Open Meetings and Public Records in Idaho

How the Open Meeting Law and the Public Records Act work, how to write a records request that gets answered, where to file a complaint, and where the laws fall short.

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AT A GLANCE

Open doors, open files, and who makes them stay open

Idaho law says the public's business happens in public and the public's records belong to the public. Two laws do that work. The Open Meeting Law says when a county commission, city council, school board or state board can meet, what it has to post first, and the few topics it can take behind a closed door. The Public Records Act says almost anything those bodies write down, email or text about public business can be requested by anyone, and it has to be answered in days, not months. Both laws are strong on paper. Both are weak where it counts: the penalties are small, the people who enforce them are often the same lawyers who advise the boards, and a records fight usually ends in a lawsuit the requester has to pay for. This guide shows how to use both laws well, how to write a records request that gets results, where to file a complaint, and what to expect when an agency pushes back.

3 days working days a public agency has to answer an Idaho resident's records request

48 hrs notice required for a regular meeting agenda; 5 days for the meeting itself

30 days time you have to sue to void an action taken at an illegal meeting

$250 maximum penalty for a first open meeting violation that wasn't knowing

Inside this guide

- **01** What the Open Meeting Law requires
- **02** Executive sessions: the closed door
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How to read the labels

[LAW] What the statute actually says.

[RECORD] Court rulings, official findings and news reports of what happened.

[MY READ] My reading, labeled so you can check it.

HOW THIS GUIDE WAS CHECKED

Every statute here was checked against the Idaho Code at legislature.idaho.gov, the Attorney General's Open Meeting Law Manual (July 2026) and Public Records Law Manual (January 2023), and the Secretary of State's Sunshine and lobbyist pages. The records manual predates the 2025 changes to the Public Records Act, so for those I went to the statute. **This is not legal advice.** It is a plain-language guide to public law. If you are about to sue or miss a deadline, talk to a lawyer.

PART 01

What the Open Meeting Law requires

If a quorum of a governing body gathers to decide something or talk toward a decision, it's a meeting, and the public gets to watch.

The law covers the governing body of nearly every public agency in Idaho: state boards and commissions, counties, cities, school districts, highway, fire, water and other special districts, and the committees they create to make recommendations.[1] It does not cover a single official's office, staff meetings, or chance social gatherings where no business comes up.

[LAW] The key word is *deliberation*. Idaho defines it as receiving or exchanging information or opinion about a decision. That means a board doesn't have to vote to hold a meeting. Sitting in a room hearing a developer's pitch counts.[2]

Here are the basic rules.[3]

[1] Idaho Code §§ 74-201 to 74-208; Office of the Attorney General, *Idaho Open Meeting Law Manual*, July 2026.
[2] Idaho Code § 74-202.
[3] Idaho Code §§ 74-203 to 74-205; *Idaho Open Meeting Law Manual*, July 2026.

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Rule	What the law says
Regular meeting notice	Post a meeting notice at least 5 calendar days before, and the agenda at least 48 hours before.
Special meeting notice	At least 24 hours for the meeting and agenda, unless a real emergency is declared and explained at the start.
Where notices go	At the meeting place, and on the agency's website or other electronic notice if it has one. Agencies must also notify media who ask.
Agenda	Items the board will vote on must be marked as action items. Late additions need a good-faith reason stated on the record.
Recording	Members of the public may record open meetings.
Remote meetings	Members may join by phone or video, but at least one member or the agency's chief officer must be at the noticed location.
Votes	No secret ballots. Every vote is in the open.
Minutes	Written minutes, available within a reasonable time, showing members present, motions, and every vote.

WATCH FOR THE WALKING QUORUM

A quorum doesn't have to be in one room. If members trade emails, texts or phone calls, or pass messages through a staff member, until a majority has agreed, that is a meeting held out of view. The Attorney General's manual warns against this "serial" pattern, and courts in Idaho and elsewhere treat it as a violation.[4] Group texts among members of a three-person county commission are the most common way this happens.

If a board breaks these rules, any action it took at that meeting can be declared void.[5] That is the strongest tool in the law, and Part 06 explains how short the window is to use it.

PART 02

Executive sessions: the closed door

A board can close the door only for listed reasons, only by a two-thirds roll call vote, and it can never make the final decision in there.

