



September 25, 2023

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: SB 544 (Laird) — Request for VETO

Dear Governor Newsom:

We, the undersigned organizations, respectfully request your veto of SB 544, which would weaken open meeting rules by allowing public officials to do consequential work on state advisory boards and commissions entirely virtually, avoiding being present at a physical location where the public and press can directly engage them.

While we understand that virtual meetings and temporary measures amid emergencies may be necessary, public officials serving on public bodies without regularly convening in person results in a reduction of public access and accountability. We enthusiastically support increased options for remote participation for members of the public, but we oppose this bill because it would remove important protections that ensure public meetings are held in public places.

California state bodies, including those that are advisory, hold immense power by influencing policy and priorities in our state. SB 544 would allow members of

these powerful advisory bodies to meet entirely virtually, with no clear guarantee they will be more than a voice on a telephone line.

Take for example the Peace Officer Standards Accountability Advisory Board created by SB 2, which you signed into law in 2021 to bring more accountability to policing in California. This body is tasked with reviewing and recommending when law enforcement officers should be stripped of their badges, a process that all stakeholders – impacted families, officers and the leadership of the agencies that employ them – should be able to observe and engage in. But by virtue of being advisory in nature, this important board may be able to meet and hold these decertification investigations entirely virtually; removing the option for the public to attend, engage, or even interact face-to-face with decision makers.

This will additionally have important consequences for journalists and community advocates. A primary news gathering tool is being able to approach appointees at public meetings and to observe how they engage with the public and one another on the dais, while a primary organizing tool of impacted communities is to attend public meetings in person to hold officials accountable and ensure public officials can assess the true human impact of their decisions. By allowing advisory bodies to meet entirely remotely, SB 544 significantly hampers the ability of reporters and photographers to provide valuable information to their readers, and makes advocacy work more challenging.

Officials who are in the same room as the the public can't just turn down the volume on criticism. SB 544 jeopardizes this public access by permitting public officials to “phone it in” and potentially meet entirely telephonically. This forces the public to try to follow along with zero visual cues, guessing at speakers’ voices and addressing public officials by audio only.

Current law allowing for teleconferencing options with transparency guardrails and the ability of the governor to suspend open-meeting guardrails during emergencies demonstrates that SB 544 is not needed. And, unfortunately, recent amendments to SB 544 do what the temporary measures did not: they create tiers of access and accountability depending on the type of the body, by giving a carve out for those that are considered advisory.

Changing open government regulations, when not in an emergency, deserves the focused evaluation afforded by legislative hearings, rather than a piecemeal adoption of situation-specific language. A comprehensive look into the matter, guided by an explicit mandate to support citizen participation and preserve the focus on transparency and access reflected in both the Bagley-Keene and the Brown Acts, would result in a thoughtful solution that recognizes advantages discovered during the pandemic and benefits both the public interest and that of state and local bodies.

SB 544's carve-out is part of a greater piecemeal legislative approach to the Bagley-Keene Act and the Ralph M. Brown Act, which, if signed, will create a confusing patchwork of different standards on teleconferencing, and set a dangerous precedent of carving out specific categories of bodies. SB 544 lacks guardrails that put the public interest in participation before officials' desire for comfortability, and it creates tiers of public access, which fundamentally undercut the longstanding public protections of the Bagley-Keene Act and the California Constitution.

For all of these reasons, we respectfully request your veto on SB 544.

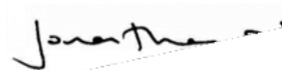
Sincerely,



Cynthia Valencia
Legislative Advocate
ACLU California Action



Brittney Barsotti General
Counsel California News
Publishers Association



Jonathan Stein
Executive Director
California Common Cause



Ginny LaRoe Advocacy
Director
First Amendment Coalition



Scott Kaufman
Legislative Director
Howard Jarvis
Taxpayers Association



Stephanie Doute
Executive Director
League of Women Voters of California

Californians Aware
California Broadcasters Association
California Chamber of Commerce
CCNMA Latino Journalists of California
Greater Los Angeles Pro Chapter of the Society of Professional Journalists
Institute of Governmental Advocates
League of Women Voters California
Media Alliance
National Press Photographers Association
NLGJA: The Association of LGBTQ+ Journalists, Los Angeles Chapter
Orange County Press Club
Pacific Media Workers Guild, News Guild-Communications Workers of America
Local 39521
Radio Television Digital News Association
San Franciscans for Sunshine
San Diego Pro Chapter of the Society of Professional Journalists
Society of Professional Journalists, Northern California Chapter