OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 715

OKLAHOMA CITY, OKLA., May 5, 20 23

TIME SIGNED: 11:00 am

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST REGULAR SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 715:

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Enrolled Senate Bill 715.

Enrolled Senate Bill 715 would create ambiguities and allow courts to engage in arbitrary balancing related to highly sensitive information sought pursuant to the Open Records Act. As written, the bill authorizes an open court hearing to address confidential records and would not—as would be appropriate—allow for a court to conduct an *in camera* (private) review of records designated as confidential. Even if a court were able to privately review records withheld as confidential, the amendatory language would simply have courts balance public and private interests to determine whether to release sensitive personnel records to a third-party.

Then, although the amendment applies by explicit reference subsection B of Section 24A.17—a subsection that provides for mandatory attorney fees to successful plaintiffs—the amendatory language would provide courts discretion in awarding attorney fees against public bodies and would leave open the question of whether a public body would have any right to secure an award of reasonable attorney fees if forced to defend against a frivolous suit, as permitted by subsection C of Section 24A.17.

Simply put, Enrolled Senate Bill 715 is rife with issues and should not become law. To be clear, I stand for transparency backed by responsible processes and welcome dialogue about reforms to the Open Records Act, including, but not limited, to expanding it in a manner that would allow public access to records in other branches of government.

For these reasons, I have vetoed Enrolled Senate Bill 715.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Delivered to SENATE by: Summer Curry

Date/Time: 5/5/23 ; 1:53 pm

SENATE:

By

Date/Time 5/5/23 1:53 pm

RECEIVED

MAY 05 2023

OKLAHOMA SECRETARY
OF STATE