[LAW] Before going into executive session the board has to state the exact subsection of § 74-206 it relies on, and two-thirds of the board has to vote yes on a roll call. The minutes must show the reason. No final action can be taken in the closed session.[6]

The allowed reasons include hiring an employee, evaluating or disciplining one, buying property the agency doesn't own, reviewing records that are exempt from disclosure, talking with a lawyer about pending or likely lawsuits, and a few others. Two of them matter most when a large project like a data center is on the table:

[4] *Idaho Open Meeting Law Manual*, July 2026, discussion of serial communications and electronic messages.
[5] Idaho Code § 74-208(1).
[6] Idaho Code § 74-206(1), (3).

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THE TWO EXCEPTIONS USED IN BIG DEVELOPMENT DEALS

§ 74-206(1)(c): buying property. This is for the agency acquiring land it doesn't own. It does not cover selling county land to a developer, or reviewing a private landowner's rezoning.

§ 74-206(1)(e): preliminary negotiations in trade or commerce where the agency is competing with other states or nations. In 2024 the Idaho Supreme Court read this one narrowly. A board has to show it is actually in competition, not just that a company says it is shopping other states, and "preliminary" means early talks, not working out final terms.[7]

The Attorney General's manual says the exceptions are to be read narrowly. "General personnel matters" is not a lawful reason. Neither is "economic development" or "legal," standing alone. If you hear a motion like that, write down the time and the words used.

[MY READ] The most useful thing a citizen can do at a meeting is listen to the motion to go into executive session. It has to name the subsection. If it doesn't, or if the board comes out and votes with no discussion on something it clearly worked out behind the door, that is the start of a complaint.

PART 03

How to request public records

Anyone can ask. You don't have to say why. The agency has three working days to answer an Idaho resident.

[LAW] A public record is any writing that relates to the public's business and is prepared, owned, used or kept by a public agency, whatever form it takes. That includes paper, email, text messages, calendars, photos, audio and video, maps and databases.[8] The law presumes every record is open. An agency that wants to withhold one has to point to a specific exemption in the statute.

[MY READ] A text about county business is a public record even if it was sent from a commissioner's personal phone. The definition turns on what the record is about, not whose device it sits on. Washington's Supreme Court said the same about its nearly identical law in 2015.[9]

Here is how a request works.[10]

Step	What to know
Who to send it to	The agency's records custodian, usually the clerk. Most agencies post a form or email address. Send it there.
What to include	Since 2025, agencies may ask for your name, mailing address, email and phone, and a signed statement of whether you are an Idaho resident. Say clearly that this is a public records request under Idaho Code § 74-102.

[7] *Labrador v. Idaho State Board of Education*, Idaho Supreme Court, Dec. 5, 2024 (amended Dec. 16, 2024), Docket No. 51580.
[8] Idaho Code §§ 74-101(13), 74-102(1).
[9] *Nissen v. Pierce County*, 183 Wn.2d 863 (Wash. 2015).
[10] Idaho Code §§ 74-102, 74-103, 74-112, as amended in 2025 (H.B. 253); Bonneville County Public Records Request Policy, rev. Sept. 9, 2025.

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Step	What to know
Deadline to answer	Residents: 3 working days, or up to 10 working days if the agency tells you in writing it needs more time. Nonresidents: 21 days, or 35 with notice.
No answer	If the deadline passes with no response, the law treats your request as denied, and you can go to court.
A proper denial	Must be in writing, cite the specific statute, say whether an attorney reviewed it, and tell you that you have 180 days to appeal.
Partial release	If a record mixes open and exempt material, the agency must black out the exempt part and give you the rest.

What it costs

[LAW] The first 2 hours of labor and the first 100 pages are free. After that the agency can charge actual copy costs and labor at the hourly rate of the lowest-paid employee qualified to do the work, or the lowest-paid staff attorney if a lawyer has to review it. The charge must be itemized. An agency must waive fees when an Idaho resident shows the request serves the public interest and isn't mainly for a commercial purpose. Agencies may ask for payment up front, and they may combine several requests from one person if they look split up to dodge fees.[11]

In August 2026 the Idaho Supreme Court unanimously ruled that Bonneville County overcharged an Idaho Falls attorney who had been billed $352 for court records, and reversed the lower court.[12] Fees are where many requests quietly die. Always ask for an itemized estimate before you agree to pay.

