



# **POLITICAL TRANSPARENCY FOR IMPROVED RESIDENT PARTICIPATION**

Arkansas Center for Research in Economics | University of Central Arkansas

## About ACRE

The Arkansas Center for Research in Economics (ACRE) is an Arkansas focused research center housed in the College of Business at the University of Central Arkansas. ACRE scholars and policy analysts use research and analysis to find solutions for Arkansas's problems. Our research focuses on barriers to employment, taxes and subsidies, K-12 education, government transparency, and property rights. We educate and provide resources for students, teachers, voters, activists, legislators, and business leaders.

ACRE promotes solutions that respect the personal and economic freedoms of individuals because protecting and expanding these freedoms has a proven record of improving the lives of people around the world and here at home.

If you have questions about this, or any of our work, please contact us at **ACRE@UCA.EDU**.




LIGHT IS THE ONLY THING THAT CAN SWEETEN OUR  
POLITICAL ATMOSPHERE . . . [AND] OPEN TO VIEW  
THE INNERMOST CHAMBERS OF GOVERNMENT.

Woodrow Wilson, 1884<sup>1</sup>

Arkansas's outdated open public meetings law does not fully promote public attendance and representation at quorum court meetings. We propose a solution to increase the chances that more residents will attend. It is good governance for elected officials to ensure that residents are not only aware of the quorum courts' decisions but are represented in the decision-making process.<sup>2</sup>

Forty-one counties in Arkansas already have stand-alone websites where they can post meeting information. The remaining counties have webpages on the Arkansas.gov platform. We encourage all counties to use their online presence to provide quorum court meeting information to their residents. We also suggest an amendment to the current law that would require web notifications.

A photograph of the Benton County Courthouse in Arkansas, featuring a large set of steps leading to the entrance. The building has a classical architectural style with arched windows and a central pediment. The text "ARKANSAS'S QUORUM COURTS AND THE OPEN PUBLIC MEETINGS LAW" is overlaid in large, white, bold, sans-serif capital letters. The background is a clear blue sky with a few trees and a flagpole visible.

# ARKANSAS'S QUORUM COURTS AND THE OPEN PUBLIC MEETINGS LAW



Arkansas's quorum courts make decisions on behalf of county residents. Court members—elected officials called justices of peace<sup>3</sup>—levy taxes, decide how to spend county funds, and determine the number and compensation of county employees, among other responsibilities.<sup>4</sup> The executive branch of the county government, headed by the county judge, implements the quorum courts' decisions.<sup>5</sup>

Arkansas's open public meeting law requires that “all meetings, formal or informal, special or regular, of the governing bodies of all municipalities, counties, townships, and school districts and all boards, bureaus, commissions, or organizations of the State of Arkansas, except grand juries, supported wholly or in part by public funds or expending public funds, shall be public meetings.”

For regular meetings, the law requires that the time and place be furnished to anyone who requests the information. For emergency or special meetings, “the person calling the meeting shall notify the representatives of the newspapers, radio stations, and television stations, if any, located in the county in which the meeting is to be held and any news media located elsewhere that cover regular meetings of the governing body and that have requested to be so notified of the time, place, and date of the meeting.” The law further stipulates that the notification “be made at least two (2) hours before the meeting takes place in order that the public shall have representatives at the meeting.”<sup>6</sup>

The legislative intent is to make government decision making accessible to the public and encourage residents to participate in the decision-making process.<sup>7</sup> However, by failing to embrace web technology and not publishing meeting notifications online, many Arkansas residents have insufficient representation at special and emergency quorum court meetings.

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# A WEAKNESS OF THE **CURRENT LAW**

**AR Code § 25-19-106(b)(2)**

Many things must happen to ensure that the current law achieves its intended purpose: to facilitate public representation in the quorum court when meetings are called.

First, the county must have a newspaper, radio station, or television station to announce the meeting. The problem is that not all counties have these, which is why the law includes a provision for notifying media outlets outside the county.

Second, media outlets outside of the county must opt in to learning about quorum court meetings on behalf of counties without traditional media outlets. The law requires that outside outlets be informed only when they choose to be. They may not opt in to notifications, and even if they do, they may not publicize or attend the meetings.

In essence, the law does not ensure that quorum court meeting notices reach as many county residents as possible. Ideally, all interested residents would attend these meetings. When a resident feels strongly about a particular issue, they may want to contribute to a meeting personally. Representation alone does not help them make their contribution. The law's goal should be to ensure meeting notices reach all residents so they can decide whether to attend.

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A blurred background of a meeting room with a microphone in the foreground. The microphone is a gooseneck style with a black foam cover and a red band. The background shows rows of people seated at tables, likely in a conference or legislative hall, with a greenish-yellow color overlay.

