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Arizona State Senate

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DISTRICT 3

September 18, 2024

Via U.S. Postal Mail and Email

Arizona Attorney General Kris Mayes
 Office of the Attorney General
 2005 N. Central Ave.
 Phoenix, AZ 85004
 AGOpinionRequests@azag.gov

Re: Request for Attorney General Opinion

Dear Attorney General Mayes,

Recent events have spurred concerns that some local governing bodies may not be adhering to a provision of the Open Meeting Law by censoring certain speech of citizens during open calls to the public at public meetings.¹ Pursuant to A.R.S. § 41-193(A)(7), I request that you issue an opinion addressing the following question:

Does a public body that is subject to the Open Meeting Law (A.R.S. §§ 38-431 et seq.) violate A.R.S. § 38-431.01(I) if the public body adopts a policy prohibiting members of the public to lodge criticism, charges or complaints against members of the public body or its employees during a call to the public?²

I look forward to your response to this question. If I can be of further assistance, please contact my office.

Respectfully,

Senator John Kavanagh, LD3

¹ This censoring could also run afoul of the First Amendment and the Free Speech provision of the Arizona Constitution, but I limit this request to the Open Meeting Law.

² A.R.S. § 38-431.01(I) states in part that "[a] public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body." (emphasis added).