Records you can get without asking anyone

The Secretary of State keeps two databases every citizen should know. **Sunshine** (sunshine.voteidaho.gov) holds campaign finance reports for state and local candidates and political committees, including county commissioners, since 2020. **Lobbyist reports** list who is registered to lobby, for whom, and what they spent; registered lobbyists file monthly reports.[13] Before you ask a county for a developer's emails, look up who gave money to the commissioners and who registered to lobby for the developer or the utility. It costs nothing and tells you whose names to put in your request.

PART 04

Sample requests and how to sharpen them

A good request is narrow enough to answer in days and specific enough that the agency can't claim it found nothing.

[11] Idaho Code § 74-102(10).
[12] *Smith v. Poulter*, Idaho Supreme Court, Docket No. 53443, opinion filed Aug. 31, 2026; East Idaho News coverage.
[13] Idaho Secretary of State, Campaign Finance and Lobbyist Information pages; Lobbyist Manual, 2026; Idaho Code § 74-703 and following.

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These are written for a county and a data center project, but the pattern works for any agency and any issue. Replace the bracketed parts.

SAMPLE 1 · COMMUNICATIONS WITH A DEVELOPER

To: [County] Clerk, Records Custodian

This is a public records request under the Idaho Public Records Act, Idaho Code § 74-102.

Please provide copies of all emails, text messages, direct messages, letters, calendar entries and meeting notes, including attachments, sent or received by Commissioners [names] and [County Administrator / Planning Director name] from [Jan. 1, 2026] to the present, that mention any of these terms: "[Developer name]," "[Project code name]," "data center," "hyperscale," "[parcel number]," or "[site road name]."

This includes messages on personal phones and personal email accounts if they concern county business.

I am an Idaho resident. I ask for electronic copies sent to [email]. I request a fee waiver under § 74-102(10)(f) because these records concern a pending land use decision of broad public interest and are not for a commercial purpose. If any fee will exceed $[25], please send an itemized estimate before starting work. If any record is withheld or redacted, please cite the specific exemption for each and release all segregable portions.

[Name, mailing address, phone, email, date]

SAMPLE 2 · NONDISCLOSURE AGREEMENTS

Please provide copies of any nondisclosure, confidentiality or similar agreements signed by any county commissioner, county employee or county agent with any company, consultant, economic development group or utility concerning a proposed data center or large industrial project, from [Jan. 1, 2025] to the present, and any record showing who signed each one and when.

SAMPLE 3 · THE FULL MEETING RECORD

For the commission meeting of [date], please provide: the posted notice and agenda with the date and time each was posted; the agenda packet and all handouts or slides given to commissioners; the draft and approved minutes; the audio or video recording; and, for any executive session, the motion, the subsection of § 74-206 cited, and the roll call vote.

SAMPLE 4 · WATER AND POWER COMMITMENTS

To the City of [name]: Please provide any will-serve letters, water service agreements, capacity studies, or correspondence with [developer] or its agents about supplying water for a data center, from [date] to the present. Since July 1, 2026, Idaho Code § 42-252 limits the cooling water a new data center can

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use up to supplies from a city, water district or water and sewer district system, so this is the record that shows where the water is coming from.

HOW TO SHARPEN A REQUEST

- **Name names.** List the people whose records you want. "All county staff" invites a fee estimate in the thousands.
- **Set a date range.** Start from the first public mention of the project, or a few months before. Agencies may require one anyway.
- **Use keywords, including code names.** Developers often use a project name like "Project Blue." Ask for that too. If you don't know it, your first request can be for the economic development file's index or any NDA, which will name it.
- **Ask for texts and personal accounts by name.** If you don't, some agencies will search only the county email server.
- **Ask for the attachments and the full thread.** Otherwise you may get a cover email without the document it's about.
- **Ask for a log of what's withheld,** with the exemption for each item. An agency that has to write down its reasons tends to withhold less.
- **Ask for electronic copies.** They're cheaper. You can't insist on a particular file type, though.[14]
- **Start small, then follow up.** A tight first request comes back fast and shows you what to ask for next.
- **Ask for prior requests.** Ask for copies of what the agency already released to others on the same subject. It's already gathered.
- **Ask them to preserve the records.** If texts are involved, put in writing that you expect them kept while your request is open.
- **Keep everything.** Save your request, the date you sent it, and every reply. Count the working days.

PART 05

When a request is denied, delayed or overcharged

Idaho has no office that reviews records denials. If talking doesn't work, the next step is court.

