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The Honorable Colorado State House of Representatives
74th General Assembly
First Regular Session
Colorado State Capitol
200 East Colfax Avenue
Denver, CO, 80203

Dear Honorable Members of the Colorado State House of Representatives,

Today, I vetoed House Bill 23-1259, "Concerning Provisions in the Open Meetings Law for an Executive Session of a Local Public Body" at 5:30pm

House Bill 23-1259 ("HB 23-1259") modifies how open meetings law violations related to executive session are handled with respect to *pro se* (unrepresented) plaintiffs and the awarding of costs and reasonable attorney fees. Under current law, when a court finds a violation of Open Meetings Law, the citizen prevailing in the case is entitled to costs and reasonable attorney fees. As passed, the bill creates a narrow exception in Open Meetings Law so that an unrepresented plaintiff who prevails in a lawsuit against a local public body - which include municipalities, counties, school districts, and special districts - for a violation related to an executive session is no longer entitled to an award of costs or attorney fees. Likewise, costs or attorney fees cannot be assessed against the unrepresented plaintiff unless the court finds the action brought was frivolous, vexatious, or groundless.

While I appreciate the bipartisan nature of this work and the thoughtful amendments towards the end of the legislative process, we should strive for increased transparency and accountability, not less transparency and accountability, throughout our democratic institutions.

I am concerned that the provisions of HB 23-1259 may act as an impediment to legitimate challenges to open meetings and potentially result in increased instances of non-compliance by shifting the costs of the legal burden to those seeking the disclosures. Colorado Open Meetings Law is clear and local public bodies have a responsibility to comply and meet certain requirements that ensure all Coloradans have access throughout the public process. It has become clear that the intent of the proposed legislation is to address open meetings issues around

executive sessions arising in the school districts across Colorado. There are few things more important to our Administration than supporting students, educators, and our school districts. This importance, and the resulting impact that education has on the next generation of Coloradans, demands a special attention to openness throughout the entire process. I believe that there are paths to drive towards increased open meetings compliance, but modifying Colorado state law in a way that prevents unrepresented public citizens from recouping court-related costs in a legitimate Open Meetings Law case is the not path I believe Colorado should walk down.

For the above reasons, HB 23-1259 is disapproved and vetoed.

Sincerely,

VETO

Jared Polis
Governor
State of Colorado