



## Complying with New Hampshire's Right to Know Law

What follows is a summary taken from the work done by the New Hampshire Municipal Association. Also see <http://www.nhmunicipal.org/service/right-to-know> and the State Annotated Statutes, RSA 91-A (<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-91-A.htm>).

**BASIC RULES:** All meetings of public bodies, including Library Trustees, must have proper notice and be open to the public. A "Meeting" is the convening of a quorum (majority) of any public body to discuss or act on any of that body's business, including work sessions. It is a "meeting" whether the members convene in person, by telephone, or electronic communication, or in any other way in which all members may communicate with each other contemporaneously. However, legal meetings may never be conducted by email or any other format which does not comply with notice and public accessibility requirements, or which does not allow the public to hear, read or discern the discussion contemporaneously at the noticed meeting location. RSA 91-A:2.

- **What is not a meeting?** Gatherings of fewer than a quorum; consultation with legal counsel; chance or social meetings neither planned nor intended to discuss official matters and at which no decisions are made; strategy or negotiations regarding collective bargaining.
- **Notice:** Minimum of 24 hours (not including Sundays or holidays), either published in a local newspaper or posted in two prominent public places, one of which may be the public body's website. RSA 91-A:2. Other statutes or local rules may require more notice.
- **"Open to the public":** Anyone, not just local residents, may attend, take notes, record and photograph the meeting. However, except as required in a public hearing, the public has no guaranteed right to speak. RSA 91-A:2.
- **Telephone participation:** Boards may (but do not have to) allow one or more members to participate in a meeting by telephone or other electronic means (RSA 91-A:2), if:
  - Physical attendance is not reasonably practical (note in meeting minutes);
  - All members can simultaneously hear and speak with each other;
  - Except in an emergency, a quorum is physically present in the noticed meeting location;

- All parts of the meeting are audible or otherwise discernible to the public in that location.

• **Deliberations:** Public bodies may only deliberate in properly held meetings and may not use communication outside a meeting (such as sequential emails or phone calls) to circumvent the spirit or purpose of the law. RSA 91-A:2-a.

**MINUTES:** Must be kept for all public meetings and made available to the public upon request within five business days after the meeting (whether or not the minutes are approved yet). Must include members present, others participating, and a brief description of subjects discussed and final decisions made. RSA 91-A:2. These minutes must be available at the Library or another public place (such as Town Clerks Office).

**NONPUBLIC SESSIONS:** Meetings or portions of meetings that the public may not attend. Must begin in a properly noticed public meeting. A motion for nonpublic session is made and seconded, citing the statutory reason, and a majority roll call vote is taken. Once in the nonpublic session, only the reason(s) cited in the motion may be discussed. At the end of the non-public session, a motion to adjourn the non-public session must be made and passed, and then the regular meeting resumes. Minutes must be kept and (unless the board votes to seal them for a specific term or indefinitely) made available to the public upon request within 72 hours after the meeting, whether or not the minutes have been approved yet. RSA 91-A:3.

Nonpublic sessions are allowed only for reasons listed in RSA 91-A:3, II, including:

- Dismissal, promotion, compensation, disciplining, investigation or hiring of a public employee.
- Matters which would likely adversely affect the reputation of any non-board member.
- Buying, selling or leasing real or personal property if public discussion would give someone an unfair advantage over the municipality/Library.
- Lawsuits filed or threatened in writing against the municipality/Library, until fully adjudicated or settled.
- Preparation for and carrying out of emergency functions related to terrorism.