1. **Check the denial.** Does it cite a specific statute for each record? Does it say whether a lawyer reviewed it? Does it tell you about the 180-day appeal? A denial that says only "personnel" or "privacy" is defective.[15]

[14] *Sentry Dynamics, Inc. v. Ada County*, Idaho Supreme Court, May 2, 2025.
[15] Idaho Code § 74-103(4); *Idaho Press Club v. Ada County*, Fourth District Court, Dec. 13, 2019 (Judge Deborah Bail).

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2. **Write back once.** Point to the missing pieces. Ask for the records with only the exempt parts blacked out. Remind them exemptions are read narrowly and the agency carries the burden. Many denials are fixed at this step.
3. **Challenge the fee in writing.** Ask how the hourly rate was set and for the itemization the law requires. Raise the fee waiver if you didn't already.
4. **File a petition.** You can ask the district court in the county where the records are kept to order release. You have 180 days from the denial. The court is supposed to hear it quickly.[16]
5. **Know what winning gets you.** The court can order the records released. It awards attorney fees only if it finds the agency's refusal was frivolous. It can fine the official up to $1,000 for a deliberate, bad-faith refusal.[17]

[MY READ] Most people can't afford step 4. That is the single biggest weakness in Idaho's records law. A reporter, the Idaho Press Club, or a statewide group may take up a strong case, especially one that affects many people. In 2026 a bill to let requesters file a simple complaint in magistrate court for a $100 filing fee was introduced. It never got a committee hearing.[18]

PART 06

Reporting a meeting violation: who has jurisdiction

Who enforces the law depends on what kind of body broke it. You can also act on your own.

Here is who handles what.[19]

If the body is	Complain to	Notes
A state agency, board or commission	Idaho Attorney General	The AG enforces the law against state agencies and can sue to void their actions.
A county commission, city council, school board, or special district	The county prosecuting attorney where the body meets	When the prosecutor advises that same board, the case is usually sent to a prosecutor from another county or a court-appointed special prosecutor.
Any of them	You, in court	Any affected person can sue in the magistrate division of the county where the body meets.

The Attorney General's public corruption unit is a different thing. It handles criminal complaints against elected county officials and by law does not take open meeting or public records complaints.[20]

The cure process

[LAW] When someone gives an agency written notice of a violation, the agency has 14 days to respond publicly, either admitting the violation and saying it will fix it or saying there was none. Silence counts

[16] Idaho Code § 74-115.
[17] Idaho Code §§ 74-116, 74-117.
[18] H.B. 625, 2026 Idaho Legislature, Statement of Purpose; Brechner Center, "Idaho considering system similar to Ohio's small-claims FOI Court."
[19] Idaho Code § 74-208; *Idaho Open Meeting Law Manual*, July 2026; Idaho Code § 31-2603 (special prosecutors).
[20] Office of the Attorney General, Public Corruption page, ag.idaho.gov.

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as a denial. If it admits the violation, it has 14 more days to cure it, usually by voiding the action and doing it over properly. An agency that cures can't be fined.[21]

Deadlines and penalties

The clock and the fines are set by statute.[22]

What	Deadline or amount
Suit to void an action	Within 30 days of the decision
Other suits, and penalty actions	Within 180 days of the violation
Penalty, each member who took part	Up to $250
If the member knew it was a violation	Up to $1,500
Knowing repeat within 12 months	Up to $2,500

Only a prosecutor or the Attorney General can seek the fines. A private citizen can ask a court to void the action and order the board to follow the law, but can't collect a penalty.

HOW TO FILE A COMPLAINT THAT GETS READ

- Write it down: the body, the date, the time, what happened, who was there, and which rule you think was broken.
- Attach what you have: the agenda with its posting time, a photo of the posted notice or its absence, the recording, the minutes.
- Send it to the governing body itself, which starts the 14-day cure clock, and to the prosecutor or Attorney General at the same time.
- Keep the 30-day deadline in mind. The cure clock and your deadline to sue run at the same time. If voiding the decision matters, talk to a lawyer early.
- Send a copy to local reporters. Several of the cures in Part 09 came after a reporter asked questions.

PART 07

Where the laws fall short

Idaho's transparency laws describe good government well. They do much less to make it happen.

[MY READ] Each point below is my reading of how the law works in practice, with the statute or case it rests on.

[21] Idaho Code § 74-208(7).
[22] Idaho Code § 74-208.

