

**Brennan Center for Justice  
Citizens Union  
Common Cause/NY  
Compassion & Choices  
CUNY Rising Alliance  
Food & Water Watch  
Katal Center for Equity, Health, and Justice  
Latinos for Healthcare Equity  
League of Women Voters New York State  
New York Communities for Change  
New York Public Interest Research Group  
Reinvent Albany  
University Student Senate  
Young Invincibles**

January 4, 2021

Senate Majority Leader Stewart-Cousins  
Capitol Building  
Albany, N.Y. 12247

Assembly Speaker Heastie  
Capitol Building  
Albany, N.Y. 12248

Senate Minority Leader Ortt  
Legislative Office Building  
Albany, NY 12247

Assembly Minority Leader Barclay  
Legislative Office Building  
Albany, N.Y. 12248

**Re: Rules Reform and Legislative Activity in Remote Conditions**

Dear Senate Majority Leader Stewart-Cousins, Assembly Speaker Heastie, Senate Minority Leader Ortt, and Assembly Minority Leader Barclay:

Congratulations on your selections to lead your respective conferences. We write on behalf of our organizations to urge that you make it a top priority to reform the rules governing the proceedings and operations of the legislature in order to address new challenges stemming from remote legislative work under the COVID-19 pandemic and improve public confidence in the legislative process.

Thanks to widely available technology, lawmakers can work even in these extraordinary times. Since April, deliberation, voting, public hearings, and other legislative activities have been conducted while protecting the health of the members, the staff, and members of the public.

However, public access to the halls of government is literally prohibited; and just as lawmakers are finding new ways to do business, members of the public are looking for ways to engage with them. Advocates and communities cannot be present in Albany to make their voices heard, and remote public participation has not emulated those meaningful in-person interactions. Remote democracy has its challenges; for example, new methods of participation have also brought new disparities in access.

Public confidence in government is even more important when lawmakers are out of sight. Work behind closed doors undermines public confidence and breeds public cynicism and apathy. Public distrust of the legislative process erodes democracy.

## Rules Reform and Legislative Activity in Remote Conditions, Page 2

In the past, some of our groups have called for four main changes: (1) increase the strength and efficiency of committees, so that they function fully and effectively; (2) provide greater opportunity for rank and file members to bring legislation with majority support to the floor, even over the objection of leadership; (3) institute more equitable allocation of resources between all of the conferences; and (4) increase transparency in the chamber. However, all of our organizations urge action to further open up the legislative process and to make proceedings more accessible to all.

We urge you to ensure **remote** public participation is accessible, clear, and effective. Eight months after the legislature first shifted to work remotely, you now have the opportunity to improve this process.

More specifically, we ask you to consider the following changes to legislative procedures to improve access and communication in remote public hearings:

1. Provide both internet and phone options to listen and participate, to accommodate different levels of technology literacy and internet access.
2. Provide a fast and intuitive process for signing up to speak, and include an opportunity to request language or ADA accommodation.
3. Enable some chat feature or a phone number to allow participants to report technical problems or send in clarifying questions. This feature does not need to be public, as it is not intended to encourage cross-talk.
4. Committee members participating in a public hearing should remain visible at all times, within reason and considering the need for breaks from time to time, and all speakers should be clearly identified on screen.
5. Allocate time at the beginning of a public hearing to orient participants to the technology in use, including a slide with participation instructions (e.g. video on/off, mute/unmute, etc.)
6. Provide visible information on the number of viewers watching, and allow hearing attendees to connect with other participants via chat or other forms to help to recreate some of the experience of participating in person.

As mentioned earlier, some of our groups have advanced the following rules changes in the past. All of the undersigned groups agree that these recommendations will make Albany a more fair arena by increasing transparency and providing meaningful public access to the democratic process.

1. Increase the strength and efficiency of committees by:
  - a. Reducing the number of standing committees, and the number upon which members can sit;
  - b. Giving each committee the power to hire and fire members of the committee staff, independently of leadership preferences;
  - c. Allowing Senate members to vote in committee only if they are physically present or present by teleconference or videoconference;
  - d. Requiring a public reading and mark up process for bills before they can be passed through committee; and
  - e. Requiring that all bills that pass out of committee include reports that set forth the purpose of the bill, proposed changes to existing law, a section-by-section explanation of the bill, a cost-benefit-analysis, the bill's procedural and voting history, and any individual members' comments on the bill.

### **Rules Reform and Legislative Activity in Remote Conditions, Page 3**

2. Encourage greater participation by all legislators by providing the opportunity for a significant number of members to bring any bill to the floor for consideration and a vote, regardless of leadership objections.
3. Foster equity and comity through the fair allocation of resources between the majority and minority parties by ensuring that funding for central staff is proportionate to a conference's size and tightening rules prohibiting the use of resources for political purposes.
4. Increase transparency by making access to information on the Legislative Retrieval Service free and following through with the creation of the State Government Public Affairs Channel (often referred to as "NYSPAN").
5. Increase transparency by broadening compliance with the Freedom of Information Law (FOIL). As you know, the Legislature is covered by provisions of the state's Freedom of Information Law. However, unlike the Executive, the Legislature has wide discretion in deciding which records are publicly accessible. We urge that the Senate bring its records disclosure rules in line with the Assembly's so that there is consistency to the public's access, instead of having different rules for each house. There should be an equal presumption of access to records for both houses.

When you convene for the first time in January and adopt new operating rules, you will have a tremendous opportunity to send a signal to New Yorkers about your commitment to making the legislature more representative, deliberative, accountable and efficient. We hope that you will establish an ongoing public process to further strengthen the rules of the legislature. We would welcome the opportunity to discuss them with you in greater detail in the coming weeks. Your leadership and support for a strong, participatory democracy is more important than ever during this extraordinary and trying time.

Sincerely,

Brennan Center for Justice  
Citizens Union  
Common Cause/NY  
Compassion & Choices  
CUNY Rising Alliance  
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Latinos for Healthcare Equity  
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Cc: Members of both houses of the Legislature