



**PRESS RELEASE**

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**DelCOG Survey Reports Delaware Legislators and Candidates Favor Open Government**

Nov. 2, 2008, Wilmington, Del. – According to a recent survey of Delaware Legislators and Candidates for the House and Senate, 95% of all who responded said that they favor having the Delaware Freedom of Information Act (FOIA) apply to them as legislators.

The online survey was designed and conducted by the Delaware Coalition for Open Government (DELCOG).

The lack of open government in the Delaware General Assembly is a hot topic this election cycle. In 1977, when the Delaware General Assembly approved the FOIA bill, they exempted themselves from it.

The Freedom of Information Act was established to ensure the transparency of government by requiring government agencies to hold open meetings and hearings, and maintain public access to records.

The October 2008 survey results indicate that almost all of the responding incumbents and challenger candidates now favor removing the FOIA exemption, but with certain exceptions. Of the 96 current incumbents and candidates, 42 responded to the survey. The results are summarized below.

**Survey Results (not all questions were answered by all survey takers)**

- |   |        |       |
|---|--------|-------|
| 1. Do you favor having the Delaware FOIA Law, without exceptions, apply to the Delaware General Assembly?   | Yes 17 | No 23 |
| 2. Do you favor having FOIA apply to the General Assembly, but with some exceptions?  | Yes 23 | No 0  |
| 3. If you favor FOIA with exceptions, which of these legislative functions should be exempt from FOIA and allowed to remain closed: (number of those who answered "Yes" to #2): |        |       |
| • Caucuses?   | Yes 21 |       |
| • Joint Finance Committee meetings by majority vote?  | Yes 4  |       |
| • Capital Budget Committee meetings by committee majority vote?   | Yes 4  |       |
| • Legislative Council meetings by committee majority vote?  | Yes 3  |       |
| • Standing committee meetings by committee majority vote?   | Yes 2  |       |
| • Travel and expense information for Legislators and staff?   | Yes 2  |       |
| • Constituent communication by Legislators and staff?   | Yes 16 |       |
| 4. Other exceptions? (write-in) Note: Number of written responses in parentheses.   |        |       |
| • When safety is an issue   | (1)    |       |
| • Meetings where public attendance would inhibit frank discussion   | (1)    |       |
| • Investigations that might jeopardize criminal prosecutions if made public   | (1)    |       |

- personnel matters (1)
  - personal privacy issues (1)
5. Should the Delaware FOIA be revised to:
    - Improve the public's ease of access to public information? Yes 40 No 1
    - Provide private individuals public information at no cost or at nominal cost? Yes 37 No 2
  6. Do you favor having an independent ombudsman to resolve disputes between FOIA applicants and state or local government agencies that deny FOIA requests? Yes 31 No 4
  7. Do you favor allowing the public adequate time to review and comment on the following budget items before they are submitted to a vote?
    - The annual budget bill? Yes 41 No 0
    - The annual capital budget? Yes 41 No 0
    - The Grant in Aid budget? Yes 39 No 0
  8. Should members of the House and the Senate be restricted from introducing legislation during the final two weeks of the legislative session? Yes 10 No 29
  9. Should the desk-drawer-veto be ended by having a bill released to the full committee if the bill's sponsor(s) so requests? Yes 40 No 1
  10. Should Legislative sessions end at 6 p.m. to avoid last-day/late-night submissions? Yes 14 No 23
  11. Should House and Senate Agendas be posted online at least 24 hours before a session begins? Yes 41 No 1
  12. Should results of House and Senate votes on legislation be accessible online within 24 hours following the end of any legislative session? Yes 41 No 1
  13. Should audio and video records of House and Senate proceedings be publicly available? Yes 39 No 0
  14. Should audio and video recordings of the Joint Finance and Joint Capital Budget Committee meetings be posted online? Yes 35 No 2

**DELCOG** is a coalition of journalists, attorneys, representatives of non-profit organizations and civic associations, elected officials and individuals who advocate for Open Government, access to public records, and enforcement of State and Federal Freedom of Information laws, as well as a resource for public education on FOIA rights.

**Membership in DELCOG** is open to any individual, institution or organization in Delaware. Membership is free. Contributions are invited and are fully tax deductible because DELCOG is a non-profit 501(c)(3) organization.

**DELCOG board meetings** are held on the first Monday of the month at the Woodlawn Library and are open to the public.

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