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- **The penalties are small, and a cure wipes them out.** A board can break the law, admit it when caught, redo the vote, and pay nothing.[23]
- **Citizens can't collect penalties.** Only a prosecutor or the Attorney General can seek fines. If they decline, the violation is free.
- **The enforcer is often the board's own lawyer.** County prosecutors advise county commissions every week, then are asked to investigate them. The law recognizes this by sending conflicted cases to special prosecutors, but someone has to ask for one, and there is no rule that the public be told an investigation is happening.
- **Thirty days is short.** Many people learn about a closed-door deal only after the window to void it has closed.
- **There is no referee for records.** Several states have an office or board that reviews denials for free. Idaho has none. The Attorney General doesn't take records complaints. The only appeal is a district court lawsuit.
- **Winning doesn't pay your lawyer.** Fees are awarded only if the court calls the denial frivolous. An agency with a weak but arguable reason can make you spend thousands and still not pay your costs.[24]
- **Nobody checks whether texts are kept.** Counties and cities have records retention rules, but the Public Records Act has no penalty for deleting a record before anyone asks for it, and no state office audits whether officials keep their texts.[25]
- **Secrecy agreements aren't addressed.** Nothing in Idaho law stops an elected official from signing a developer's nondisclosure agreement. California's SB 994, signed in September 2026, voids agreements signed after Jan. 1, 2027 that keep local officials or staff from sharing public business with their own governing body, with some exceptions. Michigan lawmakers have proposed a ban that hasn't passed.[26]

PART 08

Tactics agencies use, and your answer to each

Most agencies follow the law most of the time. When they don't, the same moves come up again and again.

Tactic	What it looks like	Your answer
Vague agenda	"Economic development update" or "Planning matters" with no project named	Ask before the meeting what the item covers. Complain if a decision is made on an item the public couldn't recognize.
Shoehorned executive session	Closing the door for "personnel" or "legal" with no subsection, or to talk about a deal that isn't	Listen for the subsection. Ask the chair on the record which one applies. Request the

[23] Idaho Code § 74-208(2), (7).
[24] Idaho Code § 74-116.
[25] Idaho Code §§ 31-871, 50-907 (county and city records retention).
[26] Type Investigations and Gulf States Newsroom, "A muzzle on elected officials," Mar. 27, 2026.

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Tactic	What it looks like	Your answer
	in competition with other states	minutes.
Walking quorum	Members agree by phone, text or through a staff member, then vote in seconds with no discussion	Request texts and call logs among members for the days before the vote.
Personal phones and auto-delete	Business done by text on personal phones, with messages set to vanish	Ask for personal-device records by name. Send a written preservation request right away.
Fee gouging	A four-figure estimate for a routine request	Ask for the itemization and the rate used. Narrow the request. Ask for the fee waiver.
Running the clock	Taking the 10-day extension every time, then asking you to "clarify"	Answer the same day. Count working days. Treat silence past the deadline as a denial.
"No records exist"	Nothing found, though officials clearly discussed it	Ask what was searched: whose accounts, what terms, what dates. Then request a narrower set you know exists, like a calendar entry.
Over-redaction	Pages blacked out with no reason listed	Ask for the exemption for each redaction and release of the rest.
Catch-all denials	"Personnel," "privacy," "deliberative process"	Point out none of these is a general exemption under Idaho law. Ask for the specific statute.
NDAs and code names	Officials say they "can't talk about it"	Request the NDA itself, who signed it, and all records under the code name.
Hiding behind third parties	Records kept by a consultant, an economic development group or the developer	Ask for records the agency received or used, wherever they're kept. A record used by the agency is a public record.
Narrow reading of your request	Treating "texts from the mayor" as only the texts the mayor sent	Write requests that say "sent or received." Ask what was searched.
Cure as an escape hatch	Admitting a violation only after a complaint, then redoing the vote with the outcome already settled	Show up to the do-over meeting and comment. Track repeat cures; a second knowing violation in a year carries the higher penalty.

PART 09

Cases from Idaho and across the country

These examples come from court rulings, prosecutors' findings and news reports.

Idaho

[RECORD]

- **Ada County, 2019.** Judge Deborah Bail found the county "improperly and frivolously" withheld records from four reporters, using blanket claims of personnel, privacy and a "deliberative process" privilege Idaho doesn't recognize. She wrote: "No public agency is free to create its own Public Records Act." The county paid the Idaho Press Club's fees.[27]

[27] *Idaho Press Club v. Ada County*, Fourth District, Dec. 13, 2019; KTVB and East Idaho News coverage.

