

Senate State, Veterans, & Military Affairs

02/20/2025 Upon Adjournment

SB25-077 Mod to Colorado Open Records Act

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Cory Gaines Amend themselves</p>	<p>Hello, this is the text of an op-ed I wrote about this bill for Complete Colorado which was published on 1/31.</p> <p>I urge you to take out the provisions I cite as onerous below to pass the bill. Thank you.</p> <p>For the last two years Senator Cathy Kipp, a Democrat from Fort Collins (along with her stalwart Republican companion, Representative Matt Soper from Mesa County) has run bills seeking to change the Colorado Open Records Act, commonly known as CORA. This is the law that spells out how anyone, including ordinary citizens, can get access to public records from their government, from local up to state.</p> <p>The newest version, Senate Bill 25-077, isn't quite as bad as its predecessor, but still stinks enough as is to flunk the smell test.</p> <p>The 2024 effort was God-awful. It would have let records custodians label someone requesting records as "vexatious," barring them from making records requests for 30 days. It would have excessively extended deadlines for custodians to answer requests.</p> <p>Further, if a requester had multiple records requests that all fell within 14 days of each other, they could all be counted as a single ask. This seems an innocuous change until you realize that the free hour's worth of the records custodian's time you get on a CORA request would then apply to all of your requests over 14 days, potentially adding a huge cost to what are already outsized fees for records.</p> <p>Perhaps one of the most aggravating aspects of this bill was that it would have let state government divide up Coloradans into the haves and have-nots, as there were different rules for "media" and ordinary citizens baked into the bill.</p>

	<p>The 2024 version, despite amendments to make it more palatable, died in the legislature. I don't think it was mourned by many.</p> <p>The 2025 version of the bill shows some promise at actual CORA reform, but all the flavoring and bright color the sponsors mixed in cannot kill the horrible medicinal taste hiding underneath. The bad parts from 2024 linger here.</p> <p>Like before, though perhaps differing in number of days, the 2025 bill would extend the deadline for CORA requests, giving the records custodians extra time. The normal deadline now is 3 working days, it would go to 5. The deadline if "extenuating circumstances" exist is now 7 working days, it would go to 10. If the records custodian is not scheduled to work in the normal response window, that would now count as an extenuating circumstance and allow extra time.</p> <p>The 2025 version brings back lumping multiple requests that fall in 14 days' time into a single request with that same grand total of 1 hour's free time.</p> <p>And, as in 2024, this bill makes two sets of rules. One is for the people the government deems "media," while the other is for everyday people. That lengthened response time? That's not for the media. That's for you!</p> <p>Senator Kipp claims to be running these bills in a effort to prevent CORA abuse. A worthy idea, that ignores the reality that some bad behavior will always be with us. Attempts to legislate it away carry the potential for unintended (and sometimes intended) harm, especially to those who like myself often make CORA request, but are not credentialed journalists.</p> <p>I have made mistakes or needed to refine CORA requests in the light of new details. This has meant multiple requests, sometimes in a 14 day window. I don't do it to abuse anyone, it's just reality. Absent the grace of one free hour per request, I and others might face costs high enough to deter getting the information we want. That, or lengthy 14 day pauses that might raise the price of participation enough to deter requests. Regular citizens don't do CORA requests for a living, they do them around their living. Whether intended or not, rules like these have harm ordinary requesters that don't happen to work as journalists.</p> <p>Additionally, I've had records custodians play right on the boundary of doing something against the rules. If we allow more discretion on their part—such as who is news media, who isn't, when they are scheduled or when they are off—surely there will be some custodians who take advantage. As an ordinary citizen, I might not have the time or financial resources to fight, nor the clout of a large public platform to embarrass the government that does it.</p>
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	<p>Add to this the repugnance of the idea that on top of all of this, the government privileges others to operate under special rules I can't. Where is the fairness and even dealing here?</p> <p>To be fair, the 2025 bill is not as bad as it's predecessor. In fact, there are some provisions in it that I support. It requires better disclosure of the CORA rules and policies for different government departments, it requires custodians to offer a breakdown of costs for record retrieval (possibly allowing one of those refinements I mentioned earlier), and it even allows people to pay for records by credit card in certain cases. A step in the right direction, all.</p> <p>If these were the only things in the bill, I'd be first in line to support it. They aren't, however, and if the only choice we have is an all-or-nothing one, I think the bad in this bill outweighs the good.</p> <p>That said, if the sponsors were to prune away the bad spots, I'm on board.</p>
<p>Dani Lawrence Against themselves</p>	<p>Thank you, Chairmen Weismann, Vice Chairmen Sullivan and esteemed committee members. I am writing to express my objection to SB25-077 as written and hope to demonstrate how supporting this bill could potentially violate the civil rights of children with disabilities in public school. Last year in the 2024 session myself and many other parents, along with several organizations opposed HB 24-1296 also written by Senator Kipp for the same reasons. In time bound complaint systems like those used with the CO Department of Education but more importantly the Office of Civil Rights delay in obtaining CORA information could impede a family's ability to pursue open records information to support their case. For my own family CORA information of correspondences between school district employees in Poudre School District (Fort Collins) divulged that my son had not been receiving services under his Individual Education Plan (IEP) -which was a violation of federal law and a denial of a "free and appropriate public education" which resulted in owed compensatory education.</p> <p>In an OCR complaint a family only has 180 days to pursue a civil rights complaint. My main concern with the bill as written is that the extension of response time for "extenuating circumstances" means that a school district could refuse information if the employee is suspended, on vacation, on maternity leave, etc. In the past three years my son's teacher of the visually impaired has been on maternity leave twice. My son's debate team coach is currently out on leave since November through the end of the school year for a death in the family. If the district could deny me CORA information from either of these teachers, we wouldn't be able to pursue civil rights action if needed. I feel extenuating circumstances would be abused and need to be defined.</p> <p>Additionally, having a public entity (in this case a school district) post rules about CORA requests has zero enforcement. My school district doesn't follow their own</p>

