

# **SB 72 - Open Meetings Act - Requirements for State**

Uploaded by: Antoine, Joanne

Position: FAV

February 2, 2021

**Testimony on SB 72**  
**Open Meetings Act - Requirements for State Agencies and Local Boards of Elections**  
**(Maryland Transparency Act of 2021)**  
**Education, Health, and Environmental Affairs**

**Position: Favorable**

Common Cause Maryland support SB 72 which would significantly increase access to and the efficiency of State agencies in the Executive Branch and local board of elections meeting processes by requiring that meeting agendas, materials be made available in advance of these meetings online. Also, that meetings be made publicly available by live stream, and that these streams and meeting minutes be archived.

Streaming video and online access to meeting materials are easy and efficient ways to enhance Marylanders' access to agencies throughout the State. This access and transparency is particularly necessary for agencies in the Executive Branch, like the Board of Public Works, which is tasked with making financial decisions that can have huge effects on the lives and livelihoods of Marylanders and their families. Also, local boards of elections oversee the process most fundamental to our democracy: elections. As local boards prepare for future elections, it is important that Marylanders are able to have access to meetings where decision made will impact them and their communities.

For too many citizens, the work done by State agencies and local boards of election is a distant and often undecipherable series of activities. Many Marylanders are unable to go to meeting locations in person but have a strongly vested interest in the policies and decisions being made by these agencies. For those who can attend meetings, they are often don't have access to meeting agendas and at times travel only to be met with closed sessions.

As technology makes information in all its forms more readily available, Maryland should continue seeking ways to utilize these technologies to increase accessibility to information across the state. The technology to live-stream is inexpensive, widespread, and allows all Marylanders to participate. Archiving the streams and meeting materials ensure those who are unable to watch the live stream have access to the footage.

We understand the bill sponsor is seeking an opinion from the Attorney General on whether the Maryland Citizens Redistricting Commission established by the Governor would fall under the requirements of this bill. If not, we urge the committee to amend the bill to ensure the work of the commission is transparent and accessible to the public.

SB 72 would vastly increase Marylanders' access to the meetings of State agencies in the Executive Branch and local boards of elections. We urge the committee to report favorably.

**SB 72\_CBF\_Support\_RobinClark.pdf**

Uploaded by: Clark, Robin Jessica

Position: FAV



# CHESAPEAKE BAY FOUNDATION

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Environmental Protection and Restoration  
Environmental Education

## Senate Bill 72

Open Meetings Act - Requirements for State Agencies and Local Boards of Elections  
(Maryland Transparency Act of 2021)

Date: February 2, 2020  
To: Senate Health, Education and  
Environmental Affairs Committee

Position: Support  
Contact: Robin Clark, [rclark@cbf.org](mailto:rclark@cbf.org)

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The Chesapeake Bay Foundation **SUPPORTS** SB 72 which requires state agencies and other public bodies to make available live video or audio streaming of meetings held in open session for one year following the meeting. This access to recordings of open meetings could support the work of environmental organizations seeking to save the Chesapeake Bay.

### **Public participation depends on access to government**

The Chesapeake Bay Foundation (CBF) seeks to Save the Bay on behalf of its almost 300,000 members across the watershed. Without access to government decision-making processes, the ability of CBF and other similar organizations to track, review, and participate in the public process is limited. While there are many avenues for participation, open meetings are a key opportunity both to hear and be heard.

The Chesapeake Bay Foundation often participates directly in meetings representing the membership through testimony during public comment opportunities for administrative permitting decisions. Written comments are often due weeks or months after the open meeting. Access to past Agency open meetings proceedings helps to focus and sharpen written comments to administrative decisions and may also be relevant to parallel decisions at the local and federal levels.

Administrative actions by the Department of Environment, Department of Natural Resources, and Department of Agriculture, among other agencies, often relate to water quality, natural resources, land use, and fisheries management. They are critical decisions to the Bay clean-up.

### **Ready access to audio and video recordings of open meetings support advocacy and reduces the need for burdensome public information requests**

The ability to play back the tapes of a conversation support comprehension and analysis integral to the next step for policy advocacy, whether it is submitting a comment in reference to an agency action, or plainly seeking to understand the underpinnings of an administrative decision to be able to better navigate similar situations in the future.