# OPEN MEETINGS



County quorum court meetings in Arkansas are open to members of the public who want to observe or contribute to the discussion. Engaging residents ensures that the courts' decisions closely reflect what residents want. Informed residents are empowered to hold their elected officials accountable.

The more residents participate in the decision-making process, the better the decisions elected officials will make. In addition, elected officials who know that the public can easily scrutinize their decisions and decision-making processes will be strongly incentivized to allocate taxpayer resources prudently.

In general, studies associate transparency with the following outcomes:

- 1. Reduced corruption**
- 2. Improved financial management of resources**
- 3. Improved economic performance**
- 4. Improved accountability**
- 5. Improved trust in government<sup>8</sup>**

In light of transparency's benefits, the Arkansas Center for Research in Economics (ACRE) created an index to help assess web transparency at the county level and encourage lagging counties to improve.

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The background of the slide is the Arkansas state flag, which features a blue field with a large white star in the center. The star is surrounded by a wreath of cotton and rice. The word "ARKANSAS" is written in white, serif capital letters across the center of the flag. The flag is shown waving, with the blue field and white star being the most prominent elements.

# WHAT DOES **POLITICAL TRANSPARENCY** LOOK LIKE IN ARKANSAS COUNTIES?

ACRE’s index comprises subindices for fiscal, administrative, and political transparency. We assign ratings to each and combine them to award an overall transparency score to each of Arkansas’s 75 counties.<sup>9</sup> This policy brief focuses only on political transparency.<sup>10</sup>

Based on our index, figure 1 depicts the current state of online political transparency in Arkansas’s county governments. On a 0.00 to 1.00 scale, 26 counties publish over 50 percent of the important political transparency information included in our index.

**FIGURE 1:** Distribution of Political Transparency Scores in Arkansas



Our political transparency index comprises three components: quorum courts; elected officials’ contact information and duties; and financial disclosures, conflict of interest statements, and salaries. Each component has subcomponents. In total, 11 subcomponents make up the political transparency index.

