Good afternoon. My name is J.H. (“Jim”) Snider. I’m the president of iSolon.org, and I support SB17.

I would like to give you a few examples of the type of problems SB17 would help address.

This week the Anne Arundel School Board Nominating Commission has gotten front page coverage in the *Capital* for failing to follow due process in nominating school board candidates. It was required to hold two public hearings before nominating school board candidates but in fact only held one.

Another way it has failed to follow due process is by failing to post public meeting minutes. As specified by Maryland statute, every year the Nominating Commission meets to nominate at least one individual to the Anne Arundel School Board. Currently, it is missing minutes from three of its last four election cycles, including all minutes from 2013 and 2014. There recently was a change in leadership to the Nominating Commission and no one any longer even seems to know where those minutes are held. The Nominating Commission also has no physical location; it just comes together at a place of its choosing when it needs to conduct a public meeting. A consequence is that the Nominating Commission partially operates under secret law. Citizens cannot find the minutes where the SBNC passed the motions that dictate its election procedures.

Another example concerns the minutes of the Anne Arundel County School Board concerning the rules for its Countywide Citizen Advisory Committee. Some years ago I was the Chair of that public body and discovered that for years it had been ignoring and outright violating the rules governing it in the school board policy manual. A dispute arose as to what was the original intent behind those rules, but the minutes from the 1970s to the late 1990s concerning the passage of those rules could not be found. I asked the superintendent’s office, the school board attorney, and school board members to locate the minutes but none could do so. I then went to the State Archives and found minutes from the early 1970s but discovered that since then AACPS had not archived its minutes there. Ironically, despite the advent of electronic and inexpensive meeting minutes technology, the meeting minutes records from the middle of the 20th Century were much better than for the last forty years. I’m sure all of you know about the importance of legislative intent in the interpretation of law; for example, Maryland attorney general opinions routinely cite votes and floor comments when legislation is passed. So I won’t bore you with a description of the loss that occurs when legislative intent is not possible to determine because relevant records are either lost or not kept.

I also want to point out a few ways SB17 doesn’t go far enough in protecting the public’s right to know.

First, public meeting records should be retained for at least 2 election cycles for any public body. For example, in the case of the Anne Arundel School Board Nominating Commission, that would be 8 years; in the case of the Anne Arundel County Board of Education, 10 years. The bill here only proposes increasing the retention period from 1 to 5 years. In truth, I see no good excuse for preserving public meeting records for less than hundreds of years, as the cost of doing so is now trivial and the relative benefit great.

Second, public meeting records should be in a machine readable format rather than scanned. If we can require high school students to type their papers when they submit them to their teachers online, we can require adults to type their minutes and other public meeting records when they submit them for public posting.

Third, public bodies should not be allowed to prevent public meeting records from being open to the Internet by preventing search engines from crawling them; in more colloquial terms, it should be possible to Google public meeting records. Although it takes a mere click of the mouse to prevent this from happening, it should be a felony to do that because of the gross contempt it reveals toward democratic accountability.

Fourth, public bodies should not be allowed to delete public meeting records already in electronic form. This could be accomplished by the agency preserving the records themselves or, better yet, forwarding them to the State Archives for public access. There is simply no good excuse anymore for allowing public bodies to delete electronic public records.

Fifth, where local public bodies claim hardship, the proper remedy is not to absolve them from democratic accountability but to offer them an appropriate cloud-based public records tool provided by the State Archives. Even elementary school kids today can enter data in a web-based form.

In conclusion, there is a long tradition in Maryland of local public bodies whining about the high cost of keeping decent and accessible public records. Most of those arguments would be laughable except that they have been successfully used to preserve the status quo. I originally come from Vermont where communities a hundredth the size and far poorer than those in Maryland completely outclass those in Maryland regarding their public meeting record keeping and public access. More than a decade ago I wrote about this contrast between Maryland and Vermont in an article for the *National Civic Review* entitled “Should the Public Meeting Enter the Information Age?” Sadly, little has changed since then.

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