

# Election season brings advertising questions

## Ask candidates about Sunshine Law

I can tell the primary elections are approaching. The calls to the hotline are increasing in frequency with questions about political advertising. Remind your advertising departments to be diligent in looking for attribution in those ads and to call me if there are questions. And remind candidates that newspaper readers are among the most likely voters in a community!

Meanwhile, on the news side, you will find yourself inundated by candidates seeking to meet and greet you, and to have you publish their press releases. Free publicity always sounds better than paid advertising to a candidate's publicity team!

As you have the opportunity to interact with these folks, I urge you to take advantage of the face time to nail them to the wall on issues that concern you. Here's a list of 10 good questions about the sunshine law you can use to see where they stand. This will not only make them think about these important issues, but will also help us plant the seed for changes to the sunshine law we would like to have the legislature consider in coming years:

1. Should members of public bodies be required to end closed meetings after discussions of closed meeting issues and be required to take all votes on motions only in open meetings to ensure public accountability?

2. Should notice of all meetings be required to be posted, with an agenda, 72 hours before the meeting to allow citizens better opportunity to be present at meetings?

3. Should audio tape recordings be required of closed meetings for use if a

legal challenge arises regarding whether the sunshine law was violated?

4. Should closed meeting discussions of litigation matters be limited to meetings where counsel is present and/or meetings regarding pending litigation or where an actual letter or other communication has been received threatening suit?

5. Should public bodies be required to open meetings with auditors when it is for the purpose of reviewing with the body the final results of the audit, since the work of the auditors is completed at that point?

6. Should public bodies be allowed to keep electronic records in an electronic format that is unusable by the general public without purchasing from private businesses at a huge expense special software, thus allowing private businesses to make money at the expense of citizens who want to access records that are public records, or



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should public bodies be required to keep electronic data in formats that the public has readily available in order to be able to use that data, if the public wishes?

7. Should a public body that has located records requested by the public be able to charge for the legal fees it incurs in deciding what records it will claim are closed under the Sunshine Law?

8. Should public bodies be able to charge the same price for an electronic copy of a record as it would charge for a paper copy of the same record?

9. Should a citizen have to prove a public body's member knew he or she was violating the sunshine law before penalties and payment of attorneys fees can be imposed by a court, when elected officials swear an oath to uphold the laws of the state?

10. Should names and addresses of final candidates for top positions of public governmental bodies be made available to the public? What about names and addresses of all candidates for judicial vacancies?

And one more quick question to add to the list: Do you support the creation of a limited (qualified) privilege for journalists to protect the names of their unnamed sources in stories until a judge declares that they must disclose those names?

If any of you need more information about any of these questions, don't hesitate to contact me. I'll be glad to discuss the issue further with you. Meanwhile, here's to a good political advertising season to all of you!

## Watch for regional meeting in your area

Missouri Press Association is setting up a series of informal regional meetings to give its members a casual setting for discussion about the Press Association, current issues and their concerns.

The first of these meetings will be held at the Shelbina Country Club on Wednesday, July 16. A dinner will be served at 6 p.m.

Among those attending will be Jean Maneke, MPA's legal hotline counselor. She will bring everyone up to date on the latest on the legal front and in the legislature.

Cost for the Shelbina dinner meeting is \$6. Everyone is invited, especially those from the northeast area of Missouri.

Please call or email Kristie Williams at the MPA office in Columbia to let us know you will be attending, (573) 449-4167, [kwilliams@socket.net](mailto:kwilliams@socket.net).

Watch for announcements of more regional meetings coming soon.