

## Testimony in Support of H 7676--An Act Relating to State Affairs and Government--Open Meetings

### Position: Support

Common Cause Rhode Island supports H 7676, a bill that modernizes the Rhode Island Open Meetings Act (OMA) to bring it into the 21st Century.

During the COVID-19 pandemic much of government in Rhode Island, like society more generally, moved online. Governor Raimondo issued an executive order that allowed public meetings to occur fully on video conferencing platforms such as Zoom. There were growing pains at first, but eventually both the government and the public adapted. We learned many lessons about how online meetings differ from their in-person counterparts. Then, more than a year later, the ability to hold online meetings vanished when Governor McKee did not renew the executive order. The Rhode Island House of Representatives twice, in 2022 and 2023, passed legislation that would have updated the OMA to allow increased usage of video conferencing technology, but it never cleared the Rhode Island Senate.

H 7676 represents a new attempt to incorporate video conferencing technology into the OMA. It takes a new approach by focusing primarily on three types of public bodies; advisory bodies, and city and town councils and school boards and committees.

### *Advisory Bodies*

The legislation for the first time creates a definition of an advisory body. Previously, legal decisions have made clear that advisory bodies are subject to the OMA and all of its requirements and restrictions, like every other public body in Rhode Island. H 7676 not only defines advisory bodies, but allows members of advisory bodies to participate in their meetings using video conferencing, including the full membership of the advisory bodies if they choose. Under the existing OMA the only way any member of a public body can participate using electronic communication is if they receive a waiver from the Governor's Commission on Disabilities.

Under H 7676 if just one member of an advisory body chooses to participate in a public meeting remotely, then the public must also be afforded that option, and a series of guardrails must be followed. The guardrails are taken from statutes in the other five New England states, all of which have allowed video conferencing to some degree. The 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)
- 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)
- Post recording within a fixed period of time and retained for a longer period of time (CT)

Advisory bodies, by definition, cannot make binding decisions such as levying taxes. That is one reason why we believe they should be allowed to meet online if the membership chooses. We also believe that advisory bodies, which are most often composed of volunteer members of the public, have increased participation if members are allowed the convenience of participating using video conferencing.

### *City and Town Councils, and School Boards and Committees*

While advisory bodies cannot make binding decisions, city and town councils and school boards and committees make some of the most important decisions affecting Rhode Islanders daily lives. That is why we believe their members should be required, unless they receive a waiver from the Governor's Commission on Disabilities, to participate in their meetings in-person.

We still believe there is a role for video technology in city and town council and school board and committee meetings, however. H 7676 phases in requirements that these public bodies begin livestreaming their meetings in 2027 and allowing the public to testify remotely, if testimony is being taken in-person, by 2028.

The ACLU of Rhode Island reported that in February 2025 88% of city and town councils already livestream their meetings, and 87% of school boards and committees do the same. The same report shows that at the same time 33% of city and town councils allow the public to testify remotely, and 27% of school boards and committees offer remote testimony.

### *Other Changes*

This legislation also extends the current exemption that allows members of the Life Sciences Hub and the University of Rhode Island Board of Trustees to participate using video conferencing. However, it extends the guardrails we developed from looking at best practices throughout New England. We believe that if the General Assembly is to continue to grant such exceptions, H 7676 creates a framework for doing so that is more protective of the public interest.

Finally, H 7676 requires that all public bodies post the meeting agenda packets online when they post their meeting agendas. This has long been the practice for numerous public bodies, most notably the Providence City Council and most of the public bodies in Providence. We

believe that requiring these documents be posted online will allow the public to more meaningfully follow, and when possible, participate in public meetings.