



Sunshine Law

In 2011, Hawkins County Commissioners worried that a lawsuit might be filed due to a violation of the State Sunshine law. (1)

In 2008, Knox County – Officials were found guilty of violating the Sunshine Law by discussing people for upcoming appointed positions in a private meeting. (2)

What is the sunshine law?

Two or more member of a governing body, (examples are county commissions, or board of education) cannot meet in private to discuss matters regarding public decisions. Such as, two commissioners cannot meet to discuss the upcoming referendum on liquor sales. All such discussion should be conducted in a public meeting (in the sunshine) and not in the dark. It may also be referred to the Tennessee Open-Meeting Law.

Why is this important?

Following the Watergate scandal, the Tennessee Legislature decided that the public had a right to hear any discussions that would affect them (3). Public policy (rules, regulations, budgets, appointment of individual to public jobs) should not be determined behind closed doors. Something affecting the public should be talked about in public. The legislature at the time (with McWhorter and Wilder leading the way), wanted people who made decisions regarding the public to do so only in open discussions.

Who has to follow this rule?

Governing bodies include school boards, county commissions, aldermen, cooperative electric boards, etc. Members of these groups have to be held accountable to the public for decisions made for communities. Elections and public meetings are two ways to do this.

So what happened in the events listed above?

In the Knox County case, 12 new commissioners needed to be appointed to fulfill a new law that placed a limit on the time a person could be a commissioner. The appointments would last until the next election. The existing county commissioners meet in private to discuss and decide who would replace or be appointed to those positions. A jury found the commissioners guilty, which canceled their decision. (2) In Hawkins County, a commissioner mentioned in a public meeting that he had discussed a redistricting matter before the meeting. Neither commissioner denied the meeting, however it is still an alleged or supposed violation. Since no one filed a lawsuit against the commissioners, no action was taken. (1)

Why is this important to you?

You are part of the public. The decisions made by these groups affect your life. Property taxes, road improvements, zoning laws for land to be business or residential, are just a portion of decisions made by these groups. We have the right to vote for these individuals. We have the right to hear their discussions on these issues. We have the right to make our voices heard. Many ignore their rights, but grumble and complain about decisions made. However, we all have a chance to make an influence in our communities by taking advantage of these rights. If you do not vote, find out when the next election is and register. Find out who represents your area. Try to meet them if you are able. If you already vote, attend a county commission meeting or aldermen's meeting. After listening to the referendums and discussion, if you have an opinion, let your commissioner or representative know. Elected officials can only vote on an issue for their voters if they have heard from them. Make sure you are heard.



(1) Bobo, Jeff.(2011, October 11). Alleged Sunshine Law violations puts Hawkins county voter map at risk – Kingsport Times-News (online), December 3, 2012. <http://timesnews.net/article/9036883/alleged-sunshine-law-violation-puts-hawkins-county-voter-map-at-risk>

(2)Associated Press.(2007, October3).Tenn. county violated open-meetings law, jury rules – First Amendment Center (online), December 3, 2012. <http://www.firstamendmentcenter.org/tenn-county-violated-open-meetings-law-jury-rules>

(3)Humphrey, Tom.(2012, August 26).sunshine Law grew from crusading editors, Watergate scandal – Knoxville News Sentinel (online), December 3, 2012. <http://www.knoxnews.com/news/2012/aug/26/sunshine-law-grew-from-crusading-editors-scandal>

Programs in agriculture and natural resources, 4-H youth development, family and consumer sciences, and resource development. University of Tennessee Institute of Agriculture, U.S. Department of Agriculture and county governments cooperating. UT Extension provides equal opportunities in programs and employment.

Leader Suggestions

Encourage voting

Have a list of community elected officials to give out to members. Have information on how to register and ways you can vote if you are unable to make it to your place to vote.

Club Project

Discuss possibilities of projects that your club could do to encourage others to become involved in their local government. Examples could be rides on Election Day, registration information to high school seniors, etc.

Encourage Communicating with Officials

If possible, provide contact information for elected officials. Discuss ways to communicate with officials, including letters of support.

Extra Resource

University of Tennessee County Technical Assistance Service (CTAS)

<http://www.ctas.tennessee.edu>

226 Capitol Boulevard, Suite 400
Nashville, Tennessee 37219

Phone: 615.532.3555
Fax: 615.532.3699

Online Quiz

<http://www.online.ips.utk.edu/SunShineLaw/OpenMeetingsActv2.htm>

Further Questions

What if two members run in to each other at a store? For example, if a school board member, Ms. X, runs into another member, Mr. Z, at a store, and Ms. X mentions that they will be voting on the budget at the next meeting, have the two violated the law? No, the law does allow for chance meetings, but reminds officials to be careful not to abuse the law through these meetings.

What if I want to discuss an issue with a commissioner, has he violated the law?

No, the law only applies to members of the group. Elected officials can discuss issues with many other people, just not each other.