Video of audio recordings can be difficult to find, and when unavailable, might only be obtained through a formal Maryland Public Information Act request. This avenue creates unwanted administrative burden for both the requestor and agency as the request must often be designed broadly to be sure to capture the correct moment of a recording. Ready access to recordings would eliminate this need, allowing the public to perform their own research independently.

### **CBF urges the Committee's FAVORABLE report on SB 72.**

Maryland Office | Philip Merrill Environmental Center | 6 Herndon Avenue | Annapolis Maryland 21403 | 410 268-8816 | CBF.ORG

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Bay and its resources.

**SB0072\_Represent Maryland\_Favorable.pdf**

Uploaded by: Demnowicz, Cristi

Position: FAV



**BILL:** SB0072

**BILL TITLE:** Open Meetings Act - Requirements for State Agencies and Local Boards of Elections  
(Maryland Transparency Act of 2021)

**BILL SPONSOR:** Senator Kagan

**COMMITTEE:** EHEA

**POSITION:** FAVORABLE

**HEARING DATE:** February 2, 2021

**TESTIMONY IN FAVOR OF SB0072**

Cristi Demnowicz, Chair  
Represent Maryland

Represent Maryland, a grassroots pro-democracy group that advocates at the local and state level, believes all branches of government should be transparent to the people.

Historically, executive branches at the local, state, and federal levels are non-transparent. Information is withheld from the public, and decisions are made in private by unknown players. That information and those decisions impact all citizens and voters. This is not inline with democracy.

We support all efforts to make what happens within executive agencies open to the public, and therefore support SB0072.

Sincerely,  
Cristi Demnowicz, Chair  
Represent Maryland  
Maryland Voter-LD-07

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Represent Maryland is a grassroots anti-corruption group of citizen advocates that #FightForDemocracy in Maryland. Our democracy solutions include: Public Election Funds, Independent Redistricting, Special Elections, Ranked Choice Voting, Increased Ethics and Transparency, and Increased Voter Participation.

Learn more about our work at [www.RepresentMaryland.org](http://www.RepresentMaryland.org)

Authorized by Represent Maryland PAC, T. Miller, Treasurer

**SB72-SOVtestimony2021.pdf**

Uploaded by: Ferraro, Robert

Position: FAV



**SB 72: Open Meetings Act – Requirements for State Agencies  
and Local Boards of Elections (Maryland Transparency Act of 2021)**

Education, Health and Environmental Affairs Committee

February 2, 2021

**Position: FAVOR**

Chairman Pinsky, Vice Chair Kagan, and Committee Members,

We whole-heartedly support this bill, which seeks to increase the transparency of state agencies and local boards of elections. It does this in several ways, including requiring the posting of meeting materials in advance of meetings and requiring the retention of meeting recordings for a specified period of time.

Posting of meeting materials in advance provides notice of the contents of the meeting with sufficient time for interested members of the public to sign up to comment or to submit written comments before the meeting. Retention of recordings enables the public to hear the actual discussions that took place during the meeting, not just the summaries provided in the minutes.

We would also like to comment that the State Board of Elections meetings held during the pandemic have been the most transparent ones ever conducted in the 15 or so years we have been attending them. The teleconference format enables working people to attend virtually without taking time off during the work day to travel to Annapolis, and the current teleconference software makes it far easier to see and hear each person who is speaking, which was usually difficult even when attending the meetings in person. We would strongly encourage the SBE to continue meeting in this format even when the pandemic is over.

At a time when public trust in government in general and in elections in particular is at an all-time low, increasing the transparency of government operations will help to restore confidence in our institutions of government.

