



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

## **ACLU OF RI POSITION: AMEND**

### **TESTIMONY ON 21-H 5887 and 21-H 5891, ACTS RELATING TO OPEN MEETINGS March 10, 2021**

Both H-5887, which is limited to the URI Board of Trustees, and H-5891, which covers all public bodies, address the issue of allowing “virtual” meetings, the new norm since the Covid-19 outbreak a year ago. The ACLU of Rhode Island recognizes that the continued necessity for virtual meetings is an appropriate reason to consider this type of legislation. At the same time, we believe it is crucial to include certain basic protections for the public if this type of meeting is going to be enshrined into law, even if temporarily.

Shortly after the outbreak occurred last March, Governor Raimondo issued an executive order authorizing public bodies to meet remotely. At the time, the ACLU and Common Cause RI urged the Governor to amend the Order in certain ways in order to promote the public’s right to know in this new virtual environment. The recommendations we offered then remain pertinent today. Most, if not all, of these are also included in the testimony being offered by the open government coalition ACCESS/RI, which we also support. We therefore urge their inclusion in this legislation. Our major suggestions are summarized below:

- Specifying that in the event audio or video coverage of a proceeding or meeting is interrupted, the presiding official shall suspend the discussion until the audio or video is restored.
- When operating remote meetings by video conference, all participating members of the public body should be clearly visible and audible to the public at all times.
- Clarifying that should a public body begin meeting in person, it must also provide in-person access to members of the public to the extent not inconsistent with health and safety guidelines.
- Any documents presented to the public body at the public meeting should be put on the website of the public body prior to the start of the public meeting.

- At the start of the meeting, the presiding official should be required to announce the names of any members of the public body participating remotely. During a meeting for which only audio is being provided, anyone speaking should repeat their name prior to making their remarks.

- All votes should be conducted by roll call so that those following by video or audio are aware of how each member of the public body voted.

- The public body should record all meetings and make the recording available on a public website on a timely basis.

We recognize that the URI bill was proposed even before the pandemic hit, but it seems to us that any legislative attempt to address remote meetings should apply uniformly and not single out a few particular public bodies.

Finally, we believe that these special arrangements for virtual meetings should sunset much earlier than July 1, 2023. A suspension date of July 2022 is more than reasonable in light of the current state of Covid-19 and the vaccination process.

We appreciate your consideration of these views.

Submitted by: Steven Brown, Executive Director