



STATE OF INDIANA

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December 29, 2014

Mr. Eddie Hager
505 North 16th St.
New Castle, IN 47362

Re: Formal Complaint(s) 14-FC-264 & 14-FC-281 (Consolidated); Alleged Violation(s) of the Open Door Law by the Henry County Election Board

Dear Mr. Hager,

This advisory opinion is in response to your formal complaint alleging the Henry County Election Board ("Board") violated the Indiana Open Door Law ("ODL"), Ind. Code § 5-14-1.5 *et. seq.* Ms. Debbie Walker, Henry County Clerk, responded on behalf of the Board. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on October 31 and November 20, 2014.

BACKGROUND

Your complaints allege the Henry County Election Board violated the Open Door Law by failing to notify you of public meetings.

You allege that on October 28, 2014, the Board met to discuss a complaint regarding a deficient campaign record filed by you. You subsequently found out through the newspaper about the meeting. You claim no notice was posted.

You also allege a meeting was held on November 14, 2014, wherein a vote was taken to sanction you for the defective filing. You claim no notice was posted of this meeting as well.

The Henry County Clerk replied on behalf of the Board and provided the notices for both meetings arguing they were properly noticed 48 hours in advance of the meeting and also provided to the local newspaper.

ANALYSIS

It is the intent of the Open Door Law (ODL) the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. See Ind. Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. See Ind. Code § 5-14-1.5-3(a).

Notice of a public meeting must be given 48 hours in advance of every meeting, excluding holidays and weekends, and must contain, in addition to the date, time and location of the meeting. The governing body of a public agency shall give public notice by posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held. See Ind. Code § 5-14-1.5-5.

The Board states the notice was posted in advance in the local Justice Center and the Voters Registration Office. While the Board has provided the actual notices, I cannot state conclusively if they were actually posted. I have been unable to confirm with the Courier Times whether they received their copy of the notice.

If the notices were not posted at the place of the meeting 48 hours in advance, the Open Door Law would have been violated. I have not been provided with enough information to suggest one way or the other. I decline to make a conclusive determination.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor

Cc: Ms. Debbie Walker