



### Openness of Legislative Caucus Meetings

In February 2009, a request for information about the openness of legislative caucuses meetings was sent to selected majority and minority leadership staff in each legislative chamber (or in some instances, other legislative staff). The specific questions were:

- 1) Do legislative party caucuses play an active role in your legislative chamber?
  - a) yes
  - b) no
  
- 2) Are the meetings of your legislative party caucus:
  - a) always open
  - b) usually open
  - c) usually closed
  - d) always closed
  
- 3) How is this determined:
  - a) Required by constitution
  - b) Established by statute
  - c) Established by Senate or House rule
  - d) Set by legislative caucus rule or policy
  - e) Determined for each individual caucus meeting on a case-by-case basis

Shown below is a summary of the responses.

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#### **Alabama**

*House Democratic Caucus* (Majority). The party caucuses have an active role in House and Senate activities in Alabama. All the caucuses address the issue of open meetings in different ways (most on a case-by-case basis). Realistically, most of the meetings are usually closed simply because no one other than members shows up.

#### **Alaska**

*Senate*. (per Senate President's Office; chamber is tied) 1) Yes, party caucuses do play an active role in our legislative chamber. 2) The Senate caucuses are usually closed. 3) This is set by the legislative caucus rules and policies.

*House Majority Caucus* (coalition). 1) Yes. 2) Usually closed. 3) B and E. We do have statutes that provide guidelines for open meetings as it pertains to caucus. However, for purposes of strategy or personalities, caucuses can be closed. This has been a rule for many years.

#### **Arizona**

*Senate Republican Caucus* (Majority). 1) Yes. 2) Usually open. 3) Established by Senate or House rule.

*Senate Democratic Caucus* (Minority). 1) Yes. 2) Usually open. 3) Established by Senate or House rule.

**Arkansas**

*Senate and House Republican Caucuses (Minority)*. 1) Yes. 2) Usually closed, but if a caucus meeting is held at the capitol, it is always open to the public. 3) Determined for each individual caucus meeting on a case-by-case basis.

*House* (per House Coordinator of Legislative Services). 1) No. 2) House Democratic Caucus (majority)-usually open; House Republican Caucus (minority)-usually closed. 3) House Democratic Caucus-set by legislative caucus rule or policy; House Republican Caucus-determined for each individual caucus meeting on a case-by-case basis

**California**

*Senate Republican Caucus (Minority)*. 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

*Assembly Democratic Caucus (Majority)*. 1) Yes. 2) Always closed. 3) Determined for each individual caucus meeting on a case-by-case basis.

*Assembly Republican Caucus (Minority)*. 1) Yes. 2) Always closed, except for special guests or presentations. 3) Determined for each individual caucus meeting on a case-by-case basis.

**Colorado**

*Senate Democratic Caucus (Majority)*. 1) Yes. 2) Always open. 3) Established by statute.

*Senate Republican Caucus (Minority)*. 1) Yes. 2) Always open. 3) Required by constitution.

*House Republican Caucus (Minority)*. Our Republican caucus does not play an active role in floor proceedings. All of our caucus meetings are open to the media. If it is caucus meeting called during the session and held in one of the Capitol committee rooms, it is broadcast over the internet. Media access is required by statute when two or more legislators gather.

**Connecticut**

*Senate Republican Caucus (Minority)*. Senate Republican Caucuses are always closed. For us, I would say it plays an active role in information sharing amongst the members and in setting strategy

**Delaware**

*Senate Democrat Caucus (Majority)*. 1) Yes, caucuses play an active role in the Delaware State Senate. 2) Caucuses are always closed (though on occasion a staff person or outside individual(s) may be asked to attend for specific purposes). 3) Set by legislative caucus rule or policy.

**Florida**

*Senate Democratic Caucus (Minority)*. 1) Yes. 2) Always open. 3) Established by Senate or House Rule.

*House Democratic Caucus (Minority)*. The Democratic Caucus often meets informally or in pre-session briefings. Our meetings are almost always open. The Constitution requires that certain meetings be open, but in very limited circumstances. Our practice is to open them to a much greater extent.

