



To: All State and Local Leagues
From: Advocacy and Litigation Department
Date: March 26, 2020
Subject: Virtual Transparency for State Legislatures and Other Government Bodies

Advisory Memo

The League of Women Voters believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible. (Impact on Issues 2018-2020, Citizen's Right to Know, p.29)

The novel coronavirus highlights the need for elected officials to have emergency preparedness plans in place to ensure the continued functioning of our democracy. Below are guidelines, written in the spirit of the above cited position, that Leagues should utilize when advocating for open, transparent and accessible processes for all governmental bodies in the face of COVID-19 and future emergency situations that require limitation of in-person contact.

Highlights:

- Provide and Store Detailed Information
- Make the Decision Process Visible
- Conduct Outreach
- Invite Public Input
- Release contingency plans for cybersecurity and constituent requests
- Maintain contact with constituents via phone and e-mail as it would proceed under normal circumstances
- Ensure that staff and decision makers are properly trained to use electronic resources properly

Policy Recommendations:

- Ensure the public has an explanation of the agency's decision-making process and how to participate in it on the local agency's website; include a:
 - brief explanation of how each body fits into the decision-making process
 - work continuity program for each body or equivalent;
 - release a plan detailing how casework and constituent requests will move forward;

- example: allow constituents who had previously scheduled meetings to hold them virtually with legislators or staff members and allow future virtual meetings between constituents and staffers
- Specific to government meetings:
 - Continue the regular meeting schedule for each body and post the schedule online with sufficient advance notice;
 - Provide sufficient advance notice for all unplanned meetings that would require public notice under open records laws
 - Require all members of a public body participating in a meeting or proceeding to be clearly audible and visible at all times, except to accommodate guidelines set by government agencies or health and safety experts during times of pandemic.
 - Require the chair to announce the names of any members of the public body participating remotely at the start of meeting
 - In the event audio or video coverage of a proceeding or meeting is interrupted, require all votes to be roll call votes and that votes be documented and made publicly available on the Internet
 - In the case of executive sessions of a government body that are not open to public and being hosted virtually, require attendees of the executive session to state that no other individuals are present or can hear them
- Post and maintain an online repository of information pertaining to the following:
 - any meeting rules or protocols adopted by the local agency
 - meeting notices, agendas, documents and minutes for all upcoming and ongoing agency public engagement activities (in translations as appropriate to the community);
 - video and audio record all meetings that would have been subject to open records laws and post online (YouTube or government website)
 - live stream meetings if possible and post recordings and notifications of the meetings within 48 hours; allow options for virtual participation and include explanation of how an interested member of the public can participate in meetings
 - How to receive email notices and agendas for meetings
 - Contact information for staff who can answer questions about any of the above information and provide additional information
- Partner with local public radio to air public meetings and advertise upcoming virtual meetings and webinars; advertise on social media, via email and through public websites
- Allow submission of public testimony through email or via websites
- Increase number of staff designated to engage with citizens online; make known who and how citizens can contact offices by sharing via email, social media and on government websites
- Ensure the staff and officials have been trained to use communications tools, resources, social media, and government websites
- Cybersecurity:
 - Have a cybersecurity plan in place: With most of the work moving online, what are the measures in place to ensure that communications remain secure?
 - Share cybersecurity best practice with constituents: What recommendations do you have for constituents who will be communicating largely online with? Examples: remind constituents to update their internet browsers and to be aware of phishing scams