



March 11, 2024

Dear Senate President Scutari, Assembly Speaker Coughlin, Senator Sarlo and Assemblyman Danielsens:

We, the undersigned organizations, are writing to express our **strong opposition to bill S-2930/A-4045**, which would fatally weaken the Open Public Records Act (OPRA).

For two decades, OPRA has been a cornerstone of our state's democracy, ensuring that taxpayers and voters can hold government agencies and their elected officials accountable.

The bill that is being fast-tracked, however, threatens to eviscerate fundamental principles of open government by restricting access to critical records and by making it more difficult for community advocates to vindicate their rights under the law.

It is shockingly ironic that both Assembly and Senate committees will consider the bill at the same time during "National Sunshine Week," which celebrates the fundamental role of transparency in a free society. This is an attack on transparency and part of a disturbing trend in the New Jersey Legislature, where lawmakers decrease public access to information under the guise of "transparency."

Many organizations have raised concerns regarding OPRA reform over the last year, yet the current language of these bills indicates that our concerns were not taken seriously. While the bill, as introduced, has many issues, we would like to focus mainly on problematic provisions that remove mandatory fee-shifting, create exemptions for email logs, and create an unnecessary police records task force.

Under the current law, residents are entitled to recover attorneys' fees incurred when they are improperly denied access to public records. This provision undergirds the entire OPRA framework because it allows community groups and citizens to hold bad actors accountable even if they don't have the tens of thousands of dollars required to pursue an appeal.

Removing this provision will embolden state and local officials to openly flout the law and deny open records requests because they know that working families and grassroots organizations simply don't have the financial resources to hold them accountable.

At the same time, the bill creates broad new exemptions that shield critical email and call records from public view. Under current law, New Jerseyans may request email and call logs to better understand government correspondence.

This bill makes access to emails more difficult by significantly increasing the amount of specific information a requestor must include to receive the requested records, making it much more likely that their OPRA requests will be denied. In addition, the bill requires all email addresses to be redacted. This slows down access to email communications and keeps the public from learning who the public official is emailing.

Instead of granting the public more access to police disciplinary records, this bill creates a police records task force whose membership would heavily favor law enforcement and government perspectives. This is deeply offensive to the communities most impacted by policing. Beyond the unfair membership, there is no need to create such a task force.

State court decisions have expanded access to police records. As a result, the public has been able to see the significant racial disparities in the use of police force. New Jersey should scale back OPRA's criminal investigatory records exemptions, which allow police departments to be too secretive.

Overall, this legislation is particularly troubling in light of the Legislature's passage last session of the Elections Transparency Act. This Orwellian-named bill opened the floodgates to dark money interests spending hundreds of thousands of dollars in key legislative races to mislead voters in elections less than six months ago.

The Legislature would do well to remember that a similarly rushed process that failed to meaningfully engage advocates severely weakened our state's campaign finance laws while empowering powerful corporate interests.

This bill is even more outrageous because it will have no meaningful impact on the purported problem of commercial users utilizing OPRA as a data mining tool at significant municipal cost — the so-called reason why the Legislature must rush this legislation through without adequate public input.

In a state with a well-deserved reputation for corruption, with a United States Senator under indictment for accepting gold bars to influence federal approval on hundreds of millions of dollars' worth of weapons sales to an authoritarian foreign government, we should be expanding access to public records to safeguard taxpayer dollars — not further shielding public officials from scrutiny.

We sincerely hope that you will heed the lessons learned from recent history. Instead of ramming through ill-considered legislation that threatens to once again weaken our democracy, we call on you to change course.

It's not too late to sit down with advocates to develop a series of amendments that will strengthen public access and safeguard taxpayer dollars. Your leadership and political will are needed now more than ever.

