

March 6, 2013

**Testimony on SB 826 –
Open Meetings Act - Violations and Penalties
Education, Health, and Environmental Affairs**

Position: Favorable

Common Cause Maryland supports SB 826, which would require a body that violates the Open Meetings Act to read the violation into the record at their next public meeting and would establish fines for willful violation of the Act.

An open and transparent government is critical to ensure that special interests do not hold special influence, and for building voter trust and confidence in the political process. Maryland's open meetings law, however, is too often overlooked or ignored.

The lack of penalties under the existing law quickly became a subject of discussion last fall, when the University System of Maryland Board of Regents violated the law by voting behind closed doors to move to the Big Ten. A similar situation occurred in December when the Morgan State regents fired the president of the university in a closed meeting.¹ And analysis of the opinions of the Open Meetings Compliance Board shows violations in 2012 by entities ranging from the Charles County Planning Commission to the Carroll County Commissioners to the Maryland Transportation Authority.²

These violations occur because there is no legal redress to deter such behavior. Analysts have called the open meetings law the second most violated act, second only to speeding violations³ and said that is "weak and weasel-worded."⁴ This legislation provides two important fixes to the current law. The public body would be required to acknowledge the violation that occurred, and the penalties incurred would increase for multiple offenders.

We support most of the amendments on HB331, the crossfile of this bill. However, we are concerned that more meaningful penalties are required to create a deterrent effect. We urge a favorable report on SB826 and urge this committee to keep the penalties in the bill as written.

¹ <http://www.baltimoresun.com/news/breaking/bs-md-ci-morgan-president-rally-20121212.0.3904677.story>

² <http://www.oag.state.md.us/Opinions/Open2012/12/index.htm>

³³ http://www.capitalgazette.com/opinion/our_say/our-say-open-meetings-law-should-be-made-enforceable/article_94cab89b-b0bb-55a8-a9cb-0c016f929f6c.html

⁴ <http://marylandreporter.com/2012/12/04/penalties-needed-for-violations-of-open-meetings-act-citizens-say/>

Common Cause Maryland is a nonpartisan, grassroots organization dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that works in the public interest, and empowering ordinary people to make their voices heard.