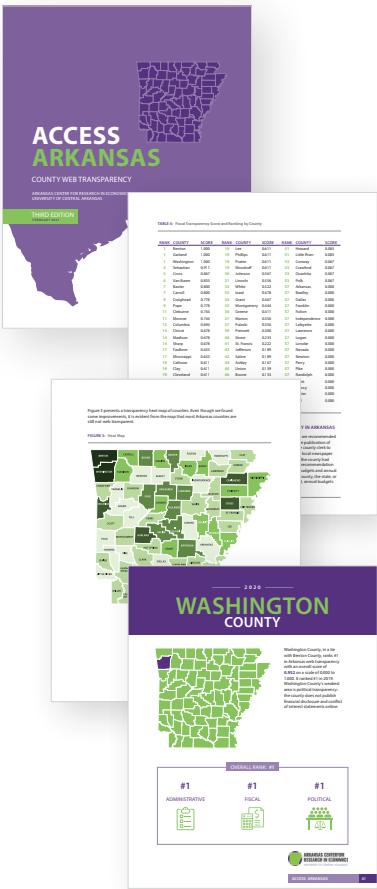
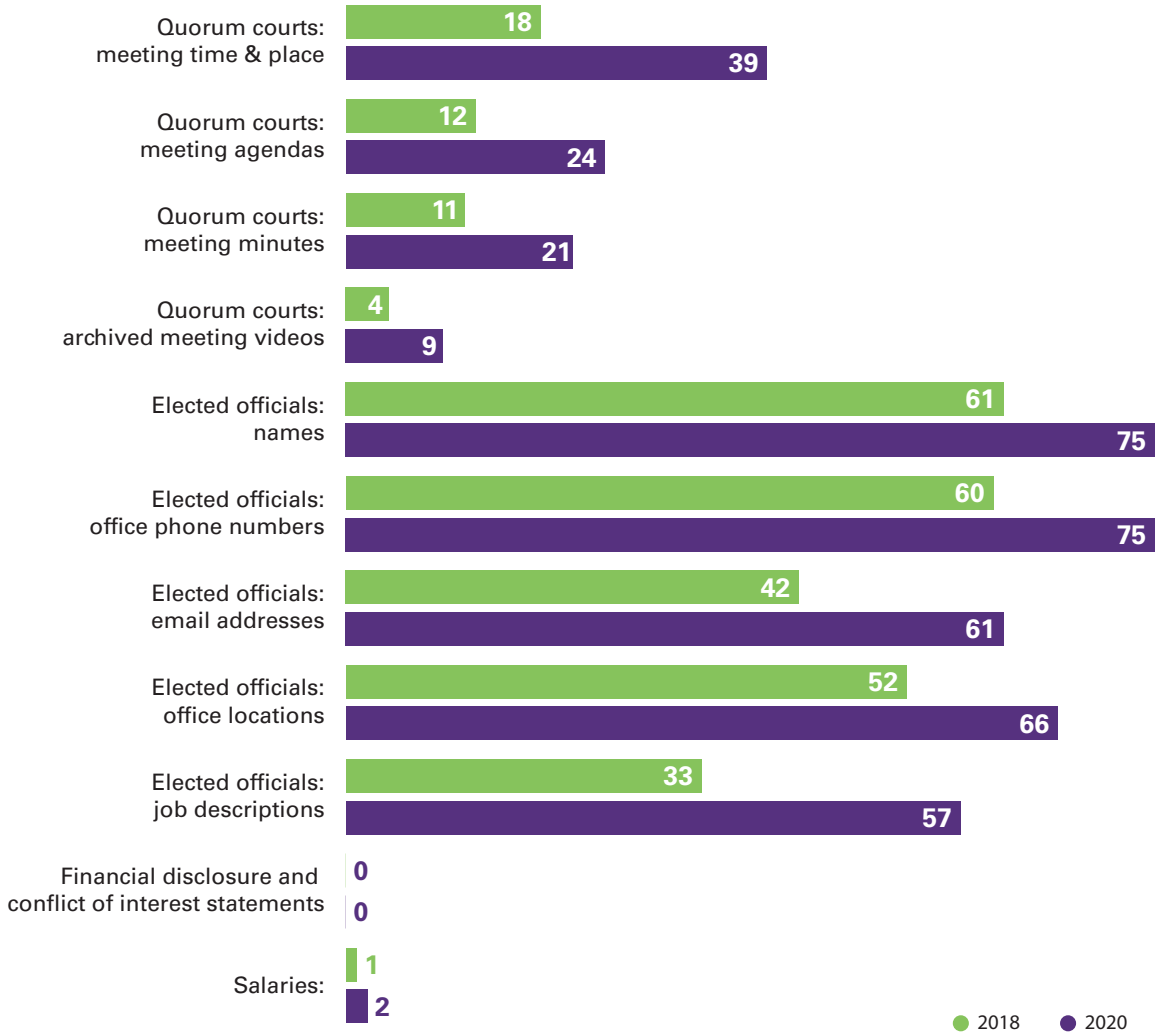




FIGURE 2: Number of Counties Publishing Each Subcomponent of Political Transparency Online



One way to assess the state of online political transparency is to see what progress counties have made since we published our inaugural index in 2018. Figure 2 shows the improvement in the number of counties publishing each subcomponent of political transparency.

From 2018 to 2020, the number of counties publishing each subcomponent of transparency increased in every category except one: financial disclosure and conflict of interest statements. Part of the reason for the improvements may be that we used three researchers in 2020 compared to two in 2018. With more researchers, our chances of finding information increased. Still, most counties said they had improved the information they publish online over that period.<sup>11</sup>

While we are pleased to observe these improvements, room remains for further transparency. The average score for all Arkansas counties in 2020 is 0.43, meaning that on average, Arkansas counties publish 43 percent of the information included in our political transparency index. This figure reflects an improvement of close to 15 percentage points from 2018, but the average score is still low.<sup>12</sup>



# HOW CAN ARKANSAS IMPROVE ON POLITICAL TRANSPARENCY?



The weakest areas for political transparency in Arkansas counties are the openness of quorum courts and the disclosure of financial and conflict of interest statements and salaries. Improving the openness of the quorum courts is an easier fix. As discussed earlier, Arkansas already has a law whose intent is to allow residents to participate in the decision-making process. A simple update to this law that expands the types of media counties use to inform people about quorum court meetings would help the law achieve its intended purpose.

Increasingly, people are getting information online. Even rural Arkansans can look forward to improved Internet access by next year.<sup>13</sup> Thus, it makes sense to use the web to inform residents about the activities of their local governments. Some counties, such as Faulkner County, already exceed the law's requirements. They livestream their meetings and keep archived videos so that residents can watch quorum court deliberations at their convenience.

While not every county can follow Faulkner's lead, counties can publish their meeting agendas and minutes online to allow residents to review the quorum court deliberations if they could not attend the meetings physically. Only 24 counties publish meeting agendas online. Only 21 counties publish meeting minutes online. And only 9 counties publish meeting videos online.<sup>14</sup>

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# CONCLUSION & RECOMMENDATIONS

Even though a law exists to give Arkansas residents representation at quorum court meetings, it does not do enough to achieve the intended objective.

