

Nevada keeps meetings open to the public

Those lobbying for more transparent government scored big victories this year in the Nevada Legislature. Nevada Senate Bill AB59 created an Open Meeting Law Task Force to make changes to the law, which previously had been cobbled together by a collection of statutes and case law and was difficult for government entities to follow.

The changes include a monetary penalty for officials who have violated the open meeting law and increased public awareness when those violations occur. The language also expands the open meeting law to apply to quasi-judicial bodies, with the exception of parole boards.

If a public body is believed to have violated the opening meeting law, someone can complain to the attorney general's office, which will send a letter to the council in violation. The entity must then post on the agenda that a violation has been reported, and include the letter reporting the violation at the end of the agenda. The AG was also given subpoena power when investigating alleged violations. Repeated violations come with a \$500 fine.

The law also requires that if a public body holds a meeting to consider the "character, alleged misconduct, professional competence, or physical or mental health of a person," it must provide written notice of that meeting, and must allow in certain individuals if that meeting is closed. Public notice includes publication in a newspaper of record and on the Internet.

The task force also fought to make sure that the definition of "reporter" was as expansive as possible, including citizen journalists and bloggers in the mix. In related action, the Nevada Supreme Court recently altered the camera rules for court proceedings. Reporters are now able to live tweet or send news flashes during open hearings and trials from laptops or cell phones, provided those devices do not make noise or cause disturbances. The NV Supreme Court also changed the requirement of 72 hours' notice for requests for camera use in courts to 24 hours' notice. In addition, judges can waive the notice for good cause.

The complete language of the bill can be found [here](#).

In Texas, government officials recently have challenged the validity of the state's open meeting law, claiming that the law violates government employee's First Amendment rights. Even though Texas' \$500 fine and six months in jail penalty rarely is levied, officials filed suit challenging the constitutionality of the penalty attached to violating the law. Texas' penalty is more severe than Nevada's, which only attached a civil penalty for "willful violation" of the Open Meetings Act.

Texas officials brought the first suit after four Alpine City Council members exchanged emails about an upcoming meeting. According to Texas' open meeting law, a quorum of public officials must be present to discuss public business. The officials claim it was a violation of their First Amendment rights.

Reporters in Texas fear the Fifth Circuit may strike down the Texas Open Meeting Law, leading to similar actions throughout the rest of the country. Every state has some sort of open meeting law. Supporters of the Texas law argue that the framers did not intend to protect government officials' ability to congregate in secret.

Public officials are held to a different standard than the average citizen. Courts have consistently struck down First Amendment challenges to open meeting laws by public officials. Open meeting laws ensure that government dealings subject to public scrutiny remain public in order to protect the citizens they govern. While such laws should not prohibit public officials meeting for a friendly drink where the subject of public business is never broached, the laws should hold public officials accountable for their conduct.