

Testimony on H 7304—An Act Relating to State Affairs and Government—Open Meetings

H 7304 would grant a blanket waiver to any member of a public body who is pregnant, or has given birth in the last six months, allowing them to participate in a public meeting using electronic or telephone communications. Currently, a member of a public body who seeks to participate using electronic or telephone communications must request a waiver from the Governor's Commission on Disabilities.

Common Cause Rhode Island has three concerns about this legislation as written. Our first concern is that there are few safeguards in place for those subject to the waiver who choose to participate by electronic or telephone communication. The waiver process created in § 42-46-5 was written long before the advent of technologies such as Zoom. Since the Covid pandemic, most states have updated their open meetings laws to accommodate some use of video conferencing technology, and with that have put in place a variety of guardrails for those members of public bodies who are participating remotely. Those guardrails include:

- Notice on the agenda of who is participating electronically (ME)
- Notice on the agenda for how the public can participate electronically (CT)
- Require that the electronic platform be free (MA)
- Require that the electronic meeting be contemporaneous
- Substantial interruption of the meeting brings it to a halt (CT)
- Public documents are available the same as they would be in person (ME)
- All non-unanimous votes by roll call (VT, CT)
- All members must identify themselves at the meeting (CT at the convening, VT whenever they speak)
- All members must be able to hear and be heard (MA, ME, VT)
- Minutes reflect who is in-person and who is participating electronically (CT) and include reason why members are participating electronically (NH)
- Post recording within a fixed period of time and retained for a longer period of time (CT)

Our second concern is that this exemption applies to members of any public bodies. We believe there are significant differences between members of advisory bodies and elected city and town councils, for instance. The former are literally powerless bodies while the latter have significant powers, including the power to levy taxes.



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Finally, we are concerned that if approved this change will lead other groups to seek blanket exemptions. We believe the correct approach is for the legislature to reform the Open Meetings Act, including the process for issuing waivers.

Thank you for considering our testimony.