Signed,

New Jersey Working Families Party  
American Civil Liberties Union of New Jersey  
League of Women Voters of New Jersey

*Current and Retired Government Officials*

Loretta Weinberg, Senate Majority Leader, Retired  
New Jersey Office of the Public Defender

*Organization Co-Signatories*  
*(co-signatories in alphabetical order by organization)*

1199NUHHCE/AFSCME -AFL-CIO	Asian Americans and Pacific Islanders of New Jersey
AAUP BHSNJ	
Action Together New Jersey	Association of New Jersey Environmental Commissions
AFSCME New Jersey Council 63	Berkeley Heights Community Watch
Amalgamated Transit Union NJ State Joint Council	Bike Hoboken
American Civil Liberties Union of New Jersey	Black Human Rights Campaign
APP-MCJ Guild	BlueWaveNJ
	Camden Parent and Student Union
	Camden We Choose Coalition

Casa Freehold	Good Government Coalition of New Jersey (GGCNJ)
Center for Policing Equity	
Cherry Hill Women's Center	Housing & Community Development Network of NJ
Clean Water Action	HPAE
College Democrats of America	Hudson County Central Labor Council
Communication Workers of America District 1	IFPTE Local 194
Community Doulas of South Jersey	IFPTE Local 196
Cosecha New Jersey	Indivisible Cranbury
CRE Advisors, LLC	Ironbound Community Corporation
CWA Local 1037	IUE-CWA
CWA Local 1081	JOLT
Empower NJ	La Casa de Don Pedro, Inc.
Environment New Jersey	Latino Action Network
Faith in New Jersey	Laundry, Distribution & Food Service Joint Board, Workers United, SEIU
First Amendment Foundation	League of Women Voters - Northern Valley
First Friends of New Jersey & New York	League of Women Voters of Camden County
Food & Water Watch	League of Women Voters of Glen Rock
Freedom of the Press Foundation	League of Women Voters of Greater Princeton Area
Friends of Liberty State Park	
Garden State Equality	

League of Women Voters of Lawrence Township

League of Women Voters of Monmouth County

League of Women Voters of Somerset and Hunterdon Counties

League of Women Voters of Sussex Highlands

League of Women Voters of Teaneck

League of Women Voters of the Morristown Area

Local 1940 AFT

Local 195 IFPTE

Make the Road Action

Make the Road New Jersey

MorristownGreen.com

New Jersey Alliance for Immigrant Justice

New Jersey Appleseed Public Interest Law Center

New Jersey Foundation for Open Government

New Jersey Harm Reduction Coalition

New Jersey League of Conservation Voters

New Jersey Media Government Transparency Working Group

New Jersey Policy Perspective

New Jersey Public Education Coalition

New Jersey Sierra Club

New Jersey Urban News

New Labor

Newark Communities for Accountable Policing

Newark Teachers Union

NJ 11th for Change

NJ Citizen Action

NJ Communities United

NJ Foundation from Open Government

NJ Resistance

Northern Valley League of Women Voters

OPEIU Local 32

Our Revolution New Jersey

Pinelands Preservation Alliance

Piscataway Progressive Democratic Organization

Planned Parenthood Action Fund of New Jersey

PSK Strategic Solutions

Radio Television Digital News Association

Regional Plan Association

Region 9 UAW Housing Corp

Rutgers AAUP-AFT

Rutgers Adjunct Union (PTLFC-AAUP-AFT)

SafeStreetsJC

Salvation and Social Justice

Save Our Schools NJ

SEIU 32BJ

Society of Environmental Journalists

SOMA Action

SPAN Parent Advocacy Network

SWEEP New Jersey

The Mount Holly Reporter

The NewsGuild of New York

The NewsGuild-CWA

Tri-State Transportation Campaign

Unidad Latina en Accion NJ

Union of Rutgers Administrators-American Federation of Teachers (URA-AFT)

Unitarian Universalist FaithAction NJ

United Progressive Democrats

United Steelworkers, Local 4-200

Utility Workers Union of America Local 601

Wind of the Spirit Immigrant Resource Center

York Street Project