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Governor's Records Should Remain Open

Lawmakers should reject latest proposal to hide documents

Just as it appeared one awful public records exemption bill may be defeated for the current legislative session, another damaging exemption idea could take its place.

The proposal, offered by Sen. Jay Morris as a set of amendments to Senate Bill 423, would allow the governor's office to hide from public view nearly all its records, except those related to budget matters. Even worse, a governor's office could misuse the exemption to shield documents in other executive branch agencies and departments.

The Public Affairs Research Council of Louisiana is urging lawmakers to reject this latest records exemption idea. The public should be able to review and consider information about who the governor meets, who influences him and his staff and how they make decisions about using tax dollars and leading state government.

That's how Louisiana residents can hold their elected and appointed officials accountable. That's how democracy functions properly.

While the records exemption offered by Morris is an improvement from another broader bill that would gut access to most records across state and local government, trading one bad public records proposal for another doesn't make it a compromise.

PAR is grateful that senators so far have stalled Senate Bill 482 by Sen. Heather Cloud, legislation backed by Gov. Jeff Landry that [would give a blanket disclosure exemption](#) "to any records reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated." That exemption is so sweeping it could comprise nearly every record across government, from the local mayor's office to every department at the state level.

However, if the Morris amendments proposed to SB423 were supposed to be some sort of concession, they fall well short of reasonableness. The proposal also may demonstrate the true nature of this entire discussion – an effort to conceal information from the governor's office.

Supporters of an exemption for the governor's office suggest hiding documents will help promote open communication among staff.

PAR understands the need for a free flow of ideas when government officials make decisions. But already, the governor's office has a public records exemption aimed at that exact purpose, with a

list of specific top-level staff granted a privilege allowing their intraoffice communication to be kept from public release for eight years.

Morris' amendments would remove the list of which employees of the governor's office can claim that exemption, essentially broadening it to anyone in the office. If that isn't bad enough, such a records exemption could perhaps be twisted to apply to other appointees of the governor and other agencies under his control.

Such an idea is not an exaggeration. Louisiana has seen this maneuver previously.

Former Gov. Bobby Jindal successfully pushed to replace a blanket records exemption solely for the governor's office with an exemption for communications and documents deemed to be part of his office's "deliberative process." The Jindal administration warped the purpose of that exemption and claimed it applied to agencies across state government.

PAR thought [that was a problem and wrote about it in 2015](#). Hopefully, lawmakers learned from that records exemption abuse and won't repeat it.

This debate isn't solely about Landry and his staff. It's about every governor who will take office after him. And it's about preserving transparency in government so people can make informed decisions about the people who are representing them and spending their hard-earned tax dollars.

Morris offered the proposal as a set of amendments to his bill that would require anyone seeking a public record in Louisiana to be a state citizen. That legislation already had its own flaws. PAR hopes lawmakers don't make the bill worse by adding the proposed amendments involving the governor's office.

Lawmakers should choose to safeguard access to government records and reject secrecy.