

**POLICY ADVICE ON REQUEST**

**SENATE STANDING COMMITTEE ON INVESTIGATIONS AND  
GOVERNMENT OPERATIONS**

**ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS**

**PUBLIC HEARING DECEMBER 19, 2024  
VIDEOCONFERENCING BY THE LEGISLATURE**

**AGENCY: New York State Committee on Open Government**

My name is Shoshanah Bewlay and I am employed by the New York State Department of State (Department) as the Executive Director of the New York State Committee on Open Government (Committee). The Department employs me and my staff to fulfill its obligation, found in Public Officers Law § 89(1)(a), as statutory secretariat to the Committee. Thank you for extending an invitation to the Committee to provide testimony regarding the Legislature's consideration of the use of videoconferencing to conduct its open meetings.

To fulfill the statutory role of the Committee, the Department as secretariat employs me and my staff to respond to written and phone queries from members of government, the public, and news media, by providing legal advice and guidance regarding the New York Freedom of Information, Open Meetings, and Personal Privacy Protection Laws. Since March 2020, the Committee has responded to thousands of inquiries regarding the use of videoconferencing to conduct open meetings and has received significant feedback from the public on this issue. On or about October 25, 2021, I provided [testimony](#) to the Assembly Standing Committee on Governmental Operations, the Assembly Standing Committee on Local Governments, and the Assembly Standing Committee on Cities regarding the Impact of the COVID-19 Pandemic on the Open Meetings Law, which included commentary on the ability of public bodies to use videoconferencing to conduct their meetings.

On September 15, 2022, following a [public hearing](#) pursuant to Public Officers Law § 103-a held earlier in the summer, the Committee unanimously adopted a resolution authorizing the use of videoconferencing when one or more of its members experiences an "extraordinary circumstance" for its own meetings. In our view, Public Officers Law § 103-a provides public bodies with much needed flexibility for their members who are disabled, sick, or have care-giving responsibilities and are unable to attend meetings in person. Accordingly, we fully support the Legislature passing a joint resolution which would allow it to take advantage of this option.

More generally, the Committee supports legislation that increases public access to open meetings. The Committee's annual reports for the past several years have included recommendations regarding the use of videoconferencing by public bodies to conduct their meetings. Our [2023 Report](#) specifically contained a section, as required by Chapter 56 of the Laws of 2022, devoted to an evaluation of amendments to the Open Meetings Law which were codified in Public Officers Law § 103-a. Our [2024 report](#) submitted earlier this month contains a section devoted to an analysis of proposed legislative amendments to the Open Meetings Law relating to livestreaming open meetings and using videoconferencing to conduct open meetings.

Thank you for the opportunity to provide testimony on this important issue.