Sincerely,

Robert Ferraro and Rebecca Wilson, Co-Directors  
SAVE our Votes: Secure, Accessible, Verifiable Elections for Maryland  
[ferraro@SAVEourVotes.org](mailto:ferraro@SAVEourVotes.org) 301.661.2989  
[rebecca@SAVEourVotes.org](mailto:rebecca@SAVEourVotes.org) 202.601.8182



**SB72\_ MD Transparency Act Testimony (1).pdf**

Uploaded by: Kagan, Sen. Cheryl

Position: FAV

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

Vice Chair  
Education, Health, and  
Environmental Affairs Committee

Joint Audit Committee  
Joint Committee on Federal Relations



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11 Bladen Street, Suite 2 West  
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Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB72: Maryland Transparency Act Testimony**  
Senate Education, Health, and Environmental Affairs Committee  
Tuesday, February 2, 2021, 2 pm

Transparency is an essential element of good government. In the past, State boards and agencies typically held meetings in a physical location where members of the press and general public could attend in person. We must ensure that state agencies and local Boards of Elections remain accessible. The use of virtual platforms to meet during the Coronavirus pandemic has shown how easy it is to adapt.

Last year, we unanimously passed [SB363/HB421](#), which expanded Open Meetings Act requirements to cover five additional state entities with fiduciary responsibility for a significant amount of taxpayer money. Rather than enumerating specific agencies or boards that warrant transparency, this legislation establishes consistent practices for Local Boards of Elections and other State government bodies subject to the Open Meetings Act. [SB72/HB344](#) will require these entities (but not county or municipal governments) to:

- Post all materials at least 48 hours in advance;
- Indicate on the agenda whether a closed session is anticipated;
- Provide live video-streaming of the public portion of meetings;
- Discuss meeting minutes in a timely manner;
- Share meeting minutes on their website within two business days of approval;
- Authorize the Open Meetings Compliance Board to enforce the requirements; and
- Implement these provisions by:
  - October 1, 2021 for those with five or more employees; and
  - October 1, 2022 for those with fewer than five staffers.

One silver lining of the pandemic is that Marylanders have all been able to stay informed and engaged with their government. If the General Assembly can stream its meetings and publicize materials, other government bodies should be able to comply. This legislation would increase transparency and allow the public to access government, regardless of the meetings' locations.

**Amendment:** *(Pending EHEA Counsel Alexis Foxworth)*

**I urge a favorable report of bill SB72 with the sponsor's amendment.**

**MDDC Support SB 72.pdf**

Uploaded by: Snyder, Rebecca

Position: FAV



**Maryland | Delaware | DC Press Association**

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | [rsnyder@mddcpress.com](mailto:rsnyder@mddcpress.com)

[www.mddcpress.com](http://www.mddcpress.com)

To: Education, Health & Environmental Affairs Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: February 2, 2021

Re: **SB 72 - SUPPORT**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of newspaper publications, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Frederick News Post and Hagerstown Herald-Mail to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as, Baltimore Fishbowl, MarylandReporter.com and Baltimore Brew.

The Press Association is pleased to support Senate Bill 72, which would uniformly require State agencies and local boards of elections to make (in non-emergency situations) agendas available on their websites at least 48 hours in advance and to live-stream or audio stream the open proceedings.

This is a common-sense standard that will enable the public – and press – to understand the items that are to be covered in upcoming meetings and to plan for attendance.

Transparency is important to democracy's function. Citizens should have access to the deliberations and meetings of public bodies, including state agencies and local boards of election.



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# **SB 072 Open Meetings Act - Requirements for State**

Uploaded by: Soreng, Nancy

Position: FAV



**TESTIMONY TO THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS  
COMMITTEE**

**SB 072 Open Meetings Act - Requirements for State Agencies and Local Boards of Elections  
(Maryland Transparency Act of 2021)**

**POSITION: Support**

**BY: Lois Hybl and Richard Willson – Co-Presidents**

**Date: February 2, 2021**

The League of Women Voters believes that democratic government depends upon informed and active citizen participation and requires that governmental bodies protect citizens' right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. This has been a principle of the League since our founding in 1920.

We have supported past legislation calling for video broadcasting, and the maintaining of an online archive of broadcasts of legislative hearings and floor sessions each time it has been proposed. This bill expands and improves on these bills.

