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January 14, 2021

Testimony in Support of House Resolutions 5006, 5007, 5008, 5009, 5010, 5011

Good Evening Chairman Corvese and Members of the House Rules Committee:

My name is Jocelyn Foye. My preferred pronouns are she/her. I live in Wakefield, Rhode Island, and I am the Executive Director and Board President of The Womxn Project. I am speaking in support of House Resolutions 5006, 5007, 5008, 5009, 5010, 5011.

The Womxn Project is a grassroots organization founded in 2017 by a group of Rhode Island organizers and local artists who wanted to take a fresh approach to sexual and reproductive rights advocacy that harnesses the power of art, activism, and advocacy. From 2017-2019, TWP focused on passage of the Reproductive Privacy Act. TWP's approach incorporated grassroots mobilization, artistic activism projects ("artivism"), and educational campaigns. Rhode Islanders engage with TWP because it acts boldly and centers the needs of those often overlooked by racist and sexist institutions.

On November 17, 2020, The Womxn Project, along with 41 diverse organizations, sent a letter to every member and member-elect of the Rhode Island General Assembly calling for change and demanding an open, accessible, and engaged process for the 2021 legislative session.

We cannot dismantle systematic and institutional racism if we exclude people from the legislative process. Current legislative processes do just that. We must use this extraordinary moment in our history to rethink how our institutions function and make them better to meet the needs we have now and improve participation and engagement in the future.

...

Representative Kislak's resolutions address some of the issues raised in our letter and other issues which also improve the democratic process:

Resolution 5006

I cannot emphasize how important this rule change is for Rhode Islanders. A well-functioning democracy requires the active participation of the people. The Womxn Project has substantial experience mobilizing Rhode Islanders to engage their legislators at the State House. We have observed first hand the barriers to access many Rhode Islanders face when engaging in the legislative process. In the past, working folx, disabled individuals, and lower-income folx struggled to participate in hearings. I have coordinated transportation for those who do not or cannot drive to the State House. We have watched each others' children so that someone could testify. The pandemic and public health concerns have only compounded these barriers.

Allowing remote voting for house committees is the sensible response to public health concerns. Allowing video testimony for the public will greatly expand access by eliminating the need to get to the State House. It allows people juggling work and family an easier method to participate.

House Resolution 5007

Requiring the consent of the majority and minority leaders to suspend a rule creates an unnecessary hurdle to change. Placing one or two individual lawmakers in a position to foreclose the will of the majority is anti-democratic.

House Resolution 5008

House Resolution 5009

House Resolution 5010

House Resolutions 5008, 5009, and 5010 each serve to remove procedural barriers that prevent an expedited process for bills to become law. There is no value letting bills languish. Regarding House Resolution 5008, there is no reason to push legislative action on a bill or resolution so far into the legislative session. That push causes a crush of activity later into the term. Regarding House Resolution 5009, too often, bills enter limbo after they are passed out of committee. Bills that have been passed out of committee should be placed on the floor calendar for a vote expeditiously. Rhode Islanders deserve to know, on the record, how their representatives stand on bills that have been passed out of committee. Finally, House Resolution 5010 helps to remove the sting of the "held for further study" bill classification. As we have seen with numerous good bills, once the bill is "held for further study," it effectively kills the bill by preventing any legislative action on the bill going forward that session. By allowing the bill's prime sponsor to request reconsideration of the bill by the committee, the bill will get an opportunity to leave committee and receive a floor vote.

House Resolution 5011

The Rhode Island budget is the single most important bill that the General Assembly must contend with each session. The budget bill is usually hundreds of pages in length and contains provisions that affect every Rhode Islander. And yet, the budget is exempted from the requirement that bills must be noticed at least 24 hours before the vote on the bill is held. Legislators, the media, and ordinary Rhode Islanders should be allowed time to carefully review each provision before the vote is scheduled. The 24-hour waiting period should also apply to the budget.

...

The House has the opportunity and the obligation to re-imagine how participatory democracy works in our state. I sincerely hope that these resolutions pass and they remain in place long after the pandemic has ceased. Now is the time to remove obstacles, ensure the legislative process is inclusive of all voices, and clear procedural barriers from the path of a bill to a law.

Thank you.



Jocelyn S. Foye
Executive Director & Board President
The Womxn Project

Attached: November 17, 2020 Open & Accessible Government Letter



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November 17, 2020

Members of the Rhode Island General Assembly:

We, the undersigned, are organizations who are dedicated to mobilizing constituents to advocate for policies that address the needs of their families and communities. We are concerned that the pandemic will continue to be a barrier to a responsive, transparent, and accessible legislative process. The pandemic has created and exacerbated many challenges facing Rhode Islanders. It is imperative that all Rhode Islanders are able to communicate with the people who represent us, and that we have a say in the process that impacts our day-to-day lives. We are writing to invite you to work together with us to ensure that when the 2021 legislative session begins, the legislature has structures and systems in place to ensure accountability and an open, accessible, and transparent process that allows for meaningful input from the public, and where important decisions that affect the day-to-day lives of Rhode Islanders are made in public, not behind closed doors.

