**Methodology**

Compliance with state public record laws was measured through an FOI audit, where the same seven records were requested from state-level agencies in the United States, and then the compliance recorded. Then, three state transparency measures (dependent variables) were compared to measures representing state newspaper vitality (independent variables).

**Transparency Variables (Compliance with the law)**

The same seven records were requested from the same seven agencies common to all states:

1. **Department of Education:** All state-licensed educators and administrators who had their licenses suspended or revoked and the reasons why. Responses were deemed complete if the name, category of complaint (i.e. sexual misconduct), resulting disciplinary action and date of action were provided.
2. **Secretary of State/State Board of Elections:** The list of all registered voters who have had their registration suspended, revoked, or canceled during the preceding 12 months. Responses were only deemed complete if names of voters were included.
3. **Department of Corrections:** The list of all prisoners who died in custody in state prisons during the preceding 12 months and their causes of death. Responses were deemed complete if agency provided both names and cause of death.
4. **Department of Transportation:** The names of any vendors that have been blacklisted from doing business with the state’s Department of Transportation during the preceding three years. Responses were deemed complete if the name and duration of suspension for the vendor was included.
5. **Department of Fish and Wildlife:** The list of all recipients of fishing or hunting licenses during the past 12 months. The responses were deemed complete if all names were unredacted.
6. **Department of Health/Medical Licensing:** All licensed medical doctors who have had their licenses suspended or revoked during the preceding 12 months and the reasons why. Responses were deemed complete if the name, category of complaint (i.e. sexual misconduct), resulting disciplinary action, and date of action were provided.
7. **State Police/Highway Patrol:** All disciplinary complaints filed against certified law enforcement officers or agents during the preceding 12 months. Responses were deemed complete if the name, category of complaint (i.e. sexual misconduct), resulting disciplinary action, and date of action were provided.

Request letters were generated through the same template provided by the Student Press Law Center website (<https://splc.org/lettergenerator/>). Requests were sent one of five different ways, depending on the preferences of the agencies as outlined on their websites: 1) a specific public-records email address; 2) a generic agency email address; 3) an online public records portal, 4) a PDF form provided by the agency to be filled out and emailed; and 5) online “contact us” or “feedback” form on the agency’s website. Requests were sent in waves from November 7, 2023, through January 10, 2024. The study excluded Washington, D.C., and the six states that require in-state residency for public record requests (Alabama, Arkansas, Delaware, Kentucky, Tennessee, and Virginia). Each agency was granted 45 days to complete the request, which is longer than allowed by law (the longest deadline allowed by law is in Maryland, with 30 days). The letters came from a student at a public university who identified himself only by his name and address. If pressed by agencies, the student identified himself as a researcher at a public university.

Request-based field experiments have employed different measures of “compliance” or transparency. Some have created a compliance measure of either “1” for providing the records in full, or “0” for every other response. Some have created “accuracy” rates, labeling full or partial fulfillment of the request as “1” and everything else as “0”. Some have labeled a positive outcome as those that provided the records or provide records proactively online, negative for denied or no response, and neutral for all other responses. Some have created more nuanced 5-point scales and collapsed them into a dichotomous variable of “Make Public” vs. everything else. For the purposes of this study, three different criterion measures were employed, to compare the approaches and test a new 8-item scale to aid future researchers in advancing FOI audit methodology.

***Measure 1: Denied***

One of the most common measures in the literature for measuring compliance with public record laws is a simple dichotomous variable measuring whether the person got the information or was denied, ignored, or told nothing relevant exists. This study will employ a similar dichotomous measure with a “1” indicating denied or no response (a “constructive denial”) or “0” for any other response, such as providing the records.

***Measure 2: Success Scale***

To build on previous field experiments applying FOI audits, we also created a 3-item ordinal “success scale,” which distinguishes between full and partial compliance by government agencies. This 3-point scale, with the higher the number indicating greater transparency, designated a “3” for responses where all records were provided, a “2” for those in partial compliance, and a “1” for all other responses.

