

September 9, 2013

ASSEMBLY BILL NO. 1857

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1857 without my approval.

This bill proposes to add the President of the Municipal Clerks Association of New Jersey ("MCANJ") to the Government Records Council ("GRC"), an entity that handles disputes involving Open Public Records Act ("OPRA") requests. In order to add the MCANJ President, the bill requires the removal of a public member.

Under current law, there are five seats on the GRC. One seat is reserved for the Commissioner of Community Affairs, and another seat is reserved for the Commissioner of Education. The remaining three seats are for "public members," persons appointed by the Governor and confirmed by the Senate, who are not employed by the government.

Thus, under current law, only two seats on the GRC are reserved for government employees, with the remaining three reserved for individuals who are not employed by the government. Current law reflects a policy that government transparency is best preserved if government employees are not permitted to dominate the GRC through a majority. I agree with that principle. OPRA currently strikes a delicate balance with respect to the composition of the GRC. While perhaps not the intention of the Legislature, this bill would disturb that balance in a way that could inadvertently undermine transparency and public access to government records.

Accordingly, I herewith return Assembly Bill No. 1857
without my approval.

[seal]

Respectfully,
/s/ Chris Christie
Governor

Attest:

/s/ Charles B. McKenna
Chief Counsel to the Governor