This past spring, we were in a time of crisis and were not prepared to swiftly change the way that legislative business occurs in Rhode Island. At that time, it was understandable that the General Assembly essentially shut down and was not conducting its legislative business. For the past eight months, however, we have had time to consider options and learn. Every Rhode Islander has had to rethink how they live their lives and have been forced to adapt—juggling education, work, healthcare, and familial responsibilities. Some have had the luxury to work remotely while others have had to face the daily risk of in-person, public-facing work due to their work being classified “essential.” Every other public body, from city and town councils and school committees, to state boards and commissions, have found ways to continue their work while, for the most part, maintaining openness and transparency. The General Assembly can learn from other public bodies in Rhode Island, as well as other state legislatures around the nation, that have continued to meet and serve the public during the pandemic. Is not governing as essential as educating children, delivering mail, and stocking grocery shelves? In light of public health concerns, the General Assembly must rethink and adapt its approach to legislating.

We have the opportunity and the obligation to reimagine how democracy works in Rhode Island. We cannot dismantle systemic and institutional racism if we exclude people from the legislative process. The current process—which consists of last-minute meeting agendas, opaque and inconsistent testimony procedures, a lack of remote participation options, and absence of a variety of hours, times, and places for participation—ensures that only the most privileged voices will be heard by legislators and effectively silences a wide range of constituents. Exclusion simply cannot continue. We must use this extraordinary moment in our history

to rethink how our democratic institutions function and make them better than they were before in our pre-pandemic world. For the General Assembly, that means fixing existing problems that made public participation a somewhat futile exercise for members of the public and legislators. Not only did members of the public have to wait hours because of flawed testimony procedures, but they often spoke to a mostly empty dais because the legislators had left to attend other committees, or worse, to attend their colleague's fundraisers.

Many Rhode Islanders continue to struggle as a result of COVID-19. Because the pandemic exacerbated existing systemic inequities and health disparities, Black, Indigenous, and People of Color, low-income individuals, and people with disabilities have been hit especially hard. These communities also have historically struggled to be heard and have faced significant obstacles to participate in our legislative process. These struggles make the need for intentional and thoughtful consideration around public participation even more urgent and imperative.

We are relieved that leadership has begun discussions about how it will conduct legislative business in 2021; however, we would like that discussion to be a public discussion. We urge you to create a process and procedures that are more open and accessible for all people. To protect democracy and encourage public participation in the legislative process, both during and after the COVID-19 pandemic, we call on you to develop, share publicly, and implement a plan and updated processes that include the following elements:

1. Create a plan that allows for meeting of the General Assembly that adheres to public health guidelines.

a. Conduct the legislative session virtually

The State House continues to be closed to the public, and the House and the Senate have not met in person since mid-July. Under current R.I. Department of Health guidance and in light of spiking coronavirus infections, all 75 Representatives and 38 Senators should not physically gather in their respective State House chambers. There simply is not enough space for the members to socially distance. Yet, Rhode Island needs our elected officials to do the work they were elected to do, that is, legislate.

During the June 1, 2020, Senate Rules Committee hearing, we were informed that the Rhode Island Constitution prohibited the General Assembly from meeting online, specifically, Article VI, section 6, which states,

Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by such house or by law. The organization of the two houses may be regulated by law, subject to the limitations contained in this Constitution.

We were not provided any legal support for that conclusion. We request that leadership provide a written legal analysis for this statement.

b. Meet in person with social distancing, testing, and masking

If a virtual legislative session is unconstitutional, why isn't leadership looking for safe solutions for the General Assembly to meet and the public to participate? Other state legislatures, for example, have met

in tents (Virginia) and basketball arenas (Arkansas) in order to meet their constitutional requirements for in-person sessions while preserving the health of their members. Rhode Island school districts are requiring teachers to teach in person and wear masks all day while at school even if those teachers have pre-existing conditions that increase their risk of complications from a coronavirus infection. Why isn't there a mask mandate inside the chambers or mandatory testing? Why aren't the galleries being used for social distancing purposes? Why isn't leadership exploring creative options such as using the convention center or a larger space for the legislative bodies to meet and legislate? Is not drafting and passing a state budget just as important as educating our children?

