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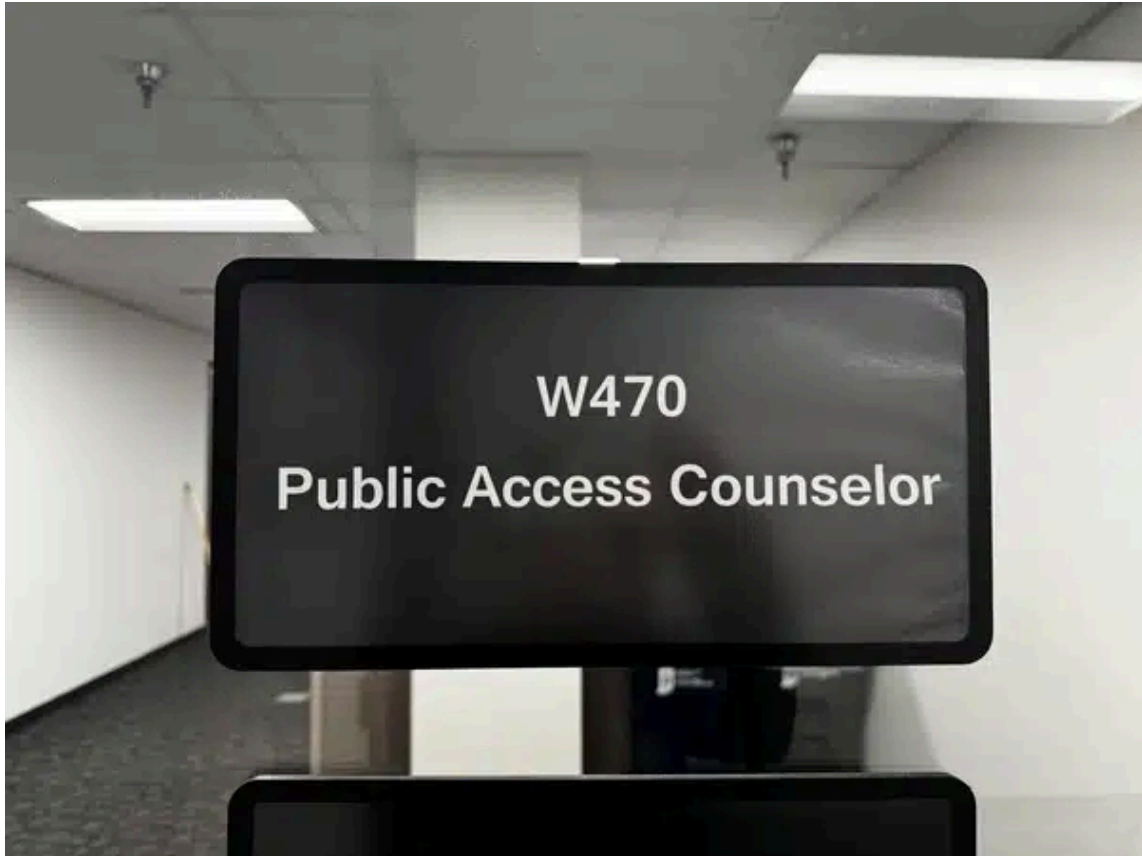


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March

**ADVISORY CAPACITY: Former AG Carter Takes Temporary Job As
Public Access Counselor A Year After Legislature Limited The Role**



Indiana's Office of the Public Access Counselor is not returning phone calls or emails and has not posted any opinions online this year. (Photo/File)

By Juliann Ventura
The Indiana Citizen
March 10, 2025

When former Indiana Attorney General Greg Zoeller heard that Steve Carter, a longtime state government official, would temporarily take over as Indiana's top public records expert, he wasn't surprised. In an interview with The Indiana Citizen, Zoeller, who said he has known Carter since they were students at Indiana University Maurer School of Law, said matter-of-factly, "Steve Carter is good at government."

"Government is unique, and you need people who are good at it. And it may not sound like a compliment, but Steve Carter is good at government," Zoeller said, describing his former colleague as "an expert on managing within a bureaucracy."

"It's complicated – some of the issues you're dealing with – and to be able to manage that takes a certain skill set, and I think both his experience and his own personal skill set lends himself to that type of work," Zoeller added, referencing Carter's several years working in government, including two terms as Indiana's attorney general from 2001 to 2009.

Indiana Governor Braun, a Republican, appointed Carter as the state's first deputy to serve as interim public access counselor, which is a nonpartisan position that provides opinions related to public access in the state that do not carry the weight of law. The move comes after Luke Britt, the state's longest-serving top public records expert, stepped down last month.

Carter's appointment has launched the position back into the spotlight nearly a year after it made headlines when Sen. Aaron Freeman, R-Indianapolis, filed a controversial amendment to a House bill that caused the public access counselor to take a stricter approach when interpreting laws for advisory opinions. It also effectively made the public access counselor an at-will employee of the governor, no longer subject to serving a fixed, four-year term. Then-Gov. Eric Holcomb, a Republican, [signed the bill](#) into law in March 2024, but it ruffled some feathers, bringing to light questions surrounding government transparency and the public access counselor's role.

