

Public records bills boost transparency

Hearing spotlights two measures to add teeth to document requests, deadlines

By MARK MILLER
Oregon Capital Bureau

In 2017, Oregon Gov. Kate Brown signed reforms into law to promote government openness and transparency.

Two years later, some state officials and advocacy groups say there is more work to be done to strengthen Oregon's public records law. A trio of bills dealing with public records is set for a committee hearing Wednesday and more are on the way.

House Bill 2353 and House Bill 2431, both introduced by state Rep. Karin Power, a Milwaukie Democrat, will get a public hearing before the House Judiciary Committee Wednesday afternoon. A third bill, House Bill 2345, awaits action in the House Rules Committee.

HB 2353 adds teeth to the public law's requirement that requests for government documents be addressed within 10 business days or "as soon as reasonably possible." Under HB 2353, if the state attorney general, a district attorney or a court determines that there was an "undue delay" or outright failure to address a request, they can require the public entity to pay a penalty to the requester.

Oregon law grants the public access, upon request, to most documents and records kept by cities, counties, school districts, special districts

and state agencies. In some cases, records requests may be answered within hours. In other cases, despite the 10-day timetable in the law, it can take months for records to be made available, if they are released at all.

Power does not believe those delays and failures are all deliberate efforts to prevent people from knowing what their government is doing. In many cases, she said, short-staffed city halls and antiquated systems of recordkeeping are to blame.

"When you're not quick to respond to somebody, they may think that there's a reason behind it. It might simply be that person who's in charge is busy," Power said. "But having clear parameters and expectations will help us who serve in the public to be more responsive, and our agencies and our local jurisdictions to be just more on top of everything, start to finish. I think that (will) take out any kind of second-guessing around why: 'Was there a reason for this delay, is there something more there, are they trying to hide something there?' That'll help, I think, just to facilitate better communication."

Power served on the Milwaukie City Council for two years prior to her election to the Oregon House of Representatives. She said she learned a lot about not just the way Milwaukie conducts its business, but about how other cities across the state, large and small, handle their public records.

"The more I learned, the more I realized how many pieces of that building block need to get right in order to be really responsive," Power said.

Little data on requests

An ideological cousin to Power's

bill, HB 2431, requires every state agency to submit an annual report on how many records requests were received and how many have yet to be fulfilled over a year. Those reports would be sent to the attorney general, the state public records advocate and the Legislature for review.

HB 2431 was introduced on behalf of the Public Records Advisory Council. The council was among the results of the 2017 reforms, as was the creation of the position of public records advocate to chair the council.

The public records advocate, Ginger McCall, said the bill is intended to give state agencies an incentive to move quickly on public records requests that they receive. They will also generate a new public record to show their work, something McCall said is lacking at present.

"There's no data whatsoever on how agencies are processing requests (or) what fees they're charging," McCall remarked.

Along with delays, fees are another barrier to public records access. Oregon allows government officials handling records requests to impose fees, requiring the requester to compensate them for staff time and copying costs. In some cases, those fees can rise into the hundreds or even thousands of dollars for a single request, if it is broad or complicated.

Another of Power's bills would reduce the cost to journalists who request public records. HB 2345 cuts records fees in half for the news media, and waives them entirely for a request that "describes requested records with specificity and only includes records in which there is a public interest."



Dave Killen /The Oregonian via AP, File
In this Feb. 20, 2017, file photo, protesters clash with police in Portland.

Portland mayor slams lack of charges in brawl

PORTLAND (AP) — The mayor of Portland criticized local prosecutors and his own Police Bureau for not being more aggressive in arresting and prosecuting right-wing and left-wing protesters who frequently clash on the city's streets.

"In what city is it legal to engage in a street brawl?" Mayor Ted Wheeler asked at a news conference on Monday.

Protests occur often in Portland and police have at times struggled to contain violent clashes that ensue.

