

January 31, 2023

**The Honorable Representative Kathleen Fogarty**

Chair, House Rules Committee

CC: Members of the House Rules Committee

**RE: Support for H. 5131 (Medical Necessity Proxy Vote) with Amendments**

Dear Chairman Fogarty and members of the House Rules Committee,

As an individual living with diagnosed chronic conditions, I appreciate Representative Constantino's proposed legislation and the committee's recent hearing surrounding the bill. H. 5131 has the potential to encourage existing and future members of the House to represent constituents, despite their medical condition(s), to partake in the legislative process. I urge the House Rules Committee to seize the opportunity in not only improving upon the draft legislation's language, but expanding the proposal so that it adequately addresses unique populations within the state and its legislative body. I urge members to provide easy access to a proxy vote mechanism for acute **and** chronic medical conditions by adopting amendments to the draft bill language (suggested language attached to this letter).

While H. 5131 is well intended, the existing verbiage does not offer guidelines for how individuals with temporary and chronic medical conditions go about requesting and exercising a proxy vote. Expanding on H.5131 while still in committee allows its members and bill sponsor the chance to deter any potential hinderances for members seeking proxy vote mechanisms or misinterpretation of the legislation's intent. Disability-friendly language would also begin to shape a more inclusive legislative body for Rhode Island, one that better represents our state's unique population of diverse cultures, races and individuals with disabilities or chronic conditions. You can reshape how members with medical conditions can effectively represent their constituents while also managing their health.

During the House Rules Committee hearing on January 18, there was mentioning of requiring letters from doctors, potentially more than one letter each time a proxy vote mechanism was to be accessed. While I see the need for clinical proof, an exception should be offered for members with chronic conditions and/or disability who may require more than one proxy vote during the legislative session. Such an exemption would not only validate that member's diagnosis, but would lessen the burdens already posed to their daily lives in an effort to be a part of the state's legislative body.

I ask that the committee and Rep. Constantino consider crafting a form that would be obtainable within the Speaker's office that may be filed by legislators at the start of his or her term, which allows that member to indicate their need for an accessible means by which to submit votes when their health creates extenuating circumstances. The form can require that the member submit an attached doctor's note, with a 30-day initial grace period that waives the required provider letter so that, if the provider's office is unable to schedule an appointment in time for the first vote, the member still has immediate access to proxy vote while waiting to receive the provider letter. If re-elected, the member would need to review the previously filed form and make any necessary changes to update information (address, the name of the member designated to proxy vote in their absence, etc.). The Speaker's office may designate a letter template form to make it easy for the provider to offer his/her signature and the name of the medical condition(s) that would warrant a proxy vote; this legislation

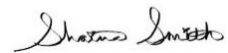
should not pose additional burdens to our already stretched thin healthcare system. Additionally, should a letter from his/her doctor still be inaccessible to the member following the 30-day grace period, the Speaker may grant an additional 15-day extension for proxy vote to be utilized until the delayed letter is received. *I've attached a draft template letter for the Speaker's office to consider using as an attachment to H. 5131.*

In addition to a proposed medical letter, I'm providing language that does not further alienate a vulnerable population within our state from joining his/her peers when it comes time to cast votes. This provided amended language (attached) omits the mention of Section (47) of the rules for the House of Representatives adopted at its January Session A.D. 2021 as it has been written and applies towards temporary emergency procedures of the House and is not applicable for the purposes relating to medical conditions which are chronic. I did, however, include a significant portion of that Section as it can be applied for proxy voting outside of emergency procedures.

Rhode Island can lead by example in allowing elected officials the opportunity to vote when an acute or prolonged medical condition keeps that individual from voting at the state Capitol, such as was the case for Representative Constantino last year, as he disclosed during the committee's recent hearing. H. 5131 would allow proposed bills to continue through the legislative process, with all members able to participate in its adoption or failing. If more inclusive language were integrated within H. 5131, it would also welcome future candidates seeking office, individuals who could campaign despite their diagnoses, disabilities and medical complexities because they would know an accessible voting mechanism is in place for them to join their counterparts for floor votes when their health physically prevents them from doing so.

Providing a member the option to vote by health proxy, either through an appointed individual, electronically or through the use of virtual technology, allows Rhode Island to continue conducting legislative matters in a fair, non-discriminatory manner. It is the responsibility of the legislative body to not criticize current or prospective public servants, but to encourage access and involvement within the governing body of our state. Such inclusivity creates a diverse Legislature that truly reflects the overall makeup of our state. I welcome your input and questions surrounding my proposed amendments to H. 5131 and hope that we can work together with Representative Constantino. I also offer my expertise as a former Director of State Policy, whose work included advocacy and legislative writing, in addition to my personal experience as a person living with complex and chronic medical conditions and a parent to a medically complex child.

Respectfully submitted,



Shaina Smith  
Scituate, RI