

Nev. lawmakers differ with their lawyers on transparency

By Michelle Rindels, AP

While the Nevada Legislature's lawyers are adamant that no lawmaker communications outside of final votes are public records available upon request, several lawmakers say the blackout is extreme and worth revisiting.

Their statements came after the Legislature's lawyers rejected a request from the Associated Press for a week of emails and appointment calendars for four legislative leaders. The Nevada Legislative Counsel Bureau's 28-page denial contrasts with responses from some lawmakers in other states who turned over emails and calendars at AP's request.

"A blanket block on anything seems a little heavy-handed," said Republican Assemblyman David Gardner, who said he previously assumed emails through his legislative account would be subject to the public records law that compels local governments and state agencies to turn over similar documents. "We're public servants, and they have the right to know what we're doing."

The bureau's lawyers say the principles that keep private any communication before final votes are longstanding and aim to facilitate free and candid discussion about ideas before a final vote. A bill passed on the last day of the 2015 legislative session that made those principles law simply codified arguments that could be made through case law, bureau lawyer Kevin Powers said in an interview on the public affairs TV show "Ralston Live."

A number of lawmakers who include Sen. Aaron Ford, the top-ranking Democrat in the Nevada Senate and a subject of the records request, said they are wary of opening up the

legislative process further.

“Every legislator ... receives constituent emails, some of which are very personal – very personal. They don’t anticipate and expect that the media is going to get ahold of their personal, private issues,” he said in an interview with KNPR radio.

Others are calling for repealing the law, saying the public should be able to see whether lawmakers are behaving and how they are using public resources. They include Democratic congressional candidate Susie Lee, whose primary opponents include a legislator who voted for the bill and is subject to its protections, and Republican Assemblywoman Victoria Seaman.

Seaman was on the legislative operations committee that reviewed the bill on the last day of the session before it passed unanimously in the Senate and Assembly. She said she made a mistake in approving the policy without considering its potential harms.

“I think that if I knew it would be used to shield lawmakers from legislative inquiry, I never would have entrusted them with it,” Seaman said.

The information in emails and calendars could help citizens understand who’s bending the ear of lawmakers and could give insight into why bills lived and died. Sondra Cosgrove of the League of Women Voters Las Vegas Valley said that when she testifies on behalf of a bill, she’d like to know if lawmakers have already made up their minds before going into a meeting.

“I feel like the press and the voting public should be on an equal footing in being able to influence what’s going on,” she said.

Lawmakers are the only ones who can change their open-records policies. Several interviewed by AP seemed conflicted on how exactly to dial back the strong confidentiality rules.

"I would always lean toward being more open and explaining things," said Republican Majority Leader Paul Anderson, who at the same time gave the Nevada Legislative Counsel Bureau credit for trying to protect the part-time lawmakers from embarrassing missteps and distracting disclosures.

Gardner said relaxing the laws too much could turn public-requests records into political weapons or could swamp the Legislature and its staff. But he said he was already researching how other state legislatures approach the issue to get ideas on how to tweak Nevada's law.

"If you ask people, they'd say it's a problem," he said of the lack of transparency. "The problem will be where is the balance?"