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**TESTIMONY IN SUPPORT OF 16-H 7314, RELATING TO  
ADMINISTRATIVE PROCEDURES ACT**

February 9, 2016

The RI State Board of Elections is virtually the only major state agency exempt from the rule-making provisions of the Administrative Procedures Act. That is, the Board can adopt regulations affecting the voting process without having to go through a public notice or hearing process. There is no legitimate rationale for exempting such an important agency from this oversight process. This bill would eliminate that exemption, while allowing the Board to remain exempt from the APA's *hearing* procedures, because separate election law statutes address those procedures.

Last year, working with the Board's legal counsel, we arrived at a Sub A version of this bill which was passed by the Senate and is attached. This amended version of the legislation has the full support of the Board of Elections.

The APA ensures that the public is made aware of, and has an opportunity for input into, the rulemaking activities of state agencies. In adopting this law over forty years ago, the General Assembly appropriately recognized that many critical activities of state government are conducted through agencies of the executive branch, which are given wide discretion in implementing the laws enacted by the legislature. In acknowledgment of the important public interest in the functions and decisions of these agencies, the APA provides a mechanism for citizens to acquire knowledge about the actions of those agencies and to have a formal opportunity to offer comments on their policies and procedures, and helps to avert unbridled discretion within the agencies by establishing formal and publicly-adopted rules and regulations governing their activities.

The importance of the APA cannot be underestimated. People have a basic right to know the laws and regulations by which they are supposed to abide. The special nature of government agencies as bodies authorized by statute to exercise wide-ranging powers argues for the necessity of keen public awareness of agency behavior and cabining of agency discretion through a publicly transparent rule-making process. That interest is even more powerful when dealing with the agency that essentially sets the rules for implementing the democratic process of voting.

We urge the Committee's approval of this bill and its effort to promote greater transparency and accountability in the work of a major government agency.