Carter could not be contacted at the time of publication. Braun's press team said that the office is planning to announce a new public access counselor by the end of this month.

Sen. Aaron Freeman, R-Indianapolis

Zoeller, who in the early 2000s served as chief deputy to then-Attorney General Carter, praised Braun's choice, saying "it raised my confidence in the new governor, to have him pick somebody like Steve Carter, to have him close by."

Former Indiana Supreme Court Chief Justice Randall Shepard, who was appointed to the state's highest court in the 1980s before retiring in 2012, also said they crossed paths when Carter was the state's top prosecutor.

"We would have business to transact from time to time with the (Indiana) Supreme Court and the court system. We would never discuss pending cases, anything of that sort, but there would be administrative and reform issues where joint effort was appropriate," Shepard said, adding that he would sometimes run into Carter at the Statehouse.

Similar to Zoeller, Shepard spoke highly of Carter's background in government.

"One helpful thing about Steve Carter's appointment, even as a temporary, is that he knows a lot about the inside of government and about how laws work," Shepard said.

The longtime chief justice applauded the role of the public access counselor in general, remembering a time before there was such a position dedicated to helping with public access. In Indiana, the [role was formed](#) in the late 1990s. Even now, a [previous report](#) from The Associated Press and CHNI News found that less than a third of states nationwide have a similar office, meaning that residents in most states must file a lawsuit to get access to public records.

"In the '80s or the '70s, if you thought you'd been denied something, your solution was either to go to the head of the department or the office or the elected official or something, and/or file a lawsuit," Shepard said. "And we still have lawsuits today, but now you've got an independent person, not in that department, who will issue a ruling."

The public access counselor's office handles complaints from Indiana residents against a variety of state and local government agencies and institutions. In 2023, the office [issued opinions](#) in response to alleged violations by various entities, including the Office of the Attorney General, the St. John Town Council and the Anderson Public Library.

The position has faced some changes in the last year with Britt's exit as well as the amended law that now requires the state's public access counselor to consider only "plainly written" Indiana law and "valid" court opinions, and effectively makes the counselor an at-will employee of the governor.

Sen. Rodney Pol, D-Chesterton, one of the more vocal critics of the amendment, said he was concerned about how the law might impact Carter as well as whoever succeeds him.

"I'm concerned that ultimately we're going to have interpretations of the law that are not going to be as expansive and it's going to hamper transparency as a result," Pol said.

Sen. Rodney Pol, D-Chesterton

Pol also said that transforming the role from a fixed position to serving at the pleasure of the governor was problematic.

"If you had an administration, and I'm not accusing any particular administration, but if you had an administration that wanted to get rid of somebody because they felt that they were giving away too much information or they were interpreting things the way that they didn't like them to be interpreted, that could potentially be a disincentive from them doing their job," Pol said.

Indiana's [Public Access Handbook](#), which gives guidance on the state's Open Door and public access laws, says, "When confronted with a question of interpretation, the law should be liberally construed in favor of openness." Indiana Code for both the [Access to Public Records Act](#) and the [Open Door Law](#) also says that their provisions should be "liberally construed." In law, "liberal construction" generally refers to a broad rather than narrow interpretation of a statute and is apolitical, meaning it is not affiliated with a political party.

When The Indiana Citizen asked Freeman, who filed the amendment, how he reconciles what the handbook says about liberal interpretation of the laws in favor of transparency versus what the provision states, he said, "Simply because the law's the law and a handbook is a handbook, and I don't care what the handbook says."

"I don't need somebody liberally interpreting it or conservatively interpreting it. I need somebody applying the law as the General Assembly tells people what the law is," Freeman added.

Britt, who now works as a legal counsel and public information officer for Marion County Superior Courts, told The Citizen that he intended to complete his term as public access counselor, but he had always wanted a "landing spot" after spending more than a decade in the role and had mused about future plans even before House Bill 1338.

While Britt said he did not experience limitations related to government transparency and public access within the role, he did grapple with reconciling the new law with the state's public access laws.

"The law says to liberally interpret that law in favor of transparency. It still says that. I found that that was at odds with that new statute, and so that caused some kind of internal dissonance, cognitive dissonance," Britt said.

He added: "It was more along the lines of, how do I ethically navigate this? Still maintain professional responsibility as an attorney, yet deal with this law that's a little bit conflicting?"


Juliann Ventura is a political reporter who grew up in Indianapolis. Prior to joining The Citizen, Juliann reported in Washington, D.C., chasing down federal lawmakers on Capitol Hill. and was most recently on The Hill's breaking news team covering all things politics

and policy. She earned her master's in journalism from Northwestern University's Medill School of Journalism and her bachelor's in international studies and criminology from Butler University (Go Dawgs!). Juliann's reporting has been featured in *The Washington Post*, *ProPublica* and numerous state and local publications.

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