	<p>policies and getting them to would require a retainer and massive legal expenses to attempt to enforce.</p> <p>Finally, the provision of the similar requests in 14 days will absolutely be abused by my school district. In a real-world example currently, Poudre School District holds legislative meetings of its Board of Education on Fridays at noon. However, they do not post the meetings on any platform/ website and the public MUST request through CORA a copy of the meeting. Since these occur weekly a request from the same party with the 14-day provision would require at least three individuals making requests to get weekly access to the meetings, during legislative season. Truly, that itself is a violation of my individual rights and I object wholeheartedly.</p> <p>In last year’s legislative session HB24-1296 was financially supported by Poudre School District with help from Representative Kipp to personally attack the families of disabled students whose children were abused on school busses to restrict their access to needed information. https://www.cpr.org/2024/03/20/poudre-school-bus-assaults-state-push-to-close-colorado-public-records-cora/ Knowing the objections from last year Ms. Kipp has done nothing to interact with the disability community in the district she represents to help address the concerns of families of students with disabilities from last year. So, I ask this committee to consider the need for this type of legislation and to question where and whom it is coming from. Sacrificing the civil rights of disabled children to further a political agenda of silence doesn’t seem very “democratic” and in a time of national crisis restricting the public’s access to needed transparency seems like a mistake with huge implications. I hope you will consider my objections to SB25-077. Thank you again.</p> <p>Dani Lawrence 2628 Avocet Road Fort Collins, CO 80526 928-380-9870</p>
<p>Heather Stauffer Amend Colorado Municipal League</p>	<p>Thank you to the members of the committee, I am testifying on behalf of CML and our 271 members. We support the vast majority of this bill and our clerks are appreciative of the additional response time extensions that this gives them to respond to requests.</p> <ul style="list-style-type: none"> • Response Time Extensions: Response time for records custodians is increased from 3 to 5 working days, with extensions for extenuating circumstances extended from 7 to 10 working days. This does not include requests made by the media in which case a “reasonable timeframe is 3 days with extension to 7 days for extenuating circumstances. • Extenuating Circumstance for Unavailable Custodians: The bill creates a limited extension for extenuating circumstances if records are under the sole custody of an unavailable individual. The entity must provide all other available records and notify the requester of when additional records might be accessible.