**Georgia**

*House Republican Caucus (Majority)*. 1) Yes. 2) Usually open. 3) Determined for each individual caucus meeting on a case-by-case basis.

**Hawaii**

*Senate Democratic Caucus* (Majority). 1) Yes. 2) Always closed (non-member participants, such as staff or issue experts, can be invited). 3) Established by Senate or House rule.

*Senate Republican Caucus* (Minority). 1) Yes. 2) Always open. 3) Determined for each individual caucus meeting on a case-by-case basis.

*House Democratic Caucus* (Majority). 1) Yes. 2) Always closed, although possibly may be open to the public. (In the last three years, however, no House majority caucus has been opened to the public.) 3) Set by legislative caucus policy.

**Idaho**

*House Republican Caucus* (Majority). 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

*House Democratic Caucus* (Minority). 1) Yes. 2) Usually open. 3) Set by legislative caucus rule or policy.

**Illinois**

*Senate Democratic Caucus* (Majority). 1) Yes, frequently. 2) Always closed (unless high-ranking staff are invited in to assist on a specific topic or appropriation inquiry). 3) The best choice is "d" - it has been a long-standing custom to grant a request to caucus at any time during session, except during the debate of a bill (unless the sponsor agrees to take it out of the record so that the caucus can be held - which I might add, is very unlikely as the subject matter is most likely quite contentious and partisan).

*House Democratic Caucus* (Majority). 1) Yes. 2) Always closed. 3) B, sort of. Our Open meetings act doesn't apply to the Illinois General Assembly. The constitution only requires open meetings for sessions of the House and Senate, joint committees and legislative commissions.

**Indiana**

*Senate Republican Caucus* (Majority). The Senate Republican Caucus does not allow any media/citizens into the caucus. In fact, only a couple of staff people may go if invited for informational purposes.

*Senate Democratic Caucus* (Minority). 1) Yes. 2) Usually closed to members and key staff. On rare occasions, we'll have invited guests, i.e., the governor. 3) Determined for each individual caucus meeting on a case-by-case basis by the caucus chair.

*House Democratic Caucus* (Majority). 1) Yes. 2) Usually closed. 3) Determined for each individual caucus meeting on a case-by-case basis.

**Iowa**

*Senate Democratic Caucus* (Majority). 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy. More accurately, our caucuses are closed by Senate tradition. I am not aware of any written rule or policy. (For the record, we have opened up our caucuses when the presidential candidates have visited our caucus.)

**Kansas**

*House Democratic Caucus* (Minority). 1) play an active role in our chamber. 2) are always open. 3) is open by determination of the caucus members

**Kentucky**

*House Democratic Caucus* (Majority). 1) Yes. 2) Usually open. 3) Determined for each individual caucus meeting on a case-by-case basis.

*House Republican Caucus* (Minority). 1) Yes. 2) Usually open. 3) Determined for each individual caucus meeting on a case-by-case basis.

**Louisiana**

*Senate* (per the Senate Chief of Staff). 1) Yes, but in a different way that most other states. 2) Usually closed--rarely opened to others. 3) Determined for each individual caucus meeting on a case-by-case basis.

**Maine**

*House Democratic Caucus* (Majority). The House Democratic Caucus meetings are critical to the policymaking process here in Maine. Our meetings are always open -- as I understand, this is defined in statute.

*House Republican Caucus* (Minority). 1) Yes. 2) Always open. In the past 10 years, I would say that we have closed our caucus fewer than 5 or 6 times. The House minority meets as a caucus before every House session and other times as needed. Our meetings are almost always in the State House and are open to members of the public, guests, the press and lobbyists. 3) I believe statute governs and does require most meetings with legislators to be open, with some exceptions—personnel matters, etc. There isn't anything that refers specifically to caucuses but any type of meeting with an official group of legislators is covered.

