

# Gustus: Tell your state senator transparency matters. Before it's too late.

Utah lawmakers want to make it harder for you and us to obtain public records.



(Chris Samuels | The Salt Lake Tribune) Tribune politics editor Jeff Parrot, right, asks a question during Senate media availability at the Capitol in Salt Lake City, Tuesday, Jan. 21, 2025.

By Lauren Gustus | Feb. 7, 2025, 6:02 a.m.

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Just three weeks into the 2025 legislative session, and Utah lawmakers already have introduced bills that would effectively [eliminate mail-in voting](#) and make it [harder and more expensive](#) for you to put an initiative on a statewide ballot.

Utahns will feel the effects of these proposals, and many more, if they move from bills to laws.

On our best days, The Salt Lake Tribune shares stories that empower you to make a decision or share your thoughts with those in power. Our reporting can and has changed the trajectory of proposed legislation — for better and worse, depending on your perspective.

I've worked as a journalist for more than 20 years. I've never felt more responsibility than I do here in Utah. Every day, I can see how passionate Utahns are in asserting their rights and autonomy.

Today, I'm asking for your help. I'm asking you to apply that passion to a corner of state law that we should all care about.

Lawmakers are unhappy with The Tribune. And KSL. And potentially the Deseret News, after what the newspaper, owned by The Church of Jesus Christ of Latter-day Saints, [wrote earlier this week](#) — and, I would imagine, other news organizations that would like more information than lawmakers are willing to share.

So they've introduced changes to long-standing open records laws in an effort to do their work with fewer interruptions from those they represent.

These three changes — if adopted — will limit your ability to understand how the people you have elected are doing business.

- The first will eliminate something called the balancing test. There are government records that may qualify as private or protected but that the public should be able to access. When these records are requested, the balancing test ensures a decision-maker can grant your access to records of the public's business while protecting privacy interests, such as through redactions. Tribune lawyer Mike Judd told me that no matter the intention of the government officials enacting it, the repeal of the balancing test will make it far easier for public officials to keep secrets from the public they are trusted to serve.



(Francisco Kjolseth | The Salt Lake Tribune) The Utah Capitol is pictured on Wednesday, Feb. 5, 2025.

- The second would eliminate a requirement that governments pay legal fees after they lose a case they appealed in the courts. The current fee provision is a significant support for individuals and entities seeking records. It could also force an ordinary Utahn (i.e., you) to pay the government's legal fees if a court disagrees with you on a records [matter](#). [As](#) a nonprofit, we try to reinvest as much as we can in our journalism. The risk that we'd have to pay legal fees to successfully defend the release of a record in the courts will discourage us and others, because we would bear associated costs even if we win.
- The third will [eliminate or reorient a group called the State Records Committee](#). This board is where you and members of the media go if they believe a governmental entity should have released a record but didn't. The majority of cases heard by the committee are from members of the public, not reporters. The government tells us they would like more legal expertise on the committee. That's great, we welcome any additions.

I understand access to public records is far more likely to keep me up at night than it may you. And that it is my job to fight this fight.

But if you count on us to hold those in power to account, access to the documents that underpin their work is a critical tool.

We are your eyes and ears. We are an independent, nonprofit newsroom that exists to work in your service. We do this work without fear of reprisal for telling the truth.

Find your state senator at [senate.utah.gov/senate-roster](https://senate.utah.gov/senate-roster).

Please reach out, and let them know you value transparency. And open government. And that when the time comes, you want them to vote “nay.”

— **Lauren Gustus** is CEO and executive editor of *The Salt Lake Tribune*.



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