	<ul style="list-style-type: none"> Increased Response Time for Business Solicitation Requests: Custodians can treat requests for direct business solicitation differently, including a 30-day response period. <p>Our members strongly believe that all requests should be treated the same and no one group should receive priority over another. As such we would ask the bill be amended to exclude the media exemption for shorter timeframes for responses.</p> <p>Your consideration is appreciated.</p> <p>Sincerely,</p> <p>CML</p>
<p>Jessica Capsel</p> <p>Against themselves</p>	<p>My name is Jessica Capsel; I am here representing myself today.</p> <p>I speak today as a citizen from a school district where the CORA process is our only means of obtaining information and holding our school board and administration accountable. With that in mind, I strongly oppose SB-077, as it imposes unnecessary restrictions on the CORA process and places an undue burden on citizens, while granting more power to government entities.</p> <p>The bill's extension in response time when the records custodian is not scheduled to work during the response period seems fair at first, but there is a glaring concern: What prevents a custodian from claiming they are out of the office for an extended period—potentially months—to delay providing records? As with so much of the existing CORA law, there are no clear accountability measures to ensure that such claims are legitimate and won't be used as a loophole to avoid transparency.</p> <p>Finally, the bill's provision that allows records custodians to treat multiple requests within 14 days for "facially similar content" as a single request is problematic. The term "facially similar content" is vague and open to interpretation. Who defines what constitutes "facially similar content"? A records custodian could potentially deem unrelated requests from the same individual as "facially similar" to target a requestor. This could open the door to abuse, allowing records custodians to weaponize the CORA process against citizens trying to access public records.</p> <p>I do appreciate the provision requiring public entities to post rules and policies related to CORA, including records retention policies and how to make a request. This promotes transparency, which is a positive step forward. I wish instead of creating more CORA laws aimed at reducing citizens' access to information the legislature would focus on laws that make information MORE accessible so the CORA process isn't necessary at all.</p> <p>While this bill may be well-intentioned, it introduces more barriers to accessing public records and undermines transparency in government. I urge the committee to</p>

	<p>vote NO on SB-077 and to work toward a solution that supports the rights of citizens to access public information in a timely and accountable manner.</p>
<p>Jessica Capsel Against themselves</p>	<p>My name is Jessica Capsel; I am here representing myself today.</p> <p>I speak today as a citizen from a school district where the CORA process is our only means of obtaining information and holding our school board and administration accountable. With that in mind, I strongly oppose SB-077, as it imposes unnecessary restrictions on the CORA process and places an undue burden on citizens, while granting more power to government entities.</p> <p>The bill's extension in response time when the records custodian is not scheduled to work during the response period seems fair at first, but there is a glaring concern: What prevents a custodian from claiming they are out of the office for an extended period—potentially months—to delay providing records? As with so much of the existing CORA law, there are no clear accountability measures to ensure that such claims are legitimate and won't be used as a loophole to avoid transparency.</p> <p>Finally, the bill's provision that allows records custodians to treat multiple requests within 14 days for "facially similar content" as a single request is problematic. The term "facially similar content" is vague and open to interpretation. Who defines what constitutes "facially similar content"? A records custodian could potentially deem unrelated requests from the same individual as "facially similar" to target a requestor. This could open the door to abuse, allowing records custodians to weaponize the CORA process against citizens trying to access public records.</p> <p>I do appreciate the provision requiring public entities to post rules and policies related to CORA, including records retention policies and how to make a request. This promotes transparency, which is a positive step forward. I wish instead of creating more CORA laws aimed at reducing citizens' access to information the legislature would focus on laws that make information MORE accessible so the CORA process isn't necessary at all.</p> <p>While this bill may be well-intentioned, it introduces more barriers to accessing public records and undermines transparency in government. I urge the committee to vote NO on SB-077 and to work toward a solution that supports the rights of citizens to access public information in a timely and accountable manner.</p>
<p>Autumn Leopold Against themselves</p>	<p>Good Morning Senators,</p> <p>I'm a mom of a high schooler and need to have access to records. These modifications make it more confusing and difficult on parents.</p> <p>Questions:</p> <p>Why should journalists have different standards than anyone else?</p>