**Maryland**

*House Democratic Caucus* (Majority). 1) Yes. 2) Always closed. 3) Set by caucus policy. Under the Maryland Open Meetings Act, a legislative party caucus is not considered a "public body" and is not required to allow access by non-caucus members.

**Massachusetts**

*Senate Republican Caucus* (Minority). 1) Yes. 2) The Senate Republican caucus meeting is always closed to the public. Sometimes the Senate Minority Leader will invite a guest, speaker or staff to join them. 3) Determined for each individual caucus on a case-by-case basis.

*House Democratic Caucus* (Majority). 1) Yes. 2) The Democratic Party Caucus rules state that all caucuses are open unless there is a vote to close them. 3) Caucus rules.

**Michigan**

*Senate Democratic Caucus* (Minority). The only meetings that we can have that are closed to the public are caucus meetings held in our caucus room. This is governed by Michigan's Open Meetings Act. We do them weekly and they are closed to the public.

**Minnesota**

*House Republican Caucus* (Minority) Meetings of the House Republican Caucus are open to the public unless closed by the Leader or a vote of the caucus. This is determined by caucus rules.

**Missouri**

*House Democratic Caucus* (Minority). 1) Yes. 2) Always closed. 3) Court case allows caucuses to be closed. We have an informal policy that closes caucus.

**Montana**

*Both chambers* (Per the Legislative Services Division ) Legislative party caucuses play a role; however, it seems to be diminishing for the reason that a court decision in 1995 ruled that our caucuses must be open to the public. (It was only a district court opinion and that part of the ruling was never appealed to our Supreme Court. It was based on a constitutional provision, however, our legal counsel believes that the transcripts from the 1972 constitutional convention would not have supported the decision had it been appealed.)

**Nevada**

*Senate* (per the Secretary of the Senate). 1) Yes. 2) Always closed or upon invitation of the caucus. 3) The caucus will determine whether a meeting would ever be open. There are no established rules or policies.

*Assembly* (per the Chief Clerk of the Assembly) 1) Both party caucuses meet regularly. 2) The caucus meetings are never open to the public, but sometimes an individual is invited to present information. 3) Set by legislative caucus rule or policy.

**New Hampshire**

*House Democratic Caucus (Majority).* 1) Yes. 2) Always closed. 3) Set by caucus.

*House Republican Caucus (Minority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

**New Jersey**

*Senate Republican Caucus (Minority).* 1) Yes. 2) Usually closed. (Exceptions are made when guests are invited to speak to the caucus. Otherwise, only legislators and staff are included in legislative caucus meetings.) 3) Set by legislative caucus rule or policy (unwritten policy)

*Assembly Republican Caucus (Minority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

**New Mexico**

*House Republican Caucus (Minority).* 1) Yes. 2) Usually closed. 3) Determined for each individual caucus meeting on a case-by-case basis.

**North Carolina**

*House Democratic Caucus (Majority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy

*House Republican Caucus (Minority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

**North Dakota**

*Both chambers (per Legislative Council).* 1) Yes. 2) Usually open. N.D.C.C. Section 44-04-19.3 states "Open meetings exemption - Legislative caucuses. A caucus of members of either house of the legislative assembly may meet in an executive session that is not subject to section 44-04-19.2 if the meeting is not held on public property." 3) Established by statute (see #2 ).

**Ohio**

*Senate Republican Caucus (Majority).* 1) Yes. 2) Always closed. Occasionally, the President may invite someone to make a presentation. 3) Established by statute. It is an exception to the Open Meetings Law.

*Senate Democratic Caucus (Minority).* 1) Yes. 2) Always closed, unless invited. 3) Established by statute.

**Oklahoma**

*Senate Republican Caucus (Majority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

*House Republican Caucus (Majority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy.

**Oregon**

*Senate Democratic Caucus (Majority).* 1) Yes. 2) Usually closed. Guests by invitation only. 3) Set by general caucus policy.

*House Republican Caucus (Minority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus rule or policy. It is not a hard and fast rule or policy, but it's standard procedure unless an exception is made for a specific reason.

