

Josh Kaul Response

Question 1

In response to our questionnaire in 2022, both candidates said one of the biggest challenges to enforcing the state's public records and open meetings laws was a lack of resources. What has been done to close this gap and what more needs to be done? Would you ask the Legislature for additional funds to carry out the DOJ's duties?

My administration requested that 2.6 positions for public records staffing for DOJ be included in the 2025-27 state budget. The addition of those positions would have resulted in more DOJ staff time being available to promote and obtain compliance with the public records and open meetings laws. Those positions were not included in that state budget. For the 2027-29 state budget, my administration has requested 2.6 positions for the Office of Open Government.

Question 2

The DOJ has not filed a public records or open meetings enforcement case since 2004. See *State v. Beaver Dam Area Development Corporation*, 2008 WI 90. Should the DOJ be taking a more active role in enforcement of the law? Why or why not?

DOJ should evaluate matters on a case-by-case basis, working to promote compliance while taking its resource limitations into account. DOJ should continue providing guidance and trainings on the public records and open meetings laws to promote compliance with those laws. DOJ should also continue getting voluntary compliance in cases in which unintentional violations occur. In a case involving an egregious, intentional violation, an enforcement action should be considered.

Question 3

What can the DOJ do to reduce its response times to public records requests?

Additional resources could help DOJ reduce response times to public records requests. As pointed out above, my administration has requested that 2.6 positions for the Office of Open Government be included in the 2027-29 state budget.

[The Council initially asked the candidates about the DOJ's average response times to public records requests during AG Kaul's tenure. However, the Council later became aware of a discrepancy in Office of Open Government reports bearing directly on this question that could not be immediately resolved. To ensure factual accuracy and to be fair to both candidates, we chose to revise the question and to disclose the reasoning here.]

Question 4

In 2018, the DOJ recommended that “authorities re-evaluate their copying fees” to more precisely reflect the “actual, necessary and direct costs of reproduction” by using the price of paper and per-page costs under a copier lease. The DOJ determined its actual cost for a single black-and-white page was \$0.0135, yet many government agencies continue to charge 25 cents or more per page. What will you do to address this problem?

I would encourage requesters with concerns regarding the fees charged for public records to contact the Office of Open Government for assistance with the possible resolution of their concerns.

Question 5

What if any changes should the state make to the public records and open meetings laws? Why?

These laws should be modernized to account for technological developments that have occurred since the laws were enacted. In addition, the legislature's exemption from records retention requirements should be ended.

Question 6

What ideas do you have to promote government transparency in Wisconsin, either at the state or local governmental level?

The legislature should assess what additional resources should be provided to assist agencies across state and local government in responding to public records requests. Further, agencies should make information about public records responses available to the public, as DOJ does.