Wheeler called for a change to laws if they do not allow police officers to arrest brawlers and vowed that anyone fighting will not escape being unpunished. Wheeler also said prosecutors

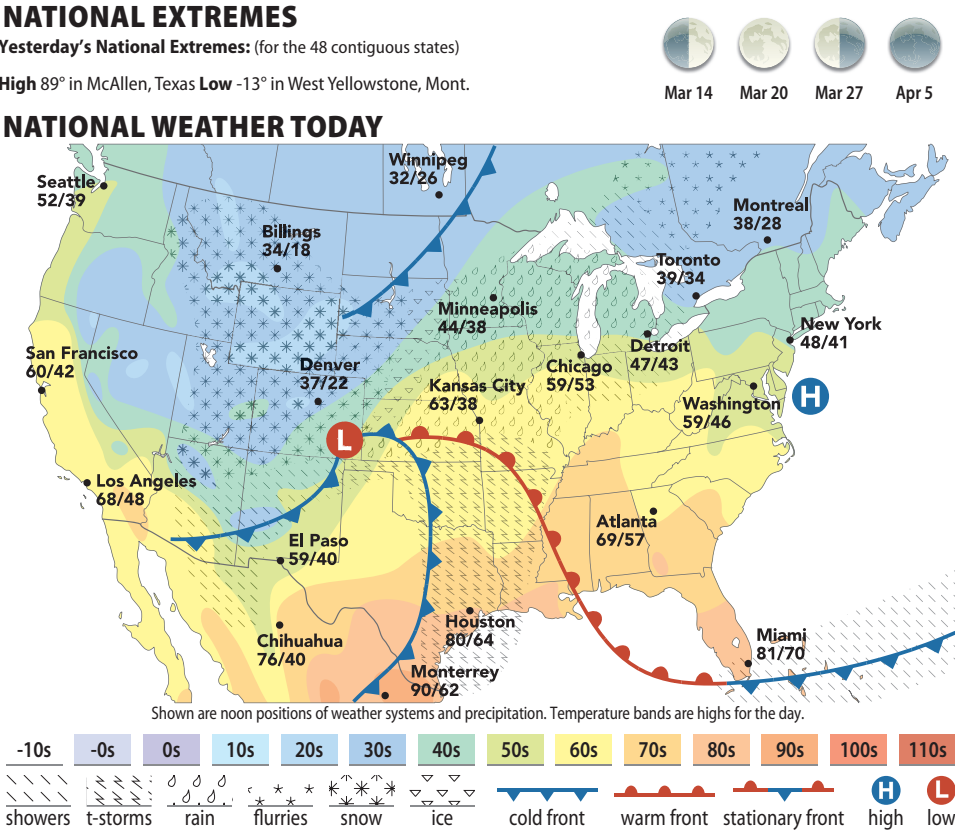
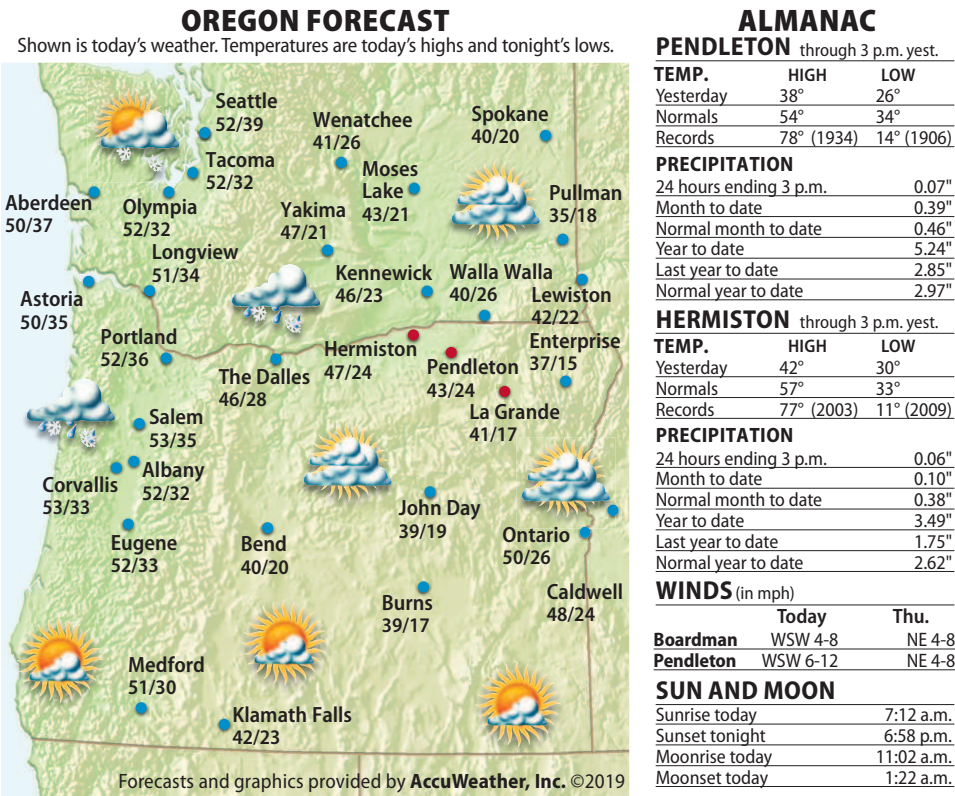
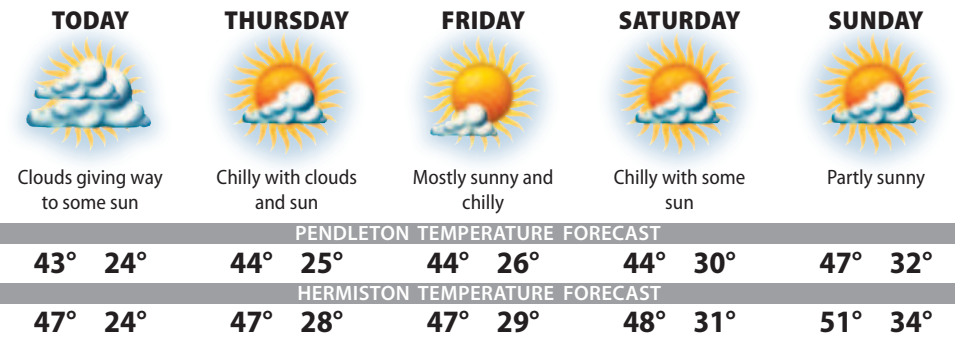
were being too timid and not enforcing existing law.

