



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

**TESTIMONY ON 21-H 5891A,  
ACTS RELATING TO OPEN MEETINGS  
June 14, 2021**

When this legislation was first heard in March, we expressed our recognition of the necessity for virtual meetings for the foreseeable future, but also emphasized the importance of including certain basic transparency protections for the public if this type of meeting was going to be enshrined into law, even if temporarily. While some of those protections appear in the Sub A, many crucial ones do not.

There are many complicated issues surrounding the post-pandemic role of remote meetings, and we know that the Sub A is an attempt to thread a needle. Trying to balance the greater public participation that remote meetings have allowed with the special accountability that is lost when public bodies do not meet in person is difficult. Over the coming months, both the public and public bodies will have a chance to weigh those interests, so whatever is the best fit should not be frozen out for two years to await the sunset of this bill. Substantive issues aside, we therefore strongly believe that the proposed sunset should be reduced to one year in order to ensure a more prompt review of what works and what doesn't.

Perhaps the best way to explain our concerns with the Sub A is to just list some of the scenarios that would be allowed under H-5891A if it were enacted into law, scenarios that would act to the great detriment of the public's right to know.

For the next two years, including through the 2022 election cycle and long after the pandemic has waned:

- All public bodies – including an elected town council or school committee – could continue to meet wholly remotely. They would never have to directly face members of the media or the public before, during, or after meetings.
- All or some members of a public body could meet in person for a meeting, but they could exclude the public from attending as long as the meeting was livestreamed.

- Members of a public body attending a meeting remotely could keep their camera off the entire time of the meeting, making it impossible for members of the public to know whether they were actually following the meeting or engaged in other activities.
- Entire public bodies – including elected bodies – could hold their meetings solely by phone and avoid anybody seeing them.
- A public body could take up to 30 business days to release to the public a recording of a livestreamed meeting, and could even charge a fee for a copy of it.
- Notwithstanding state archive laws, a public body could destroy a recording of a public meeting after 200 days.
- A public body could withhold contemporaneous public access to critical documents being discussed and considered at a meeting – a budget, for example – so long as members of the public bodies received the documents less than 48 hours in advance.

Codifying these scenarios into law for two years would undermine the Open Meeting Act's goals of transparency and accountability. Further, in light of the current state of Covid-19 and the vaccination process, there is simply no reason to keep any interim arrangements in place for two years as this new experiment in technology continues. We therefore urge that the bill be amended to address the bullet points above, and revised to expire after one year rather than two.

Again, we recognize the work that has gone into this Sub A, but we respectfully submit that additional revisions are essential. Thank you for your consideration of our views.

Submitted by: Steven Brown, Executive Director