



Protecting Your Right to Open Government

Federal court rules that petition signers' names can be made public

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COLUMBIA, Mo. (October 21, 2011) — The Washington Coalition for Open Government and freedom of information advocates everywhere are celebrating a major victory in a case supported by the National Freedom of Information Coalition (NFOIC) and the Knight FOI Fund.

Monday's ruling by U.S. District Court Judge Benjamin Settle granted the release of the names and addresses of Washington citizens who two years ago signed Referendum 71 petitions. The referendum was an attempt by Protect Marriage Washington to bring to a public vote the state's newly-expanded domestic-partnership law that allowed same-sex couples the same health benefits provided to married, heterosexual couples. While the referendum passed, Washingtonians ultimately voted to keep the law intact.

Update: Judge won't halt release of Ref. 71 petitions

Nov. 8, 2011 — U.S. District Judge Benjamin Settle on Tuesday rejected a motion by Protect Marriage Washington to block public release of Referendum 71 petitions while they appeal an earlier ruling by him that the public is entitled to the records.

Settle had ruled in October that Protect Marriage Washington had provided no compelling evidence of threats or harassment against petition signers and was not entitled to exemption from the state's Public Records Act.

Visit [The Seattle Times](#) for the rest of the story.

When a gay-rights activist said he would reveal the names of the signers, Protect Marriage sued the state to block release of the names. Secretary of State Sam Reed was joined by the Washington Coalition for Open Government (WCOG), a member of NFOIC, and Washington Families Standing Together in supporting the release of the records pursuant to the Washington Public Records Act.

Eventually, *Doe v. Reed* made its way to the U.S. Supreme Court. In its 2010 ruling, the Supreme Court rejected the argument that allowing the release of petitions' records denied individuals' First Amendment rights; however, it did not order the release of the records, instead sending the case back for the district court to decide whether a "reasonable probability" existed that signers would suffer threats and intimidation as a result of their signatures being published.

In the court ruling, Judge Settle stated that none of the protections offered by the First Amendment would be infringed should the petitioners' names and addresses be released. Additionally, no credible threat, harassment, or reprisals had been suffered by those petition signers whose identities were already known.

Finding that the alleged harm of releasing the petitioner names and addresses was exaggerated, Judge Settle stated that the "undoubtedly important interest in disclosure prevails."

An appeal is expected.

NFOIC

NFOIC works nationally and with its state organization members to promote laws, policies and practices that ensure expeditious access to state and local public records, proceedings and officials.

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The Knight FOI Fund first awarded \$5,000 in this case, allowing WCOG to prepare an amicus brief for the U.S. Supreme Court. The second award of \$5,000 assisted in litigating the matter, paying for witness fees, depositions, transcript copies, service fees and travel costs for counsel.

Since it began in January 2010, the Knight FOI Fund has assisted NFOIC member organizations, their allies and other litigants with 22 grant awards in FOI or access cases.

Among significant access victories in cases supported by the Knight FOI Fund were a California case that kept the nation's largest pension fund from hiding details of a \$100 million real estate investment loss, a U.S. Supreme Court case regarding election-qualifying petitions, and a case involving a New Mexico state college that had declined to disclose records detailing building projects and a search for a new president. Knight Fund-supported cases have resulted in 12 favorable court orders or settlements that achieved greater access or disclosure.

The NFOIC, a nonpartisan coalition of open government groups and advocates headquartered at the Missouri School of Journalism, administers the Knight FOI Fund. It is part of a \$2 million, three-year grant from the John S. and James L. Knight Foundation announced in 2010.

The Knight FOI Fund does not pay attorney fees. It is set up to fuel and assist the pursuit of important FOI cases by helping to defray upfront costs such as filing fees, depositions, court costs and other expenses associated with legal actions. The Knight Fund only seeks reimbursement if resulting awards in the cases cover fees and costs for which the Knight Fund money was spent.

For more information on the Knight FOI Fund, including the selection process for grants and how to apply, see <http://www.nfoic.org/knight-foi-fund>.

The John S. and James L. Knight Foundation supports transformational ideas that promote quality journalism, advance media innovation, engage communities and foster the arts. The Foundation believes that democracy thrives when people and communities are informed and engaged. For more, visit <http://www.knightfoundation.org/>.

The Washington Coalition for Open Government represents individuals and organizations intent on preserving and protecting Washington's Open Government Laws — Open Records and Open Meetings. Its mission is to represent the public in matters where open government issues are raised, are threatened, or deserves broader exposure. The Coalition conducts public workshops and forums around the state, involving the public, public officials, and the media in discussing government accessibility. For more, visit <http://www.washingtoncog.org/>.

The National Freedom of Information Coalition is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. Its mission is to foster government transparency at the state and local level. A unit of the Missouri School of Journalism, the NFOIC is an affiliate of the Donald W. Reynolds Journalism Institute. NFOIC is based at the University of Missouri, home to the nation's oldest Freedom of Information Center. For more, visit <http://www.nfoic.org/>.

FOR IMMEDIATE RELEASE

CONTACT:

Ken Bunting, Executive Director

NATIONAL FREEDOM OF INFORMATION COALITION

101E Reynolds Journalism Institute

Columbia, MO 65211

573.882.3075

buntingk_at_missouri.edu

<http://www.nfoic.org/>

More information from:

- [Reporters Committee for Freedom of the Press](#)
- [Seattle Times](#)
- [News Tribune](#)

See [a PDF of the release](#).

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