



OBSERVER CORPS

Adapted from the LWVUS publication of the same name
January 2022

Protecting our right to know is integral to the health of our democracy. Decisions that determine how our schools will be run, at what level community safety programs will be funded, and how land in our towns will be used impact our lives and are vital to our well-being. These kinds of decisions need to be made with public input and oversight. One important way to ensure that is to observe government meetings.

The League has been a champion of government transparency since our founding in 1920. It is one of our core principles and a vital part of our mission. Our efforts in this area reinforce our reputation of fairness, nonpartisanship and trust. League members attend governmental meetings to learn what their government is doing and to monitor whether those meetings are conducted in an open and transparent way. Experience has shown the importance of the League being present to watch—and to take action when necessary.

Consider this real-world example, selected from countless similar successes: Karen Mitchell, a founding member of the LWV of Spartanburg County (SC), began her fight to change the public housing situation in her county by attending public meetings. Though they were held in a cramped office with little advance notice, she would attend and listen. The League researched other towns and their housing communities, held a community forum, and engaged the local press. Shortly thereafter everything changed – new director, new board and new ideas that helped the residents. Since then, Spartanburg has been the recipient of two multi-million dollar federal grants that have transformed the housing communities and, as a result, the whole community.

As this example demonstrates, League “observer corps” or monitoring programs are not new. Many Leagues across the country have had programs in place for decades. The goal of this paper is to document how these programs work, as well as to describe the benefits that accrue to the League as well as the public. We have compiled some best practices, as well as provided information about how these programs can contribute to the vitality of the League. It is our hope that even the most experienced observer will find something new in this guide.

An observer is an individual who attends a governmental meeting, notes what happens at the meeting, and reports back to the League and possibly the community. By attending public meetings of local governmental bodies/agencies, observers learn more about what their government is doing. They learn about the issues facing their community and are empowered to take action. They also learn how issues are being addressed.

Observers keep elected and appointed officials on notice; they let them know that someone is watching what and how decisions are being made. They help ensure that the issues facing their community are being handled “in the sunshine,” transparently.

Ideally, observers are monitoring both the issues being discussed as well as the process by which they are being discussed. While not every item up for discussion will relate to a League’s priorities, ensuring that the meeting

is being conducted in an open and acceptable way is critical to all League efforts and the health of our democracy.

Observer programs are not vehicles for individuals to work personal or partisan agendas. Observers generally do not act on issues in these meetings. Unless serving as a designated spokesperson for the League, observers should not provide commentary or testimony on issues on behalf of the League. Instead, observers attend meetings to gather information. Through the process, their presence encourages better, more transparent government.

Observer programs benefit the community by:

- Creating a civically engaged and empowered cadre of watchdogs;
- Promoting open, transparent and accountable government;
- Connecting elected/appointed officials with their constituents;
- Educating the public about issues impacting their communities and their lives; and
- Identifying areas where action or improvement is needed.

Observer programs benefit the League by:

- Providing tangible, action-oriented opportunities for member engagement. Observers do not need to work in teams or committees. Reports need not be cumbersome or arduous. While it would be ideal to have every meeting of a given agency or office covered, that may not be practical; even attending sporadically will establish a League presence and allows for processes to be monitored—especially the requirement of having minutes of previous sessions available to the public!
- Observer programs are not “all or nothing” programs. It is unlikely that a League could observe the work of every agency or office in their community, so it is important for League leaders to focus where they will place their resources, in this case their volunteer observers. Just as a League would identify priorities for its other programmatic work, Leagues should identify the best locations for their observers and not be discouraged from establishing or maintaining a program even if the League will only be observing a handful of local agencies or offices.

Observer programs benefit the observers by:

- Offering a meaningful way to be a part of what is happening in their communities. Observers are able to learn about governmental issues and processes and are given opportunities to network at meetings—with officials and other concerned citizens. Serving as an observer is a leadership opportunity, allowing for a pipeline to Board membership or possibly feeling empowered to seek elected office. Most importantly, observers are providing a community service. They are acting as watchdog on behalf of their friends, family and neighbors and helping to ensure the vitality of their community. Advertising these benefits can help to recruit new observers.

WHO ARE LEAGUES OBSERVING?

