



TO: The Honorable Anne Carney  
The Honorable Thom Harnett  
Members of the Joint Standing Committee on the Judiciary

DATE: February 2, 2021

RE: LD 32 – An Act Regarding Remote Participation in Public Proceedings

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Good afternoon Senator Carney and Representative Harnett.

My name is Liza DeWitt. I'm a resident of Sebec. I am here today as a volunteer on behalf of the League of Women Voters of Maine. I am testifying neither for nor against LD 32 – An Act Regarding Remote Participation in Public Proceedings.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

We are now almost a year into the COVID-19 state and national public health crisis. The pandemic has disrupted our routines of government just as much as it has hindered our economy and our personal and family lives. But no matter how much disruption we face, certain core values must be upheld. One of those is a fair and democratic election process. In the 2020 elections, the adaptation of officials and voters in 2020 was remarkable and even heroic.

Another core value is maintaining open government. This can be even more challenging due to the imperative of social distancing in a state with a strong tradition of local government and a robust history of in-person local meetings. All government officials must follow the recommendations of public health authorities, but it is equally important to protect the public's access to the governmental process, the right to be heard, and the right to monitor decisions that affect us all.

There is no consensus whether current law even allows officials to be counted as "present" and to participate remotely when they are not physically at a meeting. Clarifying this fundamental question would be a public service.

We testify neither for nor against the bill, but would like to offer a few principles that we believe should guide your consideration:

1. Any revision to public access laws should ensure that the ability of the public to hear and observe proceedings is not compromised.
2. It is important that officials conducting public meetings provide means of public access that enhance rather than restrict the ability of the public to understand the information presented to public officials, their deliberations, and their decisions. Any technology should allow the public an equivalent opportunity to be heard as they would have at an in-person meeting.
3. While we understand the convenience of allowing public officials to participate remotely, a widespread departure from the tradition of in-person local meetings would potentially come at a cost in the loss of access to vital interactions that simply cannot be replicated in the video exchange of a Zoom meeting. We would oppose any move that significantly erodes the tradition of in-person meetings. It is impossible to exaggerate the significance of requiring local officials to look their neighbors in the eye, face-to-face, when voting on issues of consequence to the community.
4. Equitable public access to local government will require a strong commitment to expanding affordable broadband access to all communities regardless of location, demographics, or income levels.

It is ironic that I am giving this testimony by remote video connection. While we heartily thank those who worked hard to develop this opportunity, there is no way to equal the quality of interaction when we can see and hear each other in person.

In summary, LD 32 could provide efficiencies for the conduct of local meetings and also expand opportunities for access and dialogue. But it could also deteriorate some of the norms governing our cherished public meeting tradition. So we would ask that you tread carefully, with the public interests in open government foremost in mind.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.