



# Joint Committee on State Administration and Regulatory Oversight

July 26, 2023

## TESTIMONY IN SUPPORT OF ACCESS TO PUBLIC MEETINGS BY OLDER ADULTS AND PEOPLE WITH DISABILITIES

Dignity Alliance Massachusetts is a non-profit, statewide coalition advocating for older adults, people with disabilities and their caregivers. We strongly support the passage of Chairman Cabral's bills House No.2994, An Act further accessing public records and House No. 2998, An Act to modernize participation in public meetings. In addition, we urge the committee to also consider the best ideas incorporated in several other bills under consideration by the committee, namely:

H.2981

H.2014

H.3025

H.3109

H.3082

H.3121

H.3671

S.1965

S.2002

S.2024

S.2043

S.2963

The thrust of all of these bills is to make public meetings and records more accessible to the public. This is vitally important for older adults and people with disabilities of all types. Everyone, including those whose mobility is limited by increased age or disability, finds it difficult to get to the State House. Transportation, especially beyond the MBTA service area, is limited and parking is both limited and expensive unless your employment provides free parking. Massachusetts residents from the north and south of Boston, let alone those from Central and Western parts of the Commonwealth, often need to spend a day to get to the State House, proceed through security, find the hearing room, and – hopefully a seat – and then sit for several hours waiting to be called to speak for THREE MINUTES.

As a result, even younger able-bodied citizens, especially if they are employed in other than a government relations position, find raising their voices at public hearings, to be so burdensome that they are unable to participate in our democracy.

As the Preamble of the Massachusetts Constitution clearly states: *“therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man (Or woman) may, at all times, find his security in them.”*<sup>1</sup> Dignity Alliance participants ask, is it an equitable mode of making laws if, given the advance of technology, not to allow virtual participation in our democratic process?

Furthermore, without virtual access to public meetings and record, how can the people of the Commonwealth enjoy their right under Article IV of Part the First of the Constitution:

*“The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right,..”*<sup>2</sup>

In addition, if participation is primarily only available IN PERSON, except in writing, to those who are paid to represent specific interests, how to the provision of Article VI of Part the First of the Constitution, apply:

*“No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the*

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<sup>1</sup> [Massachusetts Constitution \(malegislature.gov\)](http://malegislature.gov)

<sup>2</sup> Ibid.

*community, than what arises from the consideration of services rendered to the public;”<sup>3</sup>*

There are additional sections of our Constitution that are not being followed that support the concept of direct (virtual) access to public meetings, but the Committee, undoubtedly, gets the point.

Not only is it of great importance to adhere to our Constitution, but for the benefit of all to legally require public meetings of executive and legislative bodies at the state and local level to be accessible remotely. The Internet Society<sup>4</sup> has made several recommendations that ought to be included either in the statute or in regulations promulgated to implement the statute. Among them are

- Is the platform accessible? Some remote participation tools present accessibility barriers that make them unusable by people with disabilities and incompatible with assistive technologies.
- Do you have text captioning or sign language interpretations available?
- Is the material being shown accessible to all? People with vision impairments use a screen reader and cannot see a shared screen or a video. Make all materials available beforehand or provide a link to them in the chat.
- Have you asked invited participants which type of accessibility they need? You can include this question on the registration form.
- Will speakers have their cameras on? This enables people who are lip readers follow along.
- Is their adequate lighting on the person speaking? People who read lips need to be able to see the person’s lip
- Are presenters using virtual backgrounds? When people use pictures as a virtual background, it can wash away their face
- Are presenters wearing contrasting colors? Suggest that speakers wear dissimilar colors to their skin tone so the contrast will be high. Otherwise the lighting can wash out people’s faces.

With great respect, we urge the Committee to favorably report a redraft the encompasses all of the positive parts of the several pieces legislation which Dignity Alliance endorses in this testimony, and expresses the hope the cherished right of the citizens of the Commonwealth to fully participate in the civic discourse.

Thank you for the opportunity to provide testimony regarding such important issues to protect nursing home residents. We must strive to make improvements to ensure the safety and dignity of all living in long-term care.

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<sup>3</sup> Ibid.

<sup>4</sup> [Are Your Virtual Meetings Accessible for People with Disabilities? Start with This Checklist - Internet Society](#)

**Contact:** Richard T. Moore, Chair, Dignity Alliance Legislative Committee,  
[rmoore8743@charter.net](mailto:rmoore8743@charter.net)

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Dignity Alliance Massachusetts, a grass-roots coalition of aging and disability service and advocacy organizations and supporters, works to secure fundamental changes in the provision of long-term services, support, and care. A coalition of more than 30 organizations, committed to a new vision of dignity and care for older and disabled people in Massachusetts! Positions are not necessarily the opinions of all members.

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