2. Accessible opportunities for engagement during public hearings and informational forums that adhere to public health guidelines.

a. Accessible technology

Remote public access to public hearings and forums should take all steps possible to eliminate technological barriers that limit accessibility for some, including (but not limited to) providing closed captioning services, simultaneous language translation, and/or ASL interpreters, and an option to participate in the hearing via teleconference.

b. Recordings

The public should have the ability to watch all or any portion of a public hearing or forum in real time or, if necessary, via a recording.

c. Online registration to testify

Public testimony should be allowed at least to the same extent it would have been prior to COVID-19. People should have the ability to sign up to testify online. Those individuals then should receive a window of time in which they can expect to testify.

d. Testimony

Clear instructions should be provided on the General Assembly's website with options for providing testimony.

This should include:

- Video or teleconference testimony: People wishing to testify at public hearings should have the ability to testify via teleconference or videoconference and respond to questions in real time.
- Pre-recorded testimony: People should also be afforded the opportunity to submit recorded video or audio testimony for viewing or listening during the public hearing.
- Written testimony: People should be permitted to submit written testimony via an online portal or by dropping off paper copies of the testimony to the State House. Improving on the existing system, all written testimony should be available for public inspection online.

e. Public health guidelines

If public health guidelines limit the number of people able to be present at an in-person public hearing or forum, the General Assembly should move the public hearing or forum to a larger venue to allow for full public participation. The General Assembly should also make available safe, socially distant, public terminals for Rhode Islanders who otherwise do not have access to reliable internet access.

3. Open and transparent committee meetings that adhere to public health guidelines.

a. Online availability

The public should have the ability to watch all or any portion of a public committee meeting, including discussion and debate, in real time or via a recording.

b. Timely sharing of legislative language

The public should receive legislative language and amendments under discussion at least 24 hours before the Committee meeting.

c. Remote or alternative voting

If the legislature adopts an alternative method of voting, it must be implemented in such a way as to protect the security of the vote by ensuring they are verified in some fashion, while also publicly observable. All duly elected members of the General Assembly should be afforded the opportunity to participate and represent their constituents.

4. Full public access to legislative documents and materials.

The General Assembly should compile, publish, and make accessible all public records for any legislative session to the same extent that such records would be accessible but for COVID-19.

5. Specific public notice of legislative schedule/predictable scheduling

The legislature currently provides at least a minimum of 48 hours advance notice of public proceedings, including committee meetings, votes, and public hearings. However, the legislature does not provide any schedule for the approximate time bills will be heard. Committee notices only provide a list of bills that the committee will begin hearing "at the rise," which could be anytime between 4:45 pm – 6:30 pm depending on what is on the full Senate's or House's calendar. Committee chairs choose the order bills will be heard during the hearing so constituents have no idea if their bill of interest will be heard first or last.

This lack of scheduling does a disservice to all individuals who wish to participate in the hearing because it provides no timeline for which the individual should be present. It discourages the participation of any person who relies on public transportation, who works, or who must negotiate childcare.

Committees should be required to post the approximate time that the hearing will begin and when they will hear a specific bill. Scheduling will allow more constituents to participate and make the hearing process more accessible.

Since the General Assembly must already significantly adjust existing processes due to the COVID-19 pandemic, this also provides a chance to rethink how you conduct business in order to ensure greater accessibility for all Rhode Islanders. The legislative process will be improved with more voices and connections, and Rhode Islanders will benefit from a more open, accessible process.

Having stated our expectations, we the undersigned, call on you to develop, publicly share, and implement

a plan and improved set of processes that ensures and encourages public participation, especially among Rhode Island's most marginalized people. Please use this opportunity to create a stronger, more engaged legislative process.

Signed,

Anti-Rascist CPSED
ARISE (Alliance of Rhode Island Southeast Asians for Education)
Black Lives Matter RI PAC
Brown College Democrats
CaneIWalk
Carpenters Local Union 330
Chapel Street UCC
Coalition for a Multilingual Rhode Island
Coyote RI
DARE (Direct Action for Rights & Equality)
Feinstein Institute for Public Service
Formerly Incarcerated Union of Rhode Island
Gen Z: We Want to Live
Humanists Of Rhode Island
LGBTQ Action RI
Mental Health Recovery Coalition of RI (MHRC-RI)
North Kingstown Neighborhood Action for Black Lives
Our Journ3i
Our Revolution RI
Parents Leading for Educational Equity
Physicians for a National Health Program - RI Chapter
ReclaimRI
Refugee Dream Center
Rhode Island Council for Muslim Advancement
Rhode Island Democratic Party LGBTQ+ Caucus
Rhode Island Democratic Women's Caucus
Rhode Island Healthcare Access and Affordability Partnership
Rhode Island Interfaith Coalition to Reduce Poverty
Rhode Island State Council of Churches
Rhode Island Wellness Society
Sierra Club of Rhode Island
SISTA FIRE
Sunrise Providence
Swing Left Rhode Island
The South County Huddle
The Womxn Project
UpriseRI
UUCSC (Unitarian Universalist Congregation of South County)
Women's Fund of Rhode Island