

Monday, June 8, 2020

The Honorable Greg Abbott
Office of the Governor - State of Texas
P.O. Box 1248
Austin, TX 78711

The Honorable Dan Patrick
Office of the Lieutenant Governor
P.O. Box 12068
Austin, Texas 78711

The Honorable Dennis Bonnen
P.O. Box 2910
Austin, Texas 78768

Dear Governor Abbott, Lieutenant Governor Patrick, and Speaker Bonnen:

We would like to thank you for your leadership during the COVID-19 pandemic. We still have many challenges to solve to Reopen Texas and get ready for the 87th legislative session.

COVID-19 has created unique challenges to conducting public hearings in a fashion that does not jeopardize the health of our citizens. As Texas works to mitigate the spread of COVID-19, it is essential that elected officials put in place an emergency preparedness plan that ensures the continued functioning of our state legislature. Our elected officials must do everything reasonably possible to maximize transparency and facilitate remote public participation to uphold their commitment to open government.

We, the undersigned nonpartisan organizations, work on a wide range of issues, even against one another at times. Today we are collectively writing because we share the belief that the business of the Texas Legislature cannot be put off indefinitely, and when it resumes, it must do so in a way that protects public health while also maintaining the highest levels of transparency, and providing every opportunity for citizens to engage with their representative government. While the House and Senate may be constrained by their respective rules, we hope that both chambers will look for ways to work within the rules and with the Governor and executive agencies to enact procedures that are safe and allow public participation and transparency.

We ask that both the House and Senate:

- Create a method that allows members of the public to participate remotely in committee hearings, including allowing members of the public to provide testimony remotely;

- Provide clear written guidance on how citizens will be able to watch hearings and how they can sign up to testify virtually, by phone, or submit written testimony;
- Create an online portal to allow written testimony to be submitted online in a way that guarantees it will be entered into the record just as if the testimony had been handed to a committee clerk in person, and allow citizens to indicate if they wish for this testimony to be read during hearings;
- Allow hearings to continue the regular meeting schedule for each body and post the schedule online with sufficient advance notice;
- 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 if any members are participating remotely;
- All votes should be roll call votes and should be documented and made publicly available on the Internet;
- Online hearings focused on obtaining public input or testimony from persons in a particular community, city, county or region should adopt procedures for prioritizing notice and participation in such hearings from those particular citizens;
- Ensure the staff and officials have been trained to use communications tools, resources, social media, and government websites;
- Have a cybersecurity plan in place to ensure that communications remain secure.

We believe allowing citizens to observe and testify at committee hearings virtually is a key component that must be included as we move forward. We have seen video testimony allowed in the past in the House for invited witnesses. This option should be used to ensure anyone interested in weighing in about matters before the House and Senate can offer testimony remotely. In particular, the redistricting committees should restart public hearings using invited testimony to allow remote testimony from members of the public.

We would add that a number of governmental entities, including other state legislatures and local governments in Texas, have begun holding virtual hearings and have proven they can work after just a short adjustment period.

The organizations signing on to this letter believe that public participation in the legislative process is absolutely vital to the integrity of our democracy.

We thank you for consideration and stand ready to assist in the implementation of these recommendations, or to discuss them in more depth.

Sincerely,

American Civil Liberties Union of Texas

Clean Elections Texas

Common Cause Texas

March to the Polls

Stand Up Republic

Texans Against Gerrymandering

Texas Poor People's Campaign

Texas Progressive Action Network

League of Women Voters of Texas

CC:

Chairpersons of Texas Senate and House Administration Committees