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- **Lt. Gov. Janice McGeachin, 2021.** Judge Steven Hippler ordered her to release public comments sent to her education task force, found her refusal was in bad faith, fined her $750, and ordered her to pay the Press Club's fees. He wrote she "would stop at nothing" to keep the records from the public.[28]
- **State Board of Education, University of Phoenix purchase, 2023–2025.** The board held three closed sessions before approving the purchase, citing the competition exception. The Idaho Supreme Court ruled that the lower court had read the exception too broadly and sent the case back. It did not find a violation, and the Attorney General dropped the case in 2025 after the purchase collapsed.[29]
- **Bonner County, 2022.** The Attorney General's office found commissioners "likely" violated the law by giving inadequate notice of a meeting on an ice rink, and gave them 14 days to respond under the cure process.[30]
- **Teton County, 2024.** After commissioners admitted several violations in February 2024, a court-appointed special prosecutor filed a civil complaint alleging more than 40 violations by the commission and two advisory committees, about 10 of them after the earlier admissions.[31]
- **Canyon County, 2024.** A Bonner County prosecutor, appointed to avoid a conflict, found all three commissioners violated the law by deliberating at a party central committee meeting. No further remedy was recommended.[32]
- **Cassia County.** Commissioners admitted two violations after a Burley city councilman's complaint, then a third, a meeting moved to a restaurant without notice, after a prosecutor from a neighboring county threatened to sue.[33]
- **Filer and Caldwell school districts, 2026.** Filer admitted an unposted negotiation session in June, then appeared to repeat it weeks later. Caldwell reconvened to cure a violation caused by citing the wrong subsection before an executive session.[34]
- **Idaho State Police and Department of Correction, 2026.** InvestigateWest and the Invisible Institute sued in June after state police disabled a database search that had produced officer employment histories, and both agencies cited a personnel exemption to withhold why officers accused of misconduct left.[35]
- **Bonneville County, 2026.** The Idaho Supreme Court ruled unanimously that the county overcharged for records (see Part 03).

Across the country

[RECORD]

[28] *Idaho Press Club v. McGeachin*, Fourth District, Aug. 2021; Idaho Education News and KTVB coverage.
[29] *Labrador v. Idaho State Board of Education*, Dec. 2024; Idaho Capital Sun, June 18, 2025.
[30] Sandpoint Reader, "Idaho AG: BoCo 'likely' violated Open Meeting Law in ice rink matter," 2022.
[31] East Idaho News, "Special prosecutor files civil complaint against Teton County commissioners," Nov. 2024.
[32] Idaho Statesman, "Did all 3 Canyon County commissioners break Idaho's open meeting law?" 2024.
[33] Associated Press, via KSL and KEZJ, "Cassia Commissioners Admit to 3rd Open Meeting Violation."
[34] Idaho Education News, July 2026.
[35] InvestigateWest, "InvestigateWest, Invisible Institute sue Idaho for withholding police employment records," June 2026.

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- **Prince William County, Virginia, 2026.** The Court of Appeals of Virginia upheld a ruling that the rezonings for the Digital Gateway, a planned 2,100-acre data center corridor, were void from the start because the county's public hearing notice didn't follow state law. The county and both developers dropped their appeals, the last in July 2026, and the project died.[36]
- **Pima County, Arizona.** County staff signed a nondisclosure agreement in 2024 over "Project Blue," a data center. A records request later showed the county had agreed to keep Amazon Web Services' role secret for five years. Opponents sued over alleged open meeting violations in 2026.[37]
- **Louisiana.** Reporters found dozens of state and local officials, including legislators and the governor, signed NDAs on Meta's Hyperion data center and Amazon's Shreveport project. Some legislators signed open-ended NDAs covering any state economic development project.[38]
- **Seattle, Washington.** Thousands of the mayor's and other officials' texts from the 2020 protests were deleted; investigators found the mayor's phone had been set to delete messages after 30 days. An ethics commission found the mayor's counsel used narrow readings of requests to leave the missing texts out. The city paid $2.3 million to two records officers who blew the whistle, and $600,000 in penalties in a separate case.[39]
- **Wisconsin.** The lawyer hired by the Assembly to investigate the 2020 election testified, "Did I delete documents? Yes, I did." A judge held his office in contempt and fined it $2,000 a day until it complied.[40]
- **Uvalde, Texas.** Years after the 2022 school shooting, a Texas appeals court upheld a ruling that the county and school district violated the state's records law by withholding records about the police response. The state Department of Public Safety was still fighting release in a separate case.[41]

PART 10

What you can do

These laws work when people use them. Most violations are never reported, and most records are never requested.