	<p>What accountability measures does this bill install to ensure records custodians follow these requirements?</p> <p>How does this bill protect citizens from records custodians claiming someone is out just to get more time?</p> <p>What if an employee is out of the office for months?</p> <p>What accountability measures does this bill install to ensure records custodians adhere to these requirements?</p> <p>Who defines "facially similar content" under this rule?</p> <p>Could a records custodian see multiple requests coming from the same individual as "facially similar content?"</p> <p>This new rule is unclear and not specific enough. It may allow records custodians to weaponize CORA requests against those requesting access to open records.</p> <p>Please add amendments or VOTE NO on current bill. Thank you.</p>
<p>Jeany Rush Against themselves</p>	<p>TO: Senate Committee for State, Veterans, & Military Affairs RE: SB25-077 Modifications to Colorado Open Records Act Sponsors: Kipp, Rich, Carter, Soper 2-21-25 FROM: Jeany Rush, Colorado Springs Constituent Vote: NO</p> <p>Reviewing this bill leaves one with a bit of whiplash! While I do believe in reasonable requests, meaning time, resources to provide requested information, I do not believe it is the right of this committee, this body to limit the right of access to PUBLIC information and the rights of anyone to have access.</p> <p>I will agree with private or sensitive information, for minors, not being able to be accessed without some form of permissions, verifications from parents. However, the public cannot stay informed, when information is withheld with malice, political party games, or outright governments Over Reach and Control of information. We are a Representative Constitutional Republic, not a GULAG. It is high time Denver learned that, and I welcome the day when that again is a reality.</p>
<p>Jeralee Gonzalez</p>	<p>My name is Jeralee Gonzalez. I live in Woodland Park & represent myself.</p>

<p>Against themselves</p>	<p>I am submitting this testimony as a concerned citizen & advocate for government transparency. I strongly oppose SB25-077 because it imposes unnecessary obstacles to public access to records & further enables public agencies to avoid accountability. I submit CORA requests regularly because in my district-Woodland Park School District (WPSD)-transparency is severely lacking. The district refuses to post critical public information on its website, such as Board of Education (BOE) packets, attorney fees, and the superintendent's credit card statements. Instead of making these documents readily available to the public, they force parents and taxpayers to file CORA requests just to access the financial and operational information that should be freely shared.</p> <p>WPSD has already implemented a 14-day policy, similar to what this bill proposes. This policy can be used to pile up CORA fees on citizens who need to request records at different times in a month. For example, I request the BOE Packet, attorney fees, and the superintendent's credit card statements separately because they are distinct records, but under this policy, they can be grouped together, accumulating excessive costs. This is a latent deterrent designed to discourage citizens from seeking public records. SB25-077 would codify this abuse into law statewide, making it even harder for taxpayers to hold their governments accountable. Another major issue with SB25-077 is the provision allowing response deadlines to be extended based on the availability of the records custodian. This creates an easy loophole for agencies that want to delay or obstruct access to public records. All they have to do is schedule or claim that the custodian is unavailable, and suddenly, the legally mandated response time is extended. WPSD has already demonstrated a willingness to manipulate the system to avoid transparency, and this bill would give them even more ways to stall, obstruct, and ultimately keep records out of the public hands.</p> <p>The problem isn't that the public is making too many requests-the problem is that government entities, like WPSD, refuse to provide information proactively. If agencies were more transparent, taxpayers wouldn't have to rely on CORA just to see how their money is being spent. Instead, districts like mine engage in Daisy-chaining-holding meetings outside public view to avoid accountability-and now, this bill would further shield them from scrutiny by making it harder and more expensive for citizens to access public records.</p> <p>SB25-077 does not serve the public interest. It rewards secrecy and punishes citizens who are simply trying to hold their government accountable. WPSD's existing 14 day policy proves exactly how this bill will be weaponized against taxpayers. I urge you to reject this bill and instead focus on solutions that enhance transparency rather than limit it. Thank you.</p>
<p>Liz Wilson Against Pro-Colorado Education Project</p>	<p>Testimony Against SB25-077 Chairperson and Members of the Committee,</p> <p>I am here today to strongly oppose SB25-077, which places additional barriers between the public and the government records they have a right to access. Rather than strengthening government transparency, this bill creates new loopholes for agencies to delay, deny, and charge excessive fees for information that belongs to the people.</p>

