

Senate State, Veterans, & Military Affairs

03/05/2026 Upon Adjournment

SB26-107 Mod Colorado Open Records Act

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Jessica Capsel Against themselves	<p>I understand where this (SB26-107) bill is coming from. I understand that some local governments are being targeted by extremists who are weaponizing the CORA process.</p> <p>But I speak today as a citizen in the opposite situation. I speak as a citizen from a school district where the CORA process is the community’s only means of knowing what the extremist school board is up to.</p> <p>Where it’s the extremist school board that has weaponized the CORA process. For example, our school board has publicly named CORA requestors and then accused them of “stealing from the district” just for filling CORA requests.</p> <p>When I listened to the committee hearing for this bill last year, I heard the bragging about putting in “so much work with stakeholders” to make it more stakeholder friendly, but I ask: were all stakeholders included?</p> <p>The media, government agencies and local school board members were included and now support the bill. But were regular citizens included? Were regular people who actually use CORA included as stakeholders?</p> <p>Were “regular” citizens from Elizabeth, Woodland Park, Garfield “all communities where extremists have taken over local school boards” included in these stakeholder conversations?</p>

	<p>There is virtually nothing in this bill that adds protections for citizens in extremist communities. Requiring a government to post their CORA process is fine, but in extremist communities this is so out of touch with what we actually need itâ€™s almost laughable.</p> <p>We need protections from extremist governments hiding information from us. We need more transparency up front so that CORAs arenâ€™t required in the first place. We need options other than filing a lawsuit when local and state governments fail to follow existing CORA laws. Those are the CORA bills we should be focusing on â€” not bills that make access to government even harder for regular folks.</p> <p>This bill represents the government very well. It fails to represent citizens â€” especially citizens in communities where local governments have been weaponized.</p> <p>I urge the committee to vote NO on SSB26-107.</p>
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To the members of the Senate State Veterans and Military Affairs Committee,

My name is Cory Gaines. I am a resident of Logan County, and I submit this testimony in opposition to SB26-107.

Having followed and advocated against the various attempts by Senator Kipp et. al. over the years I have noted that, to her credit, she has modified her bills responding to concerns as the years go by. I don't want to say I am automatically opposed to modifications to CORA, but any efforts to do so should be made with care.

I believe modifications should also be done in such a way as to protect what many hold to be a reasonable idea: to protect citizen and media access to what our government is doing. While I am glad to see that the 2026 effort doesn't have some of the earlier bad ideas, I am still against it.

The changes in this bill have the potential to do more harm than good, especially to people like myself who are not professional, paid journalists with big organizations backing us. I have (and work to have) good working relationships with almost all records custodians I've written to. I say almost because of some notable exceptions.

There are simply some records custodians (the one at the AG's office being an example), who have shown themselves to be contentious, and to walk right on the thin edge of legality in what they do. As someone who does this sort of work on the side, as a volunteer working to help keep others in Colorado informed with zero budget or assistance, I can tell you that a recalcitrant and difficult custodian makes all of this much harder.

When they skirt or don't follow the law, I have little recourse to challenge it, unless I want to spend what precious little money I have on a lawyer. I don't have a big organization with lawyers on retainer to back me up.

Any bill that allows even a little more discretion on the part of custodians, that tilts things to them even a little, allows those with the inclination to abuse their authority and discretion (more than they do now). SB26-107 does just that.

Whether it's extra time to do things or the decision making authority to lump together separate requests, you are making it easier for the government to hide the ball. The way this is done, because individuals do not have the ability to challenge poor behavior as well as others, allows for a differential harm on ordinary citizens and their ability to know what the government does with their money. It might be said that the bill contains a penalty for bad behavior. I'm sure this was included to sweeten the deal; if we allow more discretion, let's back up that extra freedom with some consequences for poor choices.

At first blush, this might seem a good idea--it would be for the custodians that are cooperative--but we run into the same problem. Rules are great, but for those inclined to be difficult, how do you suggest enforcing them?

A rule without any meaningful way to enforce it (outside of my choice above to take money and put it to legal action, something I'm loathe to do) might as well not exist. No law, no system is perfect, nor can it ever be. Having sat through testimony on bills like these for a while now, I can tell you I am well versed in the stories of abuses by both records requestors and by custodians.

When making policy it sometimes happens that someone has to get more favor than another. When it comes to public records, our default should be to favor the citizens who fund all of what you do. It should be the citizens, whose job it is to assess what the government is up to and vote accordingly, that get higher protections for their ability to access information about our government. T

Thank you.