

Basic Government Transparency Act Model Bill

SECTION 1. TITLE

This act shall be known as the “Basic Government Transparency Act.”

SECTION 2. LEGISLATIVE FINDINGS AND DECLARATIONS

The legislature finds that:

Government exists to secure the individual rights and liberties of the people and derives its powers from the consent of the governed, but rights and liberties cannot be effectively preserved, and informed consent cannot be given, absent transparency and accountability;

Each resident of the state is bound by the laws, policies, and regulations of multiple governmental entities and agencies. Without ready access to information about all levels of government, there exists a significant potential for ignorance. Within the shadow of ignorance exists an unmitigated risk of malfeasance and oppression; and

Governmental entities are best situated to provide residents with consistent, continuous access to clear, concise information concerning those governmental entities' structure and activities.

Therefore, the legislature declares that establishing jurisdictional and financial transparency is necessarily a public function.

The legislature further declares that greater jurisdictional transparency and public accountability are necessary to mitigate government encroachment on the rights and freedoms of its people and to ensure the various governments are acting within their limited, constitutionally delegated powers to provide for the liberty, health, safety, and welfare and of the governed.

SECTION 3. DEFINITIONS

As used in this act;

1. “Agency” means a subdivision of a governmental entity with authority to recommend or create laws, codes, ordinances, or public policy or carry out such policies, including boards, bodies, bureaus, commissions, contractors, counsels, courts, departments, electric co-ops, institutions, offices, officers, school districts, and units;
2. “Business entity” means individuals, partnerships, business trusts, cooperatives, associates, corporations, limited liability companies or any other firm, group or concern which functions as a separate entity for business purposes;
3. “Department” means the state [APPROPRIATE STATE DEPARTMENT OVER ADMINISTRATIVE SERVICES]¹

¹ Oklahoma Office of Management Services

4. “Governmental entity” means the government of the state of [STATE], county, municipality or other political subdivision of the state; and
5. “Vendor” means an individual or business entity that provides items, products, materials, supplies, services, or equipment to governmental entities.

SECTION 4. COMPREHENSIVE GOVERNMENT TRANSPARENCY DATABASE

- A. On or before [DATE²], the department shall establish and maintain a jurisdictional transparency website that lists all governmental entities with jurisdiction over an address entered by a user of the website. Addresses may be entered specifically into a dedicated search field or by indicating a point on an interactive map. The list generated for each address shall contain the name of every governmental entity with jurisdiction over the address. A user shall be able to select a governmental entity from that list and be linked to an up-to-date web page maintained by that governmental entity as provided by paragraph C of this subsection.
- B. The state jurisdictional transparency website shall be an official state government website that is accessible by the public at no cost.
- C. On or before [DATE³], each governmental entity shall establish and maintain a governmental transparency website. Information compiled by governmental entities shall be presented in a standardized format that is clear, concise, and easily discoverable by the general public and shall be prominently featured on the governmental entity’s internet homepage. Each government transparency website shall contain the following information or ready links to the same:
 1. The name, mailing address, electronic mail address, and telephone of all officials with policy-making authority, including the heads of the governmental entity as well as the heads or governing bodies of agencies;
 2. For each listed official, a description of how the official obtained office, whether appointed or elected and, if appointed, by whom; the date that each policy-making official assumed the office; and the date when the term of office shall end;
 3. Links to all statutes, rules, codes, and ordinances enacted by the governmental entity.
 4. Dates for all elections scheduled within the next two calendar years;
 5. A list of taxes and fees controlled by the governmental entity; and
 6. A link to the financial transparency register for each governmental entity as required by this act.

² This date should be the soonest feasible date but no later than the beginning of the next fiscal year.

³ This date should be some time prior to the date required by paragraph A.

- D. Each governmental transparency website shall be accessible to the public at no cost.
- E. Each governmental entity shall submit to the department an up-to-date link to website containing the information required by paragraph C of this subsection. The department shall establish by rule a process whereby each entity submits its webpage for approval. The department shall have authority to determine a standardized webpage format by rule. Each governmental entity shall provide periodic updates as established by rule, but not less than once per quarter.

SECTION 5. FINANCIAL TRANSPARENCY REGISTER

- A. On or before [DATE], every governmental entity shall establish and maintain a financial transparency register that shall list each financial transaction of the governmental entity. The register shall be updated quarterly and records shall be archived by fiscal year.⁴ The governmental entity shall maintain public online access to archived registers.
- B. The website for the register shall present a financial overview of the governmental entity in a way that is intuitive to the general public. The financial overview shall include:
 - 1. The total budget of the governmental entity,
 - 2. The budget for each agency, and
 - 3. The source and amount of revenues from each source.
- C. The financial transparency register shall list each transaction [in excess of \$___].⁵ The register shall be downloadable in a spreadsheet format that can be manipulated, searched, and sorted. There shall be no cap on the number of transactions that can be downloaded and the register shall be downloadable in its entirety. Each expenditure shall include the following information:
 - 1. The manner of payment, including check or warrant or credit, debit or other purchase card;
 - 2. The funding source from which the expenditure was made;
 - 3. The date and amount of each expenditure;
 - 4. The agency or budget unit making the expenditure;
 - 5. The name of the entity, person, or vendor receiving payment, including, names of public employees on payroll and, if applicable, a vendor number;
 - 6. An explanation of the object or purpose of the expenditure. The explanation shall be unique, specific to each transaction, meaningful, and brief.

⁴ States may insert a time frame within which annual financial information and transactions must be archived.

⁵ States may include a minimum dollar amount.

SECTION 6. PENALTY

Any governmental entity that fails to comply with this Act by the dates specified in Sections 4 and 5 of this act shall be guilty of [APPROPRIATE STATE CRIMINAL/CORRUPTION PROVISION] and be subject to the penalties contained in [APPROPRIATE STATE SECTION OF CRIMINAL/CORRUPTION LAW].⁶

SECTION 7. EFFECTIVE DATE

This act shall be effective on July 1, 20__.

⁶ States should incorporate the appropriate sections of the state's penal code or public corruption laws or otherwise create malfeasance or nonfeasance penalties for the violation of public trust. Careful consideration should be given to the penalty and to the liable party or parties. For example, there could be a penalty assessment scheme assessing an annual fine against governmental entities for noncompliance. Such a fine should be sufficient to incent compliance. Alternatively, a criminal penalty could hold the executive officer of a governmental entity liable for a misdemeanor. A third possibility could include withholding certain funding streams or revoking certain home rule authority until substantial compliance is achieved. Demonstrating the ability to comply with this Act should also be a necessary condition prior to receiving a new governmental charter.