

INSIDE:

AGENCIES MUST  
NOW POST ONLINE  
PUBLIC RECORDS  
POINT OF CON-  
TACT

ARIZONA SUPREME  
COURT: NO FIRST  
AMENDMENT RIGHT  
TO JUROR NAMES

LEGISLATION -  
55TH LEGISLATURE,  
1ST SESSION

MESSAGE FROM THE  
NEW OMBUDSMAN

SIDEBAR:

- The Ombudsman for Public Access is Staff Attorney [Danee Garone](#).
- Open meeting law and public records law materials and updates are [available on our website](#).
- [Click here](#) to view our open meeting law booklet.
- [Click here](#) to view our public records law booklet.
- Review past [Public Access Newsletters](#).
- [Upcoming Training/Outreach](#).
- October 6 at 9:00 AM in Tucson for Arizona County Clerks Association.
- Contact Danee Garone for more information.



From the Office of the Arizona Ombudsman — Citizens' Aide

# The Public Record

State Ombudsman Joanne MacDonnell

SEPTEMBER  
2022

## Agencies Must Now Post Online Public Records Point of Contact

On April 14, 2022, the Governor signed into law HB 2587, requiring that all entities subject to the Arizona public records law post online a point of contact for public records requests. Additionally, they must acknowledge receipt of public records requests within five business days.

The bill creates A.R.S. section 39-171. Specifically, section 39-171 requires that "Any entity that is subject to a public records request [. . .] shall provide the name telephone number and email address of an employee or department that is authorized and able to provide the information requested or able to forward the request to an employee or department that is authorized and able to provide the information requested."

Additionally, "[t]his information

shall be made available to the public on the website maintained by the entity."

In other words, every government entity in the state **must designate a person or department to receive public records requests and who/which will either fulfill the request or forward the request to whomever can fulfill it.** The contact information for this person/department **must be posted online.**

Section 39-171 also requires that "an employee or department that is authorized and able to provide information requested [pursuant to the statute] shall reply within five business days acknowledging receipt of the request."

In other words, every government employee or department

that is authorized and able to provide public records **must acknowledge receipt of request to the requester within five business days of receipt.** A "centralized online portal for submission of public records requests that provides receipt on submission of a request" satisfies the requirement.

The Ombudsman-Citizens' Aide has updated its [website](#) to comply with the new requirements. In an effort to reduce the likelihood of an increase in email spam from bots harvesting an employee email address posted online, the Ombudsman-Citizens' Aide office posted the email address as an image instead of text, thus reducing the ease by which a bot can read and copy the email address.

**The bill goes into effect on September 24, 2022.**

## Arizona Supreme Court: No First Amendment Right to Juror Names

On June 14, 2022, the Arizona Supreme Court decided [Morgan/Neff v Hons. Dickerson/Cardinal/State](#), affirming that the public does not have a First Amendment right to disclosure of juror names.

As we noted in our November 2021 newsletter, the Court of Appeals held that Arizona law authorizes the use of an innominate jury, and the public does not have a First Amendment right to juror names.

Here, the Supreme Court held that while the First Amendment "implicitly guarantees" a qualified right to the press and public to attend criminal trials, it does not guarantee a similar right to access juror names. The court applied a First Amendment "experience and logic inquiry" and concluded "that courts have historically revealed jurors' names during voir dire proceedings," but "public access to jurors' names promotes neither fairness in voir dire proceedings nor the perception of fairness. As such, it does not play a significant positive role in the functioning of voir dire."

As a result, the First Amendment does not require disclosure of jury names, the statute protecting juror names is facially valid, and the superior court did not err in its use of an innominate jury.

## Legislation - 55th Legislature, 2nd Session

- HB 2015, 2081, 2515 and SB 1386 — Would restrict disclosure of law enforcement video recordings. None passed.
- HB 2070 — Would require public bodies to “provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of” the public. Did not pass.
- HB 2162 — Would allow penalties for “reckless” violations of open meeting law and alter penalty scheme. Did not pass.
- HB 2412 — Would require all public bodies to create an audio or audiovisual record for all public meetings in addition to creating written minutes. Would also require posting recordings and minutes online. Did not pass.
- **HB 2587 — Creates new public records point of contact requirements. Signed into law. See Page 1.**
- **HB 2709 — Amends A.R.S. section 13-4434 to permit a court to order disclosure of some crime victim information in certain limited circumstances. Signed into law.**
- HB 2712 and 2753 — Would affect executive sessions, particularly regarding legal advice. Did not pass.
- SB 1119 — Would make “digital images” of ballots public records. Would also require the officer in charge of elections to “make available to the public an online copy of any digital images of ballots in a manner that allows the images to be searchable by precinct but that precludes any alteration of the images.” Did not pass.
- SB 1352 — Would prohibit public disclosure of “an audio recording of a minor’s 911 telephone call” unless a parent or guardian of the minor consents. Did not pass.
- SB 1476 — Would require that all meetings of a public body “accommodate in-person attendance and may not be held completely online or remotely.” Subject of strike all amendment on completely different subject.
- SB 1517 — Would require, among other things, many entities related to charter schools, including sponsors, corporate boards, charter holders, and management organizations, to comply with the open meeting and public records law. Did not pass.
- SB 1694 — Would prohibit a court from awarding attorney fees to “an officer or public body” under the public records law. Did not pass.

## Arizona Ombudsman – Citizens’ Aide

Greetings,



**On July 6, 2022, Joanne MacDonnell was appointed as Ombudsman-Citizens’ Aide to replace a retiring Dennis wells. Joanne had been the Deputy Ombudsman since 2005. Before that, she spent nearly eight years as the Arizona Corporation Commission, Director of Corporations.**

**Ms. MacDonnell has selected Lane Organ as Deputy Ombudsman. Prior to joining the Ombudsman office, Ms. Organ was the internal ombudsman for the Department of Economic Security.**

**In May of 2022, Shante Harvey joined the Ombudsman office as a legal analyst and will be handling a portion of public access matters for the office.**

7878 N. 16th Street  
Suite 235  
Phoenix, AZ 85020  
Main: 602-277-7292

Danee Garone  
Staff Attorney  
Direct: 602-544-8710  
Email: dgarone@azoca.gov



**Making government more responsive to the people of Arizona**