WHERE I STAND

[MY READ] Idaho should give citizens a cheap, fast way to appeal a records denial, like Ohio's small-claims records court or Iowa's Public Information Board. It should make agencies pay the requester's lawyer whenever they lose, not only when a judge calls them frivolous. It should let a cure erase a

[36] *Bd. of Cnty. Supervisors of Prince William Cnty. v. Oak Valley Homeowners Ass'n*, Ct. App. Va., Mar. 31, 2026; Virginia Business, July 6, 2026.
[37] Arizona Luminaria, 2025–2026.
[38] Gulf States Newsroom and Type Investigations, Mar. 27, 2026; WWNO, July 24, 2026.
[39] Associated Press, May 13, 2023; KUOW.
[40] Associated Press, June 23, 2022; Wisconsin Public Radio.
[41] Sinclair (KABB/WOAI) coverage of the Texas Fourth Court of Appeals ruling, 2025.

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penalty only once. It should require officials to keep texts about public business and turn off auto-delete. And it should bar elected officials from signing developers' nondisclosure agreements.

At meetings

- ☐ Find where your county, city and school board post notices and agendas, and check them every week.
- ☐ Attend, or watch the recording, when a big project is on the agenda. Record it yourself if you can.
- ☐ Write down the exact words of every motion to go into executive session.
- ☐ Ask for the agenda packet before the meeting. It's a public record.

With records

- ☐ Look up campaign contributions and lobbyist filings on the Secretary of State's site before you file.
- ☐ Send one tight request this month using a sample in Part 04.
- ☐ Track your deadlines in working days and keep every reply.
- ☐ Share what you get. A records request is most useful when other people can read the results.

Ask your legislators

- ☐ Will you support a low-cost appeal process for records denials?
- ☐ Will you support banning nondisclosure agreements for elected officials?
- ☐ Will you raise the penalties and limit how often a board can cure its way out of them?

PART 11

Words to know

Action item
An agenda item the board may vote on. It must be marked that way.

Cure
A board's public admission of a violation and redo of the action, which avoids a fine.

Custodian
The person in charge of an agency's records, usually the clerk.

Deemed denial
A records request with no answer by the deadline. The law treats it as refused.

Deliberation
Receiving or exchanging information or opinions about a decision. It counts as a meeting even without a vote.

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Executive session
The closed part of a meeting, allowed only for reasons listed in § 74-206.

Fee waiver
No charge for records when a resident shows the request serves the public interest and isn't mainly commercial.

Governing body
The members of a public agency who make its decisions, such as a county commission or school board.

Nondisclosure agreement (NDA)
A contract promising to keep information secret.

Preservation request
A written request asking an agency to keep records while a request or dispute is open.

Quorum
The number of members needed to act, usually a majority.

Redaction
Blacking out exempt words in a record and releasing the rest.

Retention schedule
The rule for how long an agency must keep each kind of record.

Serial meeting
Members reaching agreement through a chain of private conversations instead of a meeting. Also called a walking quorum.

Special prosecutor
A prosecutor from outside the county, appointed when the local one has a conflict.

Will-serve letter
A utility's written commitment to provide water or power to a new customer.

PART 12

Sources

Short citations appear as footnotes on each page. Full references follow. Information is current as of November 11, 2026.

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Revision history

Revision	Date	What changed
Rev. 1	Nov. 11, 2026	First public edition. Checked against the Idaho Code, the Attorney General's open meeting and public records manuals, court opinions and news reports listed above.
Rev. 2	Nov. 16, 2026	Fact-check against primary sources and a ChatGPT cross-check. Corrected the NDA comparison: California's law takes effect for agreements signed after Jan. 1, 2027, and Michigan's House has not passed a ban. Confirmed Bonneville County, McGeachin, Phoenix purchase and Teton County items. House-rules wording fix.
v3	Nov. 22, 2026	Cross-guide review. Digital Gateway entry corrected: the county and both developers dropped their appeals, the last in July 2026. Water law wording matches § 42-252. California SB 994 and Bonneville County items reconfirmed. Version and date stamp added to every page.

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