know sections of the law aren’t worth the paper they are written on if it’s not in the self-interest of a public body to comply with them. Members of public bodies either already know this or quickly come to know it. But members of the public are rarely as sophisticated, and I believe this is the public’s greatest confusion about Maryland’s right-to-know laws, including its Open Meetings Act. This confusion also wastes needless resources of public bodies and the Open Meetings Compliance Board, as they have to deal with complaints that I believe you would agree are hopelessly naïve.

If I had to choose between good training materials for public officials and the public, I’d choose the latter. But I see no need to choose. The adjustments in online training materials needed to make them useful for the general public are relatively minor. Moreover, once an online course is created, the cost of disseminating it has become small enough that it is no longer a reasonable objection to widespread public availability. If you are told otherwise, just look at YouTube.

Right-to-know laws without a meaningful right to access them can render them practically irrelevant. Thanks to new information technology, we can alleviate this problem. Let’s take advantage of this opportunity to do so.

#