

January 20, 2026

To the Honorable:

Rep. Matt Birong

Rep. Lisa Hango:

RE: Proposed changes to Vermont Public Records Act

Good morning,

My name is Lisa Loomis, and I am the co-owner and editor of The Valley Reporter serving the Mad River Valley, Sugarbush and Mad River Glen. I've been successfully navigating public records requests with the six towns and seven schools/one school district in this community for 40 years.

I am the president of the Vermont Press Association and a board member of the Vermont Journalism Coalition.

I am writing on behalf of the Vermont Press Association to object to changes to Vermont's public records act being proposed by the Vermont League of Cities and Towns, specifically extending the number of days to respond from three to 14, changing what constitutes a denial and the appeals process.

Let's be clear, what VLCT is proposing is a solution looking for a problem. The VNRC asserts that:

"The number of Public Records Act (PRA) requests received by municipalities seems to be increasing exponentially, as are the types and volumes of records that municipal officials are obligated to maintain."

Can you get some valid data to support these claims? Does VLCT have quantitative feedback to share with the Legislature to indicate that public records requests "seem" to be increasing "exponentially."

Which towns and how many of them are reporting this to be a problem? Can VLCT provide some quantitative data?

It's important to note that in 2026 over 90% (if not more) of public records are digital and to share those with someone who makes a legitimate request involves accessing a municipal data base, attaching files to an email and hitting send. The person doing that work is likely already sitting at a computer, already being paid to do that work.

It's also important to point out that when you, our elected Legislators, slow, delay or make it harder for the public to access the work of their local governments, you are concurrently

making it harder for the press to have that access to inform the public. The press represents the public. Please don't throw the baby out with the bath water here.

Several years ago, the Vermont Press Association acceded to/compromised on a proposed change to the number of days to respond to a public records request, increasing it from two to three days. Timely and responsive government is a hallmark of a functioning democracy. Shifting the response time to 14 days is absurd and flies in the face of open, responsive government.

The 14-day limit also makes the records unusable when a government board or official is considering taking action, and the records are being withheld by the town.

If, for example, a journalist receives information about a town Development Review Board reviewing an application to construct an asbestos factory in a town and that reporter wants to get a story published in advance of that DRB hearing so that the public can be aware and participate in that public hearing, a 14-day response period effectively means shutting out that reporter and the public.

These proposed changes are painted with brush that is far too broad. What logic dictates the proposed change from three to 14 days? We would like to see that number returned to two days, not extended to two weeks.

What is difficult about failing to respond being deemed a denial? Failure to respond is failure to respond. Can public officials not simply respond with an email stating the request was received and is being acted on? It has worked, it works, why change it now without a lot of real and valid data points to suggest change is needed?

That leads to clarifying appeals. If, in denying an appeal, a town clerk is responding by email, can that public servant not include a sentence that says, "you may appeal this decision to the select board by emailing townadmin@waitsfieldvt.org?"

Vermont law already clearly mandates the appeal must be outlined in a denial letter and everybody in the town office knows the appeal either goes to the town manager or town select board or a district superintendent or intra-municipal body board chair.

What is VLCT suggesting is "the true cost of producing records and redaction?" We are no longer talking about photocopying documents. And we are no longer talking about copying documents using machines that had counters and governors on how many pages were copied. The majority of what we're talking about is emailing files. What's the cost of an email on a publicly owned machine, sent by a public servant?

Redaction is different as are documents that need legal review, yet VLCT is proposing that all documents be subject to this overly broad statutory change that will negatively impact journalists as well as the public seeking legitimate access to public documents.

Doesn't adding a requirement that deposits be paid, in advance, for public records request just create ANOTHER layer of work for town clerks and treasurers?

We understand that some towns may have that one person who submits multiple and repeated requests and that 'vexatious' is a fun word to use but we caution that that word needs to be carefully defined, and any such policy carefully crafted to avoid penalizing members of the public legitimately seeking records and documents that a board or body may be reluctant to have made public. As journalists, we encounter that in our work - boards telling us that the public does not need to know about that yet. We think the public should decide and not a recalcitrant public servant.

In closing, these proposed changes are overly broad, not well-thought out and are a solution in search of a problem. This committee has previously and judiciously rejected these and similar proposals the past. We urge this committee to carefully parse the proposed language and err not on the side of the convenience of paid public servants, but on the public.

Thank you for your time and I'm happy to answer questions as they arise. I can attend Thursday and Friday and Tuesday hearings.