

RCSD declines to post campaign finance reports

WATCHDOG COLUMN

The 10 candidates running for Rochester school board were required to submit campaign finance information by Wednesday. I have requested copies of those filings and will post them online as soon as I receive them, which could be as soon as this week, or as late as Election Day or beyond.

In any case, you almost certainly won't be able to access that quintessentially public information until RCSD sends it to me and I decide to share it.

This, of course, is not how these things are supposed to work.

In most cases, campaign finance disclosure reports are posted on the state Board of Elections website. When you read a story about a state legislator raking in money from lobbyists, or a city council candidate hiring her cousin to print lawn signs — that site is where the information comes from.

Four years ago, the state changed the process for school districts in particular. It would no longer accept their filings; instead, the districts had to collect the information on their own.

Importantly, the state never gave the districts any guidance on what to do with those disclosure forms once they got them. As a result, many districts, including RCSD, asked people to submit a Freedom of Information request to get them.

It was an imperfect solution, as I wrote at the time, but understandable given the abrupt change. The district at the time said it was seeking guidance on how to do it in the future.

That was in 2015. Now, those candidates' terms have expired and a passel of Democrats are running to fill them, but the district hasn't moved at all toward greater access.

Several days before the filing date, I asked RCSD General Counsel Karl Kristoff whether the information would be posted online. After all, the school board website has its own sub-page titled "campaign finance information."

"I have no idea," he said. "No one's asked me about it."

Kristoff said he'd study the question. His response came late Wednesday, hours after those reports were received: "The district will continue its current practice of making this information available pursuant to FOIL."

He did not clarify how he came to that decision. And to be clear, the district has no obligation to proactively disclose campaign finance information.

"It's not a legal duty," said Kristin O'Neill, assistant director of the state Committee on Open Government. "(Even if) in the past an entity has made life easier by having proactive disclosure."

The introductory language in the state Freedom of Information Act, though, is instructional: "The more open a government is with its citizenry, the greater the understanding and participation of the public in government. ... It is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible."

O'Neill compared it to public meeting minutes, another obvious type of public document of wide interest.

"Often times instead of waiting for a dozen FOIL requests every month, the municipality will put them online proactively," she said. "The information's out there and it saves time and energy for all parties."

Tracking campaign finance is hard enough as it is. The state website is a jungle to navigate, but journalists and the politically inclined have learned over the years how to find what they're looking for.

Diverting an important subset of spending information from that established source was a bad decision on the state's part. RCSD's decision to place it behind yet another barrier, requiring open records requests rather than displaying it proactively, compounds the problem.

They're called "disclosure reports," for crying out loud. In RCSD, that's a bit of a misnomer.

You'll know more as soon as I do.

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