



## **Testimony of Reinvent Albany for the Joint Legislative Hearing On Local/General Government**

**February 6, 2024**

Thank you for the opportunity to provide testimony on Local/General Government budget issues. Reinvent Albany advocates for open, accountable New York government.

**Today, we are speaking to three issues:**

- 1. Support \$114.5 million in public campaign finance funding without any changes**
- 2. Support for election funding in Executive Budget**
- 3. Update Open Meetings Law**

### **Support \$114.5m in public campaign finance funding without any changes**

Reinvent Albany strongly supports the Governor's proposed \$100 million in matching funds for the state's public campaign finance program, and we thank the Governor for being such a strong advocate for the program. The \$100 million proposed – along with \$14.5 million for administration – will ensure that the program is adequately funded in its first year.

We urge state leaders to fund the program **without any changes**. More and more candidates are signing up for the program every day – as of this writing, more than 200 have already registered. The State cannot change the rules in the middle of the game. Once the 2024 election cycle is over, the State can review the program, assess what worked and what didn't, then propose improvements for 2026. Now is not the time.

The public matching program is one of the most expansive state campaign finance programs in the country and will enable more candidates to raise more funds from people in their community. It will also reduce the need for candidates to go to the wealthy and special interests in order to raise money, reducing the risk of corruption in NYS government. We strongly encourage legislators to protect and opt into the program.

## **Support for election funding in Executive Budget**

We also thank the Governor for adequately funding the state's election initiatives. At a time when democracy is under threat, the State must ensure that its most pro-democratic programs are properly funded. Reinvent Albany supports the \$7.7 million for absentee ballot prepaid return postage, \$5 million for Help America Vote Act (HAVA) implementation funding, \$1.178 million for poll worker training and voter education, as well as \$14.7 million for electronic poll books.

We encourage the State to go further and provide another \$10 million for Boards of Elections in Aid to Localities for hiring temporary workers and funding informational campaigns. This will ensure BOEs are well prepared to handle this year's expected high turnout.

## **Update Open Meetings Law**

The Governor's budget extended the 2022 Open Meetings Law changes another two years, moving the deadline back to July 1, 2026.

The 2022 changes were a step forward, and we were pleased to see a change to the law in 2023 to ensure that people with disabilities count towards a quorum in 2023, but room for improvement remains. We note that the [Committee on Open Government's 2023 annual report](#) includes an evaluation of the 2022 law that supports reducing the burden of quorum requirements, and includes discussion of where the implementation of the law has been confusing for public bodies.

We and over 30 groups encourage the State to pass into law the following changes that we outlined in [our December 2023 letter](#):

- 1. Require all state and local public bodies currently subject to OML to provide free, unrestricted remote video and voice access to the public for all their public meetings**, including via telephone, using web-based video conferencing applications.
- 2. Where bodies allow or are required to take public comment – such as hearings or other public meetings – require that the public can provide real-time spoken comment either in-person OR remotely**, regardless of whether public body members are participating remotely or in-person.
- 3. Require a quorum of members of elected bodies such as the state legislature and local legislatures to be present in person.** The current law's limited reasons for participating remotely should be maintained (disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting) to

allow members to participate and vote remotely, provided that meeting minutes note which members participated remotely.

4. **At a minimum, require the presiding officer of appointed boards and commissions or non-elected agency or authority personnel to be present in-person for public meetings**, while allowing remaining members of the body to participate remotely, including being counted towards a quorum and voting; a reason for participating remotely should still be required to be provided as under current law (disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting). Presiding officers should be able to designate an alternate member of the public body to be present in person due to the limited reasons provided above.
5. **Require public bodies to provide at least one in-person, accessible meeting location that allows the public to attend per the existing requirement in OML.** (The previous requirement that all locations must include public access where individual members of the body are remotely participating in the meeting should continue to be repealed.)
6. **Require NYS Office of Information and Technology Services (ITS) to facilitate use of widely available, low-cost applications that meet federal accessibility guidelines and international standards and eliminate any requirement that web-based video conferencing apps must be hosted on state or local government-controlled or -owned servers.** This would allow state and local public bodies to use widely commercially available web applications like Zoom, Google Meet, Microsoft Teams, etc. as long as they meet basic security requirements established by the ITS and follow other requirements for public access. ***All such meetings must enable closed captioning, which those services provide, and provide an American Sign Language interpreter upon request.***
7. **Remove “to the extent practicable/as is practicable” language throughout OML:** in section §103(e) regarding meeting materials, §103(f) regarding broadcasting and streaming meetings, and §104 regarding notice of meetings.
8. **Amend language on “advisory bodies” to ensure that more advisory bodies are covered by OML,** including formally chartered entities with officially delegated duties and organizational attributes of a substantive nature.

Additionally, the following provisions from 2022 and 2023 changes to the Open Meetings Law should be retained:

1. **Allow members of public bodies with disabilities as defined in section two hundred ninety-two of the executive law to always be able to**

**participate remotely while counting towards a quorum**, provided that the public body maintains at least one physical location where the public can attend meetings.

- 2. Require prompt posting and archiving video of meetings, along with meeting materials and minutes:** public bodies must publish online replayable recordings of their public meetings within five business days and maintain an archive of publicly available online recordings of their open meetings for at least five years.

Thank you for your consideration. If you have any questions, please contact Tom Speaker, Legislative Director, at tom [at] reinventalbany.org.