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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-S 815, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – OPEN MEETINGS April 4, 2023

This bill would make two major changes to the Open Meetings Act. First, it would allow advisory bodies to meet remotely as long as they operated their meetings in ways that would also ensure meaningful public access and participation. Second, it would ensure that, for major public bodies like city and town councils and school committees, members of the public would be able to participate remotely even as the public bodies themselves met in-person.

Presently, the Open Meetings Act allows public body members to participate remotely only under two specific and narrow circumstances: if they are on active duty in the armed forces; or they have a disability as defined in state disability law, the disability prevents them from being physically present, and remote participation is the only reasonable accommodation. By creating an additional narrow exemption for certain advisory bodies while requiring that those meetings also be conducted in a way that promotes remote public access, we believe this bill accomplishes two goals: it promotes greater public involvement both in the membership of advisory bodies and in their participation as an audience, since advisory bodies are least likely to generate a lot of in-person attendance.

But it is important that this exemption for public bodies to meet remotely remain narrow. For other public bodies, we firmly believe, as a matter of policy during the post-lockdown Covid regime, that there is a strong public benefit to having public bodies meet in person, while at the same time encouraging greater remote access to meetings by the public. Accountability and transparency are enhanced when public bodies meet in person, allowing the public and the media to see the interaction among the public body members and to follow up with them on matters that get discussed – something that cannot happen when members of the public bodies are insulated from direct contact with the public.

At the same time, the Covid pandemic demonstrated the value of remote access to meetings *by the public*. It encourages more public engagement and removes longstanding barriers to participation for residents with disabilities, seniors, people with limited access to transportation, and people with work and family obligations that would otherwise prevent them from attending meetings in person. In short, by requiring major public bodies, like municipal councils and school committees, to continue to offer a remote meeting alternative for the public, the bill promotes the Open Meetings Act's goal of having "public business be performed in an open and public manner."

We urge the committee's support of this legislation, and we thank you for considering our views.