The Oregonian/OregonLive reports that Wheeler said it defies belief that protesters who fight can evade arrest and prosecution.

Wheeler mentioned an Oct. 13, 2018, fight outside a downtown bar. Members of the right-wing group Patriot Prayer and left-wing Antifa used their fists, batons and even bear mace. Police officers were present, but did not attempt any arrests.

Wheeler said officials in Multnomah County District Attorney Rod Underhill's office told mayoral aides that prosecutors could do nothing because the law allows for "mutual combat" between people fighting.

Forecast for Pendleton Area



Governor wants prepaid mail-in ballots

SALEM (AP) — Gov. Kate Brown is pressing Oregon lawmakers to pass a measure paying for prepaid postage on mail-in ballots, a move she says would boost voter turnout in a state that boasts one of the highest electoral participation rates in the country.

"While Oregon's vote by mail system is one of the most innovative ways any state has increased voter access, it's also hobbled by something less modern: the postage stamp," the governor testified on Monday.

California and Washington state have already passed measures requiring election officials to provide prepaid mail ballots.

Oregon became a leader in voting accessibility after switching to a vote by mail system in 2000. The state also became the first to implement a robust automatic voter registration system that automatically signs people up to vote when they get a driver's license.

But the governor notes that a postage stamp can still act as a "functional barrier" for some people, particularly low-income and young people who are less likely to have stamps.

Currently, voters who can't afford stamps can turn in their ballots for free at their county clerk's office or at a ballot drop box. The United States Postal Office

has also said that it will still deliver mail-in ballots without a stamp, and it will leave election offices to pick up the bill.

Brown said that drop boxes can be a hurdle for people with disabilities and for rural voters who may have to travel great distances to turn in their ballots.

Although the governor has made prepaid ballots a top priority in her budget plan last year, House Speaker Tina Kotek said that the state may not be able to afford it. Legislative budget leaders are recommending a 5 percent cut across nearly all state programs to pay for its Medicaid debt and struggling school system.

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