It calls for all Executive Branch Agencies and Local Boards of Elections that have five or more employees to have meeting agendas and meeting materials publicly available on their website at least 48 hours before any open meeting. In emergency circumstances it allows for posting these items as far in advance as practicable. It further requires that each of the public bodies named above provide live video or audio streaming of their proceedings and maintain an unedited archive of these recordings. In addition, it requires timely posting of those minutes as well as making them publicly available for 5 years. It also allows for using a searchable transcript of the proceedings in lieu of minutes.

All of these provisions, as well as the inclusion of compliance measures are directly in line with the League's long commitment to open government.

We have spoken with the bill sponsors about whether the Governor's Redistricting Commission that he has created via Executive Order will fall under the requirements of this bill. We have been informed that they have sought an opinion on this from the Attorney General. If it turns out not to be the case, we strongly recommend that the bill be amended to include the Governor's Redistricting Commission. The important work of this body that will impact every voter of the state should be done in the light of day with the most opportunity for public scrutiny and participation.

We urge a favorable report on SB 72.

# **1b - EHEA - SB 72 - Open Meetings Act - Board of A**

Uploaded by: Office of Governmental Affairs, Maryland Department of Health

Position: UNF



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

**Board of Examiners for Audiologists,  
Hearing Aid Dispensers & Speech-Language  
Pathologists  
4201 Patterson Avenue  
Baltimore, MD 21215  
Phone: 410-764-4723**

February 2, 2021

The Honorable Paul G. Pinsky, Chair  
Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**RE: SB 72- Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021) - Letter of Concern**

Dear Chair Pinsky and Committee members:

The Maryland Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists (the “Board”) is submitting this Letter of Concern for Senate Bill 72 (SB 72) – Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021).

Currently, all health occupations boards, in compliance with the Open Meetings Act (pursuant to General Provisions Article, Title 3, Annotated Code of Maryland), hold regularly scheduled board meetings that are open to the public, and the dates are posted on their website well in advance; along with meeting agendas. Minutes are also made available to the public once voted on and approved by the Board.

While the Board recognizes the positive intent of the bill to provide the public with transparency by amending the Public Information Act, the majority of health occupations boards have the following privacy, fiscal, and administrative concerns:

**1. On page 6, lines 1-7 regarding §3-302.1(C)(2): The requirement to post agenda meeting documents in addition to the agenda within 48 hours of a public Board meeting.**

The Board is concerned that the requirement to provide all meeting materials on the Board’s website would be an administrative burden on staff. By providing these materials, particularly during legislative session, this requirement may create a significant increase in public input regarding various bills, increase board meeting time significantly, and potentially discourage board members from serving due to the extended time of meetings. Additionally, as “all meeting materials” are not defined in this bill, they could arguably include draft documents such as regulations, policies, etc., that would not typically be disclosable under the Public Information Act.



**2. On page 7, lines 8-15 regarding §3-306(C)(2)(i) and (ii) requires a public body to publicly make available on its website live video or audio streaming for a minimum of 1 year after the date of the meeting.**

Not all of the health occupations boards, under normal in-person settings, typically record their open meeting sessions. Additionally, once the boards are able to resume in-person meetings, there will be an additional cost to have technology installed in the meeting rooms to live stream and/or conduct audio recordings which would most likely be a fiscal burden on the boards. The Board will also incur administrative and IT staff costs that are not able to be quantified at the moment.. For example, the existing WIFI in the meeting rooms at Patterson Avenue is unreliable and spotty at best, so this would require an upgrade.

Additionally, during the state of emergency, boards are meeting via teleconference and video conference platforms which do record open sessions. However, they are limited to how they can be shared and the cost of implementing technology to make this possible is unknown.

**3. The requirement to allow live streaming and recording of the Board's members opens up significant concerns regarding the privacy of Board members.**

Board members, also known as appointed volunteers, are understandably concerned for their privacy. Although the live streaming technology may only allow for the viewing of public meeting videos, and not their downloading, it is concerning to Board members that one could simply record the public meeting with another device, download it, edit it and post it in any way desired on social media platforms or other. This concern could certainly hinder the Board's ability to recruit members for appointment, and potentially cause current Board members to feel the need to resign and/or not want to be reappointed due to these privacy concerns.