***Measure 3: Transparency Scale***

A new 1-8 transparency scale was created in consultation with FOI experts to attempt to create a more detailed, precise measure of compliance. Two previous studies have attempted to use 5-point ordinal scales, eventually collapsing them into dichotomous measures. No study could be found applying an 8-item ordinal scale. The scale was created with the help of the nonprofit MuckRock, which has aided people with more than 150,000 public records requests around the nation since 2010, coding outcomes of their requests into 12 different categories, of which 8 were employed for this new Transparency Scale. The founder of MuckRock, Michael Morisy, was consulted in ranking eight of the outcomes from least compliant (no records provided) to most compliant (all records provided). Responses from the agencies were recorded for all of the requests (*N* = 308), categorized, and then coded into an overall transparency scale, with a higher number indicating greater compliance and transparency:

1. No records were provided to the researcher, or the response said records were available online, but they weren’t.
2. The agency did not respond to the records request.
3. The agency would not proceed with the request until a fee was paid.
4. The agency said there were no records applicable to the request.
5. The agency cited a specific legal statute that allowed the specific record requested to be exempt from disclosure, which was verified by the researcher (When in doubt, the decision sided with the agency).
6. The response provided some, but not all, of the requested records (partial compliance).
7. The requested records were available online to the general public proactively.
8. All requested records were provided to the researcher as requested.

**Newspaper Vitality Variables (Independent measures)**

Two measures were used to represent “newspaper vitality,” the independent, or predictor, variables in this study.

***Newspapers Per Capita.*** A database was provided by the Local News Initiative at Northwestern University’s Medill School of Journalism, Media, Integrated Marketing Communications, from their “news deserts” research. The research launched a decade ago at the University of North Carolina at Chapel Hill, under the guidance of Penelope Muse Abernathy, who published the first major research in “news deserts.” The center moved to Northwestern University, where Abernathy serves as a visiting professor. The Local News Initiative provided its database of news outlets that it has identified in the United States. We summed the total number of newspapers for each state and then calculated a per-capita rate (newspapers per every 100,000 people), providing a measure of newspaper density for each state, ranging from a low of 0.82 (Hawaii) to a high of 11.8 (South Dakota).

***Press Association Strength.*** This measure represents the financial strength of state press associations, accounting for state population. Press associations represent local newspapers in their respective states, and have historically served as the primary advocates for public record laws at the state level. States with well-funded press associations should have the capacity to monitor their legislatures for bills that could harm transparency, and lobby against them. Many press associations have suffered from budget cuts as their member newspapers go out of business or retract. For this measure, a list of press associations was obtained from the nonprofit Newspaper Association Managers (<https://www.nammembers.com/>), which assists press associations. Then, the U.S. Internal Revenue Service “990” forms for the press associations were downloaded from ProPublica’s Nonprofit Explorer (<https://projects.propublica.org/nonprofits/>), as well as the IRS website (<https://apps.irs.gov/app/eos/>), which include revenues for each year, going back at least 10 years. A four-year average was calculated for each state press association, from 2019 through 2022, in order to account for annual variations. Average annual revenues ranged from $64,355 (Maine) to $1.1 million (California). A total of 13 state press associations reported no revenue to the IRS (Hawaii, Utah, Washington, Louisiana, Oregon, Connecticut, Idaho, New Hampshire, Rhode Island, Minnesota, Alaska, Vermont, Wyoming). We then calculated an annual revenue per 100 people to account for varying state populations.

**Demographics**

Demographic variables were collected at the state level to control for education, poverty, political ideology, and other factors. They included:

1. Population. U.S. Census estimate of state populations for 2023.
2. Income. Median household income by state for 2022, according to the U.S. Census (2023) American Community Survey.
3. Education. U.S. Census educational attainment for 2022, bachelor’s degree or higher.
4. Race. U.S. Census 2022 for non-Latino white.
5. Conservatism. Percentage of residents who say they are conservative, according to a Gallup 2019 poll.
6. Religiosity. Percent of residents who say they are very religious, Pew Research Center, 2016.
7. Deep South: A binary option as to whether the state is in the Deep South. This is defined as states located in the East South Central and West South Central divisions, as designated by the U.S. Census. These eight states are: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.