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SENT VIA EMAIL TO
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Rhode Island General Assembly
House State Government and Elections Committee
c/o Committee Chairman Evan P. Shanley

**RE: 21-H 5891A “An Act Relating to State Affairs
and Government – Open Meetings”**

June 14, 2021

Dear Chairman Shanley,

I'm writing on behalf of the New England First Amendment Coalition, the region's leading advocate for First Amendment freedoms and the public's right to know about what its government is doing.¹

While we welcome the opportunity to expand public access to government through remote meeting technology, our coalition strongly opposes many of the changes proposed by 21-H 5891A. This legislation includes amendments to the Open Meeting Law that will ultimately make meetings less open and transparent.

Please reject this bill and consider a sunset provision of one year for any similar legislation that amends our current law to address remote meetings. This is new territory for the state and a shorter sunset provision will allow us to more efficiently evaluate and improve any changes made to the Open Meeting Law.

Our primary concern with 21-H 5891A is that the bill allows all public bodies to meet exclusively online. With this legislation, members of public bodies can avoid directly facing journalists and other citizens before, during and after meetings. While there are great benefits to remote meeting technology, it should be used to expand public access to government and be provided in conjunction with in-person meetings. This legislation discourages that accessibility — and prevents the accountability that comes with public access and oversight.

Follow-up questions during meetings, for example, are a major problem. Reporters can't question officials about their decisions unless those officials are willing to do so afterward over the phone. All members of the public should be able to approach their officials and speak to them about the decisions they're making. A quick disconnect via Zoom often makes that impossible.

During the last 16 months, we have seen both the benefits and failings of remote meetings. There is certainly a tremendous upside to providing online access to governmental meetings: public participation increases. But a system that provides citizens online access only is one ripe for abuse.

Consider these two recent examples of public bodies using online meetings to evade public scrutiny:

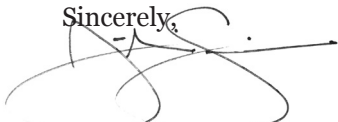
The Providence City Council Finance Committee approved in April a nearly \$511 million budget for its upcoming fiscal year. The proposed spending plan, however, was not posted online or otherwise publicly available prior to its passage.² Because the committee met exclusively online, there was no opportunity for journalists or other members of the public to demand the documents during the meeting.

The Equity Council is tasked with ensuring the state's COVID-19 strategies address communities most in need. Despite nearly half of its members being state officials serving in their official capacity, the council has been able to easily shut out the public and hold secret Zoom meetings.³ An Open Meeting Law complaint is currently pending with the Office of the Attorney General.

These types of incidents will only increase with the passage of 21-H 5891A. By creating ways to better facilitate public participation and oversight of government, we can use this pandemic as an opportunity to set a higher standard of transparency moving forward. This legislation, however, unquestionably lowers the bar.

Thank you for considering our testimony. On behalf of the New England First Amendment Coalition, I welcome the opportunity to provide additional guidance on this legislation and any other bill implicating the First Amendment or the public's right to know about government.

Sincerely,



Justin Silverman
Executive Director

¹ The New England First Amendment Coalition, a non-partisan non-profit organization, is led by some of the most esteemed attorneys, journalists and editors in the region. Please visit nefac.org to learn more about us and our leadership.

² See <https://www.wpri.com/news/local-news/providence/providence-panel-finally-approves-511m-city-budget-9-months-into-fiscal-year/>

³ See <https://www.bostonglobe.com/2021/05/28/metro/should-rhode-island-equity-council-meetings-be-secret/>