

Public Participation Advocacy Guide

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Fighting harmful benefits tech systems may involve different kinds of tactics used in different combinations. Here, we introduce some formal and informal ways for people most affected by benefits tech systems, and other advocates, to participate in policy decisions. We have written a brief introduction to these tactics and split them up into three documents: (1) Public Participation Advocacy Guide; (2) Community Building Advocacy Guide; and (3) Media Advocacy Guide. You must decide what is right for your situation—we are not recommending or encouraging any specific action. You can use more than one tactic at a time. We know there are lots of details we might be leaving out and hope this list will grow as we learn from each other.

Also, we have left out some tactics that we discuss in other resources, like Public Records Requests and Administrative Fair Hearings. Lawsuits are another tactic, but the specifics of lawsuits change from situation to situation. Please take a look at our Case Study Library to see if something matches your situation. Finally, feel free to contact the Hub team ([insert link to Get Involved page](#)) for more specific information (we cannot give legal advice, but we may be able to provide helpful information).

Formal Public Participation Points

Often, government agencies must open up proposed policies, rules, or contracts involving benefits tech systems to public comment. Outside of the agency, state legislatures will sometimes hold hearings and allow for public comment on new benefits tech, or on broader policy changes that will be implemented through a technical system. Sometimes, public comment happens while the legislature is discussing the specific topic you want to comment on; other times, the public comment only happens at the end of the hearing and is for comments about any of the topics covered at the hearing. These public comment opportunities allow anyone from the public to provide formal feedback to government officials and to hear what the agency officials are saying about the benefits tech systems. These are all participation points around which communities of people who will be hurt the most by the benefits tech system can organize themselves.



Figure out what is happening.

You have to know that things are happening in order to participate. While local media outlets may have information about particularly noteworthy policies, contracts, public meetings, or rules, most of the details about benefits tech systems will go under the radar. Look out for words like “technology,” “computer systems,” “efficiencies,” “assessment,” or “eligibility system”—any of these might mean tech is involved. You can also ask activists or advocates who follow issues. Otherwise, you may need to go right to the source.

- **Government Agency.** To get information about a government agency’s activities, regularly check the parts of the agency’s website that publishes notices of public meetings, proposed rules, or contracts. Sometimes, states publish proposed rulemaking in a “state register.” Other times, states may post about changes through an email list or posting to certain websites (here’s an example from Arkansas: <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>). You might have to call the agency’s public relations or communications staff to find this information.
- **State Legislature.** Getting information about a legislature’s activities or planned hearings can be more difficult. First, you need to know what legislative committee or subcommittee deals with the issue you’re interested in. Medicaid, SNAP, and Unemployment Insurance may each be covered by a different legislative committee. Nearly all states have more than one legislative body, such as state senate, a house of representatives, or a general assembly. Each body probably has its own committees, in addition to “joint committees” where members of different bodies meet. To figure it out, you can call the legislature’s professional staff (look at your state legislature’s website; the professional staff might be called Bureau of Legislative Research, Legislative Information Center, Public Information Center, or something similar), or look at the legislature’s website for information about the different committees or subcommittees. Look at the agendas of past meetings for ideas.

Second, once you know which committees handle the issue you're interested in, you have to figure out how you can participate. Usually, the best time to participate is when a committee has the specific policy, rule, or contract you are interested in on its agenda. You can often find the agenda for the meeting posted in advance, although it may only be posted shortly before the meeting. Some committees may allow members of the public to speak or submit written comments, but that is not guaranteed. Even when public comment is allowed, the committee may put tight time limits on the comment (for example, two minutes). So, be prepared to make your points in those time limits. You can also ask if you can turn in written comments to the committee. Knowing the public comment rules for the legislature or specific committee will help you advocate effectively.

Know the deadlines

Even when states are required to allow public comment, it's only for a limited time. Sometimes, it can be as little as 30 days. If you don't participate by the deadline, your input won't count. You can usually figure out the deadlines the same way you figured out what was going on—public notices about proposed policies, rules, and contracts usually have to put a deadline on the notice.

