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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-S 2496, RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS May 28, 2026

This bill would allow members of public bodies who are pregnant or who have given birth in the past six months to be able to participate in meetings remotely. While we certainly recognize the good intentions behind the bill, the ACLU of Rhode Island is constrained to oppose it.

Presently, the Open Meetings Act (OMA) allows public body members to participate remotely under two specific circumstances: if they are on active duty in the armed forces; or they have a disability as defined in state disability law which prevents them from being physically present, and there is no other reasonable accommodation.¹ We recognize that the “disability” exemption is a narrow one, and perhaps too narrow, but this bill, we submit, is not the appropriate response.

As a matter of policy, we have argued post-COVID that there is a strong public benefit to having public bodies – including all individual members – meet in person. Accountability and transparency are enhanced when public bodies and their members meet in person, allowing the public and media to see the interaction among the members and to follow up with them on matters that get discussed. This cannot happen when public officials are insulated from direct contact with the public.

As limited as this bill might seem, it reduces that accountability goal by allowing a person to potentially avoid meeting in person for as long as a year or more. Just as importantly, its passage could only encourage demands for other exemptions from public body members. One can easily envision numerous other circumstances where a member of a public body could similarly plead for the ability to participate virtually. For example, if the person who has given birth hands off child-rearing duties to their partner, should that person have the same right? What about the committee member who takes care of a severely ill family member at home? One can easily think of many other examples.

A person whose pregnancy leaves them bedridden or mobility-impaired can seek to make use of the exemption already in place for persons with disabilities. But a pregnancy and the child-rearing responsibilities that follow should not, by themselves, serve as the basis for an exemption from the current in-person meeting requirements under the law, especially in the absence of specified guardrails to limit the impact of those arrangements.² Because we are concerned about the precedent it would set, the ACLU urges opposition to this bill.

¹ There are two separate statutory exemptions for the URI Board of Directors and the new life sciences hub board to meet remotely, but they are based on the rather unique status of both entities. The URI Board, for example, is composed of a significant number of members who reside out of state.

² For example, it would be unfair to allow members of a public body to meet and participate remotely if the body does not provide the same opportunity to members of the public. In that regard, we have testified in support of another bill this year – narrowly drafted and containing guardrails like that – that would allow *advisory* public bodies to meet remotely.