For these reasons, the Maryland Board of Examiners of Audiologists, Hearing Aid Dispensers, & Speech-Language Pathologists, the Board of Pharmacy, the Board of Nursing, the Board of Dental Examiners, the Board of Physical Therapy Examiners, the Board of Examiners in Optometry, the Board of Massage Therapy Examiners, the Board of Chiropractic Examiners, the Board of Dietetic Practice, the Board of Acupuncture, the Board of Podiatric Medical Examiners, the Board of Professional Counselors and Therapists, the Board of Examiners of Psychologists, and the Board of Social Work Examiners respectfully ask that you strongly consider this information and the fact that the process currently in place is more than sufficient. As such, the boards urge an unfavorable report on SB 72.

For more information, please contact Candace Robinson, Executive Director, Board of Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists at (443) 915-7981 or [candace.robinson@maryland.gov](mailto:candace.robinson@maryland.gov), or, Lillian Reese, Legislative Coordinator for Boards & Commissions, at 443-794-4757 or [lillian.reese@maryland.gov](mailto:lillian.reese@maryland.gov).

Sincerely,

Candace G. Robinson, Au.D.  
Board Executive Director

*The opinion of the Boards expressed in this document do not necessarily reflect that of the Department of Health or the Administration.*

**1a - EHEA -SB 72 - Open Meetings Act - BoP - LOC.p**

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: UNF



# Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

February 2, 2021

The Honorable Paul G. Pinsky and committee members  
Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**RE: SB 72- Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021) – Letter of Concern**

Dear Chair Pinsky:

The Maryland Board of Physicians (the “Board”) is submitting this Letter for SB 72 – Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021).

Maryland's Open Meetings Act (the “Act”) requires most State and local public bodies to hold open meetings, give the public adequate notice of those meetings, and to allow public inspection of meeting minutes. The Act's goals are to increase the public's faith in government, ensure the accountability of government to the public, and enhance the public's ability to participate effectively in our democracy. The Act, however, permits public bodies to discuss some topics confidentially.

SB 72 makes changes to the Act related to the materials required to be made available to the public and while the Board supports transparency there are concerns about the proposed changes related to matters that have a legitimate need for confidentiality, fiscal issues, and administrative matters.

Currently, the Board holds regularly scheduled panel and board meetings every other week. Information about the meeting is published regularly on the website, including dates, agendas and that they are open to the public. Minutes are also made available to the public once voted on and approved by the Board.

The first issue is on page 6, lines 1-7 regarding §3-302.1(C)(2): The requirement to post the agenda and *all meeting materials*. The term “all meeting materials” is not defined. The Board has an open and closed agenda, and all meeting materials could include closed agenda items and disciplinary matters. Section 14-411(b) of the Maryland Medical Practice Act expressly prohibits the Board, or

**Page 2**

SB 72 – Letter of Concern  
Board of Physicians

a disciplinary panel from disclosing any information contained in a record; those materials are not disclosable under the Public Information Act. The term should be defined to be limited to only documents legally disclosable under the Public Information Act.

The second major area of concern is the requirement to keep complete videos and transcriptions for a minimum of 1 year on page 7, lines 8-15.

The live video or audio streaming and retention, as well as the transcription requirement for a minimum of one year is very problematic on many levels. The Board meets twice a month, with meetings averaging 8 hours in length. The current internet access is unreliable and would also need an upgrade as well as additional storage requirements. Acquiring appropriate technology to live stream, additional storage for retention and the corresponding Information Technology and staff expenses will result in significant fiscal implications for the Board which are currently indeterminate.

In addition, the items to be retained pursuant to the bill would be unedited and difficult to follow outside the context of the meetings and may be confusing rather than helpful to consumers. The Board believes that the agenda and meeting minutes that document and memorialize the decisions that are made by public bodies are much more meaningful and should be published, not the full videos and transcripts. Consequently, the retention language in SB 72 should be removed.

For these reasons, the Board respectfully requests that the bill be amended to address the outlined concerns in SB 72.