Participate

When agencies or legislatures consider rules, contracts, or other big changes, they are often required to accept comments from the public. Comments can usually be written and submitted to the agency (via email, a web portal, or mail; make sure you get proof that you submitted) or offered verbally in a public meeting. If verbal comments are allowed, you will probably only have a couple of minutes to speak.

- **If you offer comments, focus on the main issues.** Whether you're going to submit them in writing or speak at a public meeting, plan what you're going to say. Generally, (1) say whether you support or oppose the proposal; (2) give the main reasons why; (3) include short stories or examples of how the proposal would affect you or people you care about; (4) include statistics, studies, or other evidence that supports your position; and, if you have time or space, (5) consider explaining why the other side is wrong or misleading. Remember, focus on the most important points you want to make and keep the stories you use short and impactful.

- **Spread the word.** You might know other people who are interested in participating. Let them know what is happening and how to participate. A large group of interested people who show up at a public meeting can have a significant impact on the outcome and media coverage. It can also be a way for people to connect and build community. This way, people can let one another keep track of what's happening and share ideas and chances to participate.
- **Consider media involvement.** More details about the media are in the Media Advocacy Guide. Consider inviting reporters or prominent bloggers. Talk to them about the issue, why it's important to their audience, what's at stake, and why you're involved. Use similar talking points like you would use for public comment. The more the reporter or blogger knows beforehand, the better and more accurate the resulting story is likely to be.

Follow up

Whether it's a state agency or the legislature, the government is required to keep records of all the comments submitted. Sometimes, the government has to respond in writing to the comments. When meetings happen, they're often recorded or transcribed (written down word-for-word). All of this information is usually available to the public.

- **Get the information that the public provided.** You can make public record requests to get all the written comments offered on an issue. Sometimes, agencies or legislatures will publish those comments on their websites. You can also request hearing recordings or transcripts. Doing this can help you see what other people think about the proposal, give you the names of people who agree with your position, and get a statement from the agency staff about what the proposal will or will not do.
- **Get the government's response.** Often, if there is a formal comment period (like on a proposed rule), state agencies will have to respond in writing to the public comments. They usually have a set period (like 30 days) to do so. This does not mean they have to respond to every comment individually, but they should have to provide at least a summary that responds in general to the comments. You can get the response through a public records request. If the legislature was involved, the legislators probably do not have to respond in writing, but you can see what legislators said in response at public meetings through recordings or transcripts of those meetings.

- **Figure out if the government changed the policy, rule, or contract.** It is possible that the government took the public comments seriously and changed something in response. The government will usually publish this information in the final rule, contract, or policy, but it might not be obvious. Try to find out if this happened by finding the final rule, contract, or policy. Then, compare it to the original proposed rule, contract, or policy to see if there was a change that addressed your concerns.

Keep fighting if needed

Although it is possible that the government will change its position in response to public comments, it is unlikely that the change really answers your main concerns. So, you may have to keep fighting through public education campaigns, group actions, lawsuits, or other tactics. But your efforts so far are not wasted. You probably got good information about what is happening. You gave the government information about your concerns and pointed out the risks (in some cases, your public comments might form the basis for a lawsuit). You might have started letting legislators and the media know about the issue. And you started making new relationships. These are all steps to build on.

Conclusion

This guide covers a lot of possible tactics you can use in your advocacy. There is no one-size-fits-all approach, and *we are not recommending or encouraging any specific action*. Consider what is right for your situation and try it out. Please let us know how your tactics work out and share ideas for improving this guide by emailing us at [email address].

Note: If you are an advocate who works for an organization funded by the Legal Services Corporation, these advocacy tactics are still available, but you must consider federal regulations. For a discussion of the applicable regulations and examples of permissible advocacy, please see this article: Soren Dal Rasmussen and Kevin De Liban, Narrating Justice: Client-Centered Media Advocacy, Clearinghouse Community, August 2018 (link: https://clinical.aals.org/wp-content/uploads/sites/3/2019/05/media_articles.pdf)



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