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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-H 5184, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS February 7, 2023

The ACLU of Rhode Island supports this legislation, which would allow residents to comment at public meetings on agenda items that have been postponed or withdrawn.

The Open Meetings Act, while generally requiring meetings of public bodies to be held in the open, presently contains no requirement for those bodies to allow members of the public to *participate* in meetings by offering public comment. While many public bodies do allow public comment periods at their meetings – whether by policy, rule, ordinance or charter provision – others do not. The ACLU therefore supports efforts to allow reasonable opportunities for public involvement in meetings, and this bill favorably addresses one particular aspect of that participation.

Specifically, we believe that there is no compelling reason why a member of the public should be prevented from speaking on a matter of relevance simply because the public body has decided to remove it from the agenda. Members of the body could benefit from hearing those public comments, as it may help them decide whether to restore the agenda item to a future meeting or revise it in the meantime based on the feedback provided at the public forum. It would also prevent situations where residents find their opportunity to offer input on a controversial proposal derailed when the public body pulls an agenda item at the last minute precisely for the purpose of stifling expected public participation.

For all these reasons, the ACLU endorses this legislation and supports its passage.