Thank you for your consideration of this information. If you have questions or need additional information, please contact Wynne E. Hawk, 410-764-3786.

Sincerely,



Christine A. Farrelly  
Executive Director

cc: Members of the Education, Health, and Environmental Affairs Committee  
Webster Ye, MDH

**The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.**

**2021 -- OMCB comment -- SB 72 (final).pdf**

Uploaded by: Compliance Board, Open Meetings

Position: INFO

**LAWRENCE J. HOGAN, JR.**

*GOVERNOR*

**BOYD K. RUTHERFORD**

*LT. GOVERNOR*



**LYNN MARSHALL, ESQ.**

*CHAIR*

**JACOB ALTSHULER, ESQ.**

**NANCY MCCUTCHAN DUDEN, ESQ.**

**STATE OF MARYLAND  
OPEN MEETINGS COMPLIANCE BOARD**

January 29, 2021

The Honorable Paul G. Pinsky, Chair  
Education, Health, and Environmental Affairs Committee  
2 West Miller Senate Building  
11 Bladen Street  
Annapolis, MD 21401-1991

Re: Senate Bill 72 – Maryland Transparency Act of 2021 (cross-filed with House Bill 344)  
Position: Neither favorable nor unfavorable (informational only)

Dear Chairman Pinsky:

As Chair of the Open Meetings Compliance Board, I am writing to convey the Board's position regarding Senate Bill 72. Senate Bill 72 would amend the Open Meetings Act by altering, for certain public bodies, the requirement that a public body make a meeting agenda available prior to each open meeting, and the requirement that the public body post and archive meeting minutes after each open meeting. The substantive amendments in Senate Bill 72 would apply to each public body that is a "State agency in the executive branch or local board of elections."

The Open Meetings Act, at § 3-302.1 of the General Provisions Article, currently requires each public body, prior to each open meeting, to make available to the public an agenda for the meeting no later than 24 hours before the meeting. A public body subject to Senate Bill 72 would instead be required to post an agenda and all meeting materials on its website at least 48 hours in advance of each open meeting, except in cases of emergency.



The Honorable Paul G. Pinsky, Chair  
January 29, 2021  
Page 2

The Act, at § 3-306 of the General Provisions Article, also currently requires a public body to prepare minutes of each open meeting “as soon as practicable,” with the option of treating a “live and archived video or audio stream[.]” as the minutes of the meeting. The public body must retain the minutes for five years and must post them online “[t]o the extent practicable.” Senate Bill 72 would require each public body within its scope to offer live video or audio streaming of each portion of a meeting that is held in open session; to post an unedited, archived recording of the meeting on its website for a minimum of one year; to discuss and approve meeting minutes “as soon as practicable and in a timely manner”; and to post meeting minutes on its website within two days after approval, and keep them there for a minimum of five years. The bill also allows the public body to post a “searchable transcript” of the recorded meeting in lieu of written minutes.

Although the Compliance Board neither supports nor opposes Senate Bill 72, we do wish to convey two concerns with the legislation as currently drafted. First, as noted, Senate Bill 72 would apply only to “a public body that is a State agency in the Executive Branch” and local election boards. The term “State agency in the Executive Branch” is undefined in the bill, and we are not aware of a definition of that term elsewhere in the Maryland Code. Accordingly, the Board is concerned that Senate Bill 72 could create confusion as to which public bodies are covered by its terms.

Second, the Board is concerned about the bill’s provision permitting a public body to post a “searchable transcript” of an open meeting in lieu of minutes. This provision could substantially increase the burden on the Board in reviewing complaints that a public body has violated this provision. Additionally, the proposed bill lacks a procedure for correcting errors in transcription. This lack of a procedure for corrections is particularly worrisome given that the bill requires the archived recording to be “unedited.”

Thank you for considering the positions of the Compliance Board on this bill. The minutes of the meeting at which the Compliance Board discussed the open meetings bills pending at the time will be posted to the Board’s website as soon as practicable.

Very truly yours,

*Lynn Marshall* /tc

Lynn Marshall, Esquire  
Chair  
Open Meetings Compliance Board

cc: Open Meetings Compliance Board