- Airport authority/Aviation board
- Board of elections
- City/Town Council
- County commissioners
- Department of human services
- Health department
- Historic preservation commission

- Hospital board
- Human relations committee
- Library board
- Park district board
- School committee
- Solid waste/Sanitary board
- Visitors and convention commission
- Water district/board
- Zoning/Planning board

Best Practices for Observers

1. League president or executive director sends a letter introducing the observer to the head of the agency/committee to be observed.
2. Observers introduce themselves to the presiding officer and secretary/clerk at the first meeting they attend and make contact with them at subsequent meetings as appropriate.
3. Observers introduce themselves to any members of the media that might be present to begin to foster a relationship and be seen as a resource.
4. Observers wear something (e.g., lapel pin, sticker or button) that identifies them as League members.
5. Observers should arrange to receive the meeting agenda in advance—to verify the availability of the agenda and be familiar with the current business items.

KNOWING THE LAW

It is critical to understand the laws that govern public access before establishing an observer program. Three major pieces of federal legislation codify the public's right to know. The Freedom of Information Act (FOIA) formally established a presumption that records in the possession of agencies and departments of the executive branch of the U.S. government are accessible to the people. The Federal Advisory Committee Act (FACA) and the Government in the Sunshine Act (Sunshine Act) are the federal open meeting laws. The Sunshine Act and its state-level equivalents are the most relevant to observer programs.

State governments, and in some cases local government entities, have followed the federal government and established their own open meeting acts/regulations; in most cases these mirror the federal law. Leagues should review the laws in their respective jurisdictions to understand the specific provisions or rules that apply to the agency or office they plan to observe (this information is generally available on state legislative websites or through the state attorney general's office).

Passed in 1976, the [Government in the Sunshine Act](#) (5 U.S.C. § 552(b)), with some exceptions, provides that "every portion of every meeting of an agency shall be open to public observation." The statute defines an "agency" as an entity "headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency."

There are 10 specific exemptions for categories of information that do not need to be disclosed or deliberated in open meetings:

1. Authorized under Executive Order to be kept secret in the interests of national defense or foreign policy
2. Related solely to internal personnel rules and practices of an agency
3. Specifically exempted from disclosure by statute

4. Involving privileged or confidential trade secrets and commercial or financial information obtained from a person
5. Involved in accusing any person of a crime or censuring any person
6. Involving personal information whose disclosure would constitute an invasion of personal privacy
7. Related to certain investigatory records compiled for law enforcement purposes
8. Contained in, or related to, examination, operating, or condition reports prepared for or used by an agency responsible for regulation or supervision of financial institutions
9. The premature disclosure of which would be likely to significantly endanger the stability of any financial institution or significantly frustrate implementation of a proposed agency action
10. Specifically concerning the agency's issuance of a subpoena or participation in a civil action or proceeding.

Mechanics of an Observer Program

The Sunshine Act prescribes specific procedures that agencies must follow in announcing and changing meetings, closing meetings, and withholding substantive information regarding meetings. It delineates procedures for keeping minutes and making them available to the public, and it outlines enforcement mechanisms (i.e., action through the federal courts) that members of the public can employ. As with almost all legislation, the Sunshine Act is not without critics or controversy, which underscores the critical need for watchdogs like citizen observers.

It is very important that Leagues establish clear goals for their observer programs to ensure that they get the biggest return on the investment of their most precious resource: their members' time. It is also critical that Leagues understand what they want to accomplish with the program, and there should be common understanding about what a successful program looks like and hopes to achieve. There are three main areas that Leagues should consider when establishing their goals:

- (1) What agencies or offices will it monitor;
- (2) What types of information will observers be monitoring; and
- (3) What will be done with the information collected?

Sharing What's Observed

Leagues have a variety of options regarding how to share what's observed. League Boards may choose to do any or all of the following:

- Send an action alert to membership
- Write an op-ed for local media
- Run a column in the League's newsletter
- Engage membership in a call or letter-writing campaign
- Testify at a meeting
- Contact LWVCO for additional support

Helpful Links

[Colorado Laws Concerning Open Meetings](#)

[Observing Your Government in Action: A Resource Guide. LWVUS \(2007\)](#)

[Impact on Issues: A Guide to Public Policy Positions. LWVUS \(2020-22\)](#)

[Positions for Action. LWV of Colorado \(2022\)](#)