**Pennsylvania**

*House Democratic Caucus (Majority).* 1) Yes. 2) Always closed. 3) Set by legislative caucus policy – (exceptions made however for example on invited guests by leadership).

**Rhode Island**

*Senate Republican Caucus (Minority).* 1) Yes. 2) Usually closed. 3) Determined for each individual caucus meeting on a case-by-case basis.

*House Republican Caucus (Minority).* 1) Yes. 2) Usually closed. 3) Determined for each individual caucus meeting on a case-by-case basis.

### **South Carolina**

*Senate* (per the Clerk of the Senate). 1) Yes. 2) Usually closed. 3) D & E. We do have a rule that allows caucus meetings to be closed except when they take any official action (which they never do) or for election of caucus leaders.

*House* (per the Clerk of the House). In the South Carolina House, the legislative caucuses are very active. The meetings are usually open to the public; however, House Rule allows the House legislative caucuses to close the meetings whenever they deem it appropriate. On average, more than half of the meetings are open to the public.

### **South Dakota**

*Both chambers* (per Legislative Research Council) 1) Yes. 2) Democratic Caucuses-usually open; Republican Caucuses-always closed. 3) Determined for each individual caucus meeting on a case-by-case basis.

### **Tennessee**

*Senate Republican Caucus* (Majority). 1) No. 2) Always open 3) Determined for each individual caucus meeting on a case-by-case basis.

*\*House Republican Caucus.* 1) Yes. 2) Usually open. 3) Determined for each individual caucus meeting on a case-by-case basis.

*\*House Democratic Caucus .* 1) Yes. 2) Usually open. 3) Determined for each individual caucus meeting on a case-by-case basis.

*\*The House was organized by a coalition.*

### **Texas**

*Senate* (per the Secretary of the Senate). The party caucus participation has increased; however, the caucuses are not funded with state money and are not official participants in the legislative process. We do not even announce meetings of the caucuses. The caucuses can reserve rooms just as any outside entity can, restricted only by availability. Senators' staff do not participate in the caucuses because that would be considered political activity, which is forbidden of state employees on state time. The caucuses are not open to the public.

*House* (per the Chief Clerk of the House). 1) No. 2) Usually open. 3) Set by legislative caucus rule or policy.

### **Utah**

*House Republican Caucus* (Majority). 1) Yes. 2) Always open during session. During the interim, always open unless we are discussing elections/campaigns. 3. Set by legislative caucus rule or policy.

### **Vermont**

*House* (per the Clerk of the House). 1) Yes. 2) Usually open. 3) On occasion in the past a party caucus has been closed to the public. Usually that meeting is held outside the statehouse. This decision has been on a case by case basis.

### **Virginia**

*Senate* (per the Secretary of the Senate). 1) Yes, in the Senate. 2) Depends on the caucus - I think most are closed. 3) Set by party caucus.

*House* (per the Clerk of the House). 1) Yes. 2) Usually closed. 3) Established by statute.

### **Washington**

*Senate Democratic Caucus* (Majority). 1) Yes. 2) Usually closed. 3) Set by legislative caucus rule or policy.

*Senate Republican Caucus* (Minority). 1) Yes. 2) Usually open to members and their guests (never the public at large), sometimes closed to all but members. 3) Senate and Caucus Rules.

**West Virginia**

*Senate Democratic Caucus* (Majority). 1) Yes. 2) Always closed. 3) C or D because they sound like the same thing.

*House Republican Caucus* (Minority). 1) Yes. 2) Usually closed. 3) Established by statute §6-9A-2. Political party caucuses are exempt from the open governmental proceedings laws. Party leaders determine if the caucus is to be open or closed.

**Wyoming**

*Both chambers* (per the Legislative Service Office). 1) No. Wyoming does not have caucus staff; and although the House Republicans and Democrats do have a weekly lunch caucus meeting, impromptu caucus meetings in the House and Senate are rare. 2) The caucuses for the House and Senate Democrats [minority in both] are open. The caucuses for the House and Senate Republicans [majority in both] are closed. 3) The decision is made by caucus policy.