	<p>1. Unequal Access to Public Records</p> <p>One of the most troubling aspects of this bill is its decision to extend CORA response times from 3 to 5 business days for all requestors—except journalists. While the press plays an essential role in public accountability, every citizen has an equal right to timely access to public records. A parent concerned about school district hiring practices, a taxpayer monitoring local spending, or a small business owner looking into government contracts should not be forced to wait longer simply because they are not part of a news organization. Transparency should not depend on a person’s job title.</p> <p>2. The “Extenuating Circumstances” Clause Opens the Door to Abuse</p> <p>SB25-077 introduces an “extenuating circumstances” clause that allows agencies to delay or even deny records requests if the designated custodian is unavailable. If that custodian is out for an extended period, the requestor is forced to start over and resubmit their request when the custodian returns.</p> <p>In small, rural agencies—such as school districts and county offices—this provision practically invites abuse. Many requestors already face obstruction when trying to access records, and this change would make it even easier for agencies to avoid compliance. What happens when an office claims, “The only person with access is on leave,” or “The custodian no longer works here, and no one else can locate the documents”? Citizens shouldn’t have to play a waiting game when trying to access public records. That situation is evidence of internal management and cross-training issues, which should not penalize citizens accessing information they are entitled to.</p> <p>3. The “Facially Similar Content” Clause is Unclear and Open to Manipulation</p> <p>The bill allows agencies to treat multiple requests within a 14-day period as a single request if they relate to “facially similar content.” But what does “facially similar” even mean? The bill does not define it, leaving far too much discretion to government officials.</p> <p>Who decides whether two requests are similar? Could a school district claim that multiple records requests about teacher hiring policies, administrator contracts, and nepotism are “facially similar” simply because they come from the same concerned citizen? Given the history of some local agencies resisting transparency, I do not trust that this provision will be applied fairly. CORA requests are often the only tool that citizens have to ensure their local governments are acting ethically, and this provision makes it harder to use that tool effectively.</p> <p>4. The Real Issue: A Lack of Transparency in Local Government</p>
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	<p>Instead of making it harder for citizens to access records, I urge you to focus on increasing transparency in local government. Many Coloradans have encountered resistance, sabotage, and even retaliation when requesting information about:</p> <p>Whether school boards and local governments are following state laws and their own policies on hiring, competitive bidding, and conflicts of interest. Whether taxpayer money is being spent appropriately or directed toward politically connected individuals or businesses. Furthermore, there have been growing concerns about the role of attorneys in obstructing CORA requests. Many citizens have reported that lawyers and specific law firms insert themselves into the CORA process—delaying responses, increasing legal fees, and allegedly coordinating efforts among various agencies to withhold information. This legal interference not only makes it more expensive for agencies to respond to records requests, but it also erodes public trust in the government’s willingness to be transparent.</p> <p>5. SB25-077 Shifts the Burden Away from the Government and Onto the Public</p> <p>This bill does nothing to improve the CORA process. Instead, it makes it harder, slower, and more expensive for citizens to obtain public records. CORA is supposed to be a tool for government accountability—not a bureaucratic obstacle course designed to frustrate requestors.</p> <p>Conclusion: Vote NO on SB25-077</p> <p>At a time when public trust in government is already low, we should be strengthening open records laws, not weakening them. This bill provides agencies with more ways to delay, deny, and obstruct transparency, while citizens are left with fewer options to hold their local governments accountable.</p> <p>I urge you to vote NO on SB25-077 and instead work on reforms that increase transparency, prevent legal obstruction of records requests, and ensure that public records remain accessible to everyone—not just those with legal or media connections. Thank you.</p>
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