

Wyoming Public Records Reform: The Case for True Transparency

Executive Summary

Wyoming's public records system is fundamentally broken. The recent Powers case and numerous other examples demonstrate that citizens cannot effectively access information that belongs to them by law. This document outlines the current crisis and proposes practical solutions to create a truly transparent government that serves its citizens.

The Current Crisis: Wyoming's Transparency Problem

The Powers Case: A Telling Example

The 2023 Powers case exposed the failures in Wyoming's public records system:

- A Laramie County judge found state education officials acted in "bad faith" by deliberately breaking public records law
- Officials provided misleading information and concealed relevant communications
- Officials continued withholding records even after direct orders from the judge
- Judge Sharpe noted: "Most Wyoming citizens would lack the skill, resources and fortitude needed to prosecute this case to a conclusion. Nor should the average citizen ever have to go to such Herculean lengths to obtain public records"
- The case succeeded only because Powers was a recently retired attorney with unlimited time and legal resources—a "perfect storm" that ordinary citizens cannot replicate

Systemic Problems Beyond Powers

These failures are not isolated incidents:

Prohibitive Costs

- When requesting emails about illegally scheduled public meetings, I was quoted a \$2,000 fee just to examine public records
- Ordinary citizens cannot afford to pay thousands of dollars for information that belongs to them by law
- Financial barriers effectively place public records beyond public reach

Procedural Obstruction

- The City of Cheyenne illegally required personal identification for public records requests
- Officials routinely provide incomplete responses to legitimate requests
- Even after the ombudsman confirmed these practices violated the law, nothing changed
- Records requests are treated as adversarial rather than as a public service

No Real Enforcement

- My dad's current case challenging Cheyenne's practices has languished in court for nearly a year without so much as an initial hearing
- No meaningful penalties exist for officials who violate the law
- The current ombudsman refuses to enforce clear statutory requirements
- Even judges struggle to get complete records from reluctant officials

A Vision for True Transparency

Electronic Access Without Gatekeepers

The core of meaningful reform must remove human gatekeepers from the process:

- Create a comprehensive public records portal accessible 24/7
- Allow direct public searching of records without requiring permission
- Prioritize email systems which represent the majority of records requests
- Wyoming already contracts with Google for email services, making implementation straightforward

Meaningful Enforcement

Without consequences, laws are ignored, and lawlessness degrades society:

- Establish substantial penalties for non-compliance
- Create a streamlined process for addressing violations quickly
- Empower a truly independent oversight authority
- Structure incentives so transparency becomes easier than obstruction

Balanced Protection

True reform can protect sensitive information while maximizing disclosure:

- Maintain narrowly defined exemptions for genuinely sensitive materials
- Require specific justification for each exemption claimed
- Create a presumption of disclosure with the burden on those seeking to withhold
- Enable partial disclosure rather than complete withholding when possible

Benefits of Reform

For Citizens

- Immediate access to most public records without delays or costs
- Equal access regardless of wealth, connections, or legal resources
- Restored trust in government operations and decision-making

For Government

- Reduced staff time handling routine requests
- Fewer complaints, lawsuits, and escalated disputes
- Clear guidelines that remove uncertainty
- Improved public confidence and trust

For Wyoming

- National leadership in government transparency
- Enhanced civic engagement and participation
- More efficient and accountable governance
- Alignment of practice with democratic principles

Conclusion: A Time for Action

Wyoming faces a clear choice: either reform our public records system with genuine transparency and enforcement, or acknowledge that we have abandoned the principle of open government.

Half-measures and unfunded mandates will only perpetuate the cycle of obstruction. The time has come for Wyoming to lead by example, creating a system where public records are truly public, where officials face real consequences for violations, and where citizens can exercise their fundamental right to know without extraordinary effort or expense.

The Powers case succeeded only because of exceptional circumstances that ordinary citizens cannot replicate. We should not require "Herculean efforts" for citizens to access what is rightfully theirs. The choice is clear: genuine reform or honest repeal.

*Presented by the Wyoming Public Records Society
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