

## Tax-Delinquent Properties

One of the inquiries in the field research was for a list of tax-delinquent properties. There is no exemption in the Open Records Act that would exempt these records from public disclosure. Indeed, this information is published in local newspapers on an annual basis. This item was included in the study, however, because it was anticipated that there might still be resistance to revealing such information on request.

As it turned out, only about 25 percent of the municipalities provided access to this information. Ten of the cities and towns allowed researchers to examine a list of tax delinquent lots, although in some number of those cases, the list made available was not the most current list. In one such case, however, the clerk went through the list and told the researcher which properties were still tax delinquent. The research protocol did not anticipate the wide variation when cities and towns prepare their tax lists. Accordingly, compliance rates by town were influenced by the specific dates of the fieldwork. Some of those in compliance simply happened to have had their tax sale list prepared recently and the protocol did not sufficiently emphasize the significance of getting current-day information.

## City and Town Clerks

In terms of overall compliance and accessibility, the requests posed to city and town clerks met with the greatest success. For the three relevant items included in the ten-item compliance index, there was perfect compliance in the cities and towns. In other words, the agendas and minutes of city/town council meetings, and the city/town budget were available in every jurisdiction. All three items requested of the city and town clerks were made available in all 39 jurisdictions.

Two other document requests in the field research were directed at a city or town clerk. However, the results from those requests for voter records and for a list of tax-delinquent properties were removed from the calculation of overall compliance. The reasons for removing those items are explained below, along with a discussion of what we learned from the other two requests.

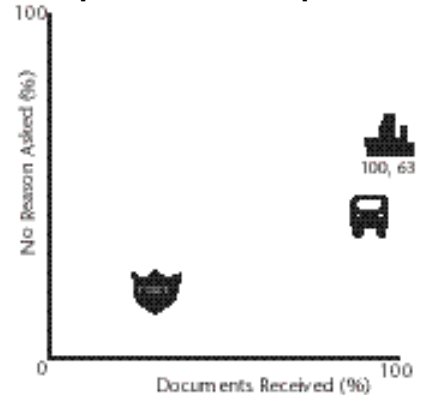
Across the state, the city and town clerks were more courteous and less inquisitive than either the school department employees or the police. The city and town hall clerks in 27 municipalities received a rating of “very courteous” for each of the three primary items requested. In contrast, 17 school departments and three police departments received this rating. The city clerks in only two jurisdictions, Bristol and Pawtucket, had an average rating of less than “somewhat courteous.”

The city and town clerks also tended to maintain an appropriate sense of professionalism. In other words, they maintained their professional distance and were much less likely than those in other departments to make inquiries of the person requesting information. In 27 of the 39 municipalities the researchers were never asked to identify themselves by a city or town clerk. Fourteen school departments and only three police departments acted in the same manner. Finally, the city clerks in 17 municipalities never asked the researchers to provide a reason for their request. The same can be said of only seven school departments and one police department, Warwick.

The municipal budgets were another bright point in our survey. Each of the 39 cities and towns fulfilled this request, and 27 were rated as “very courteous” with respect to this item. (Only one town, Pawtucket, received a mark of “somewhat discourteous”.) No city or town required any sort of paperwork before fulfilling this request. We also analyzed the budgets for general usefulness. The researchers were able to view, and sometimes receive at no charge, many different forms of municipal budgets. For example, East Providence provided a complimentary municipal budget that was thorough, and nicely bound and presented. Others, like North Smithfield and Foster, presented their budgets in a spreadsheet format that delineates the town’s expenditures in moderate detail. While in the field, the researchers were supposed to rate the budgets as being either very spe-

cific (itemized by individual costs), somewhat specific (itemized by specific department), or not specific (itemized by general department). The municipal budgets were generally given the highest rating. In short, it appears that the most cities and towns of Rhode Island do an excellent job of providing access to useful, detailed information about how public monies are spent.

### Comparison of Departments



(continuation of Tax-Delinquent Requests)

In West Warwick, the researcher’s initial request was not clear to the clerk, but the clerk was very helpful and asked other employees in the office until a list was discovered. A copy was made of the list of tax delinquent lots in West Warwick and was provided at no charge. The Little Compton tax assessor’s office presented the researchers with a large document, including many tax reports, including a list of tax delinquent properties, for a cost of only \$4.00.