We therefore recommend that AR Code § 25-19-106(b)(2) be amended to include online notification of quorum courts meetings, which should increase the chances that residents will attend and participate in their county's quorum court deliberations. It would also decrease the chances that meetings are held behind closed doors, whether on purpose or by accident.<sup>15</sup>

Counties that do not have websites should be advised and encouraged to create their own websites, use Facebook, or work with the Association of Arkansas Counties to utilize their web platform to make such announcements. Another venue for publishing county political transparency information is the Arkansas.gov platform. Counties can work with the Arkansas Information Consortium to publish information there.

County government officials should ensure that more people are informed about the quorum courts' decisions and their decision-making processes by making it easier for people to be present at their quorum court meetings and by making the minutes and agendas available online. For counties that can afford it, web streaming of quorum court deliberations is also an option. Improving transparency is good governance.

# ENDNOTES

- 1 See <https://www.seattletimes.com/opinion/guest-how-to-combat-the-secrecy-of-government/> In 1884, Woodrow Wilson, who would appoint Brandeis to the Supreme Court in 1916, wrote, “Light is the only thing that can sweeten our political atmosphere — light thrown upon every detail of administration in the departments; light diffused through every passage of policy; light blazed full upon every feature of legislation; light that can penetrate every recess or corner in which any intrigue might hide; light that will open to view the innermost chambers of government, drive away all darkness from the treasury vaults.”
- 2 Maria Cucciniello, Gregory A. Porumbescu, and Stephan Grimmelikhuijsen, “25 Years of Transparency Research: Evidence and Future Directions.” *Public Administration Review* 77, no. 1 (2017): 32–44.
- 3 In Arkansas, the quorum court is composed of 9, 11, 13, or 15 members depending on the county’s population.
- 4 Arkansas Justices of the Peace 2018 Procedures Manual, <https://www.arcounties.org/site/assets/files/4894/jps.pdf>.
- 5 County governments in Arkansas elect nine executive officers: county judge, sheriff, county clerk, collector, assessor, treasurer, coroner, and surveyor. Some counties combine two of these offices into one, such as county clerk/circuit clerk, sheriff/collector, or treasurer/collector. Also, not all counties elect a surveyor. Arkansas County Collectors 2018 Procedures Manual, [https://www.arcounties.org/site/assets/files/4879/county\\_collectors.pdf](https://www.arcounties.org/site/assets/files/4879/county_collectors.pdf).
- 6 AR Code § 25-19-106(b)(2) covers special and emergency meetings. For regular meetings, the quorum courts establish the date, time, and location (see AR Code § 14-14-904 and the Arkansas County Judges Manual).
- 7 AR Code § 25-19-106(b)(2).
- 8 There is consistency in studies linking transparency to outcomes 1, 2, and 3. For 4 and 5, the results are mixed. Cucciniello, Porumbescu, and Grimmelikhuijsen, “25 Years of Transparency Research.”
- 9 The three categories of transparency were inspired by Maria Cucciniello and Greta Nasi, “Transparency for Trust in Government: How Effective Is Formal Transparency?” *International Journal of Public Administration* 37, no. 13 (2014): 911. They define fiscal transparency as the disclosure of how governments spend tax dollars. They define administrative transparency as the openness of local officials’ activities and processes. They define political transparency as the openness of the decision-making process and the decisions of elected bodies.
- 10 For a full discussion of all the types of transparency, see Joyce Ajayi and Mavuto Kalulu, *Access Arkansas: County Web Transparency* (Conway, AR: Arkansas Center for Research in Economics, 2020).
- 11 We sent out a questionnaire asking counties to verify the information they publish online.
- 12 The average score for political transparency in 2018 was 0.28.
- 13 Governor Hutchinson’s Arkansas State Broadband Plan is working toward bringing broadband internet to all population centers of 500 people or more by 2022. See [https://governor.arkansas.gov/images/uploads/Arkansas\\_State\\_Broadband\\_Plan\\_Final\\_5.15\\_.19\\_.pdf](https://governor.arkansas.gov/images/uploads/Arkansas_State_Broadband_Plan_Final_5.15_.19_.pdf).
- 14 Ajayi and Kalulu, *Access Arkansas: County Web Transparency*.
- 15 See, for example, Jeannie Roberts, “Arkansas Casino Talks Held Illegally, Residents Say,” *Arkansas Democrat-Gazette*, August 13, 2019, <https://www.arkansasonline.com/news/2019/aug/13/casino-talks-held-illegally-residents-s/>.





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