The reasons for not providing access in the other jurisdictions varied. The clerk in Scituate said “it would take too much work to compile.” That is not a sufficient response under the law since the Open Records Act provides one-half hour of research time without charge. The statute also permits a reasonable research fee for additional time. The clerk in Hopkinton said that the researcher would have to appear before the town council to make a

formal request to view the list of tax delinquencies. That position finds no support in the Open Records Act, and should be considered an unwarranted denial.

The tax assessor in New Shoreham, in response to a written request that was required of the researchers, replied that it was “not the policy of that office to release the list of tax delinquent properties” as it is subject to change up until the day of the sale.” This “policy” is not authorized by the Open Records Act. This practice stands as an example of how some municipal employees sometimes develop policies and procedures that are at odds with the law. Local custom is not allowed to contravene the statutory requirements of the Open Records Act.

The response to this request in some jurisdictions suggested that differences in the calendars and operations of local tax assessors meant that such information would not be readily available in every jurisdiction. In several municipalities, including

Cranston, Warwick, Charlestown, Smithfield, and East Providence, we were informed that a list of tax delinquent properties had not been compiled but that such a list would be made available later in the year. In Tiverton, the tax assessor was in the process of compiling a preliminary list of current tax delinquent properties, and the researcher was invited back in two weeks to examine that document when it was ready.

In Narragansett, the clerk explained to the researcher that specific names and account numbers must be provided before any information regarding tax delinquencies could be released. It is not clear whether this reflects a different method of tracking and collating information on tax delinquencies, or whether this was just another way of saying the clerk didn’t want to spend the time looking through the records. Ambiguous cases like this one explains why it was ultimately decided not to include this item in the compliance index.

## Electronic Access to Voter Records

One item requested in this study was intended specifically to test the availability of public documents in electronic form. We requested a complete list of voters in the jurisdiction on disk (which we provided). A long but simple list of this nature would be conducive to electronic access; indeed, a list of this nature would probably be more convenient in electronic form for many of the people who request it. This item is also vital to participation in the democratic process. Grassroots organizations or potential political candidates might not be able to exercise their political voice without easy access to this information.

Unfortunately, it appears in retrospect that the fieldwork was not standardized in this case. The request was not posed with sufficient uniformity to support ordinal statewide rankings or comparisons. Some researchers asked only for the item on disk; others asked for the list, whether or not it was available on disk. Nevertheless, the results are instructive in several ways.

Unexpectedly, a few jurisdictions clearly denied access to these records, no matter what the form. In Charlestown and Richmond, for example, the researchers were told that voter records were “not public information.” In Scituate, the clerk would not provide access to a complete list of voter records but she politely explained that if we supplied a particular name we could be informed as to whether or not that person was registered. These local policies are not

authorized by the Open Records Act, which provides no specific exception for voter records. Obviously, the statewide ranking for these jurisdictions would be lower if this item was included in the quantitative analysis.

In other jurisdictions, the list was not available in electronic form for mundane computer-related reasons: one jurisdiction was waiting for a new computer, another was waiting for a device to compress data, and at another the one person in the office with the necessary knowledge was not in at the time. Some towns simply do not have the computer capability. In West Greenwich, the clerk was very cooperative in allowing the researcher to view a printed list of registered voters; the information is not stored on a computer.

Only two municipalities provided easy access to this information in electronic form. The clerk in North Smithfield was very courteous and complied fully with the request. The list was available at no charge if the researcher provided a disk, or for \$5.00 if the clerk’s office supplied it. Electronic access was similarly smooth in Cranston, but the cost was \$30.00. (The same list is \$60.00 in hard copy.) Jurisdictions with clearly excessive fees included Warren (\$100) and East Providence (“about \$100”), North Providence (\$200) and Providence (approximately \$200). The Open Records Act currently has no provision concerning the cost of electronic records. Given the enormous variation documented in this study, the need for statutory guidelines seems clear.