

Right

to

Know

Law



NEW HAMPSHIRE
Local Government Center

New Hampshire Municipal Association
Workers' Compensation Trust
Property-Liability Trust
HealthTrust

RSA
Chapter 91-A

PUBLIC MEETINGS
(RSA 91-A:1 through 91-A:3)

BASIC RULE: Every meeting of a public body must have proper notice and be open to the public.

- **What Is a Meeting?** The convening of a quorum (majority) of any public body to discuss or act on any of that body's business, including work sessions. What is *not* a meeting? 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.
- **What Is a Public Body?** All committees, subcommittees, boards, commissions, agencies, etc., that perform a governmental function, including all informal advisory committees.
- **What Notice Is Required?** Minimum of 24 hours (not including Sundays or holidays), either published in a local newspaper or posted in two prominent public places. Other statutes or local rules may require more notice in certain cases.
- **What Is Open to the Public?** Anyone, not just local residents, may attend, and may take notes, record or photograph the meeting. However, except for certain people at public hearings, the public is not guaranteed the right to speak.

MINUTES: Minutes must be kept of all public meetings and must be made available to the public upon request within 5 business days after the meeting. Minutes must include the names of members present, others participating, a brief summary of subject matter discussed, and any final decisions or votes.

NONPUBLIC SESSIONS: Meetings or portions of meetings that the public may not attend.

- Allowed only for reasons listed in RSA 91-A:3, II, including:
 - ▶ Dismissal, promotion, compensation, disciplining, investigation, or hiring of any public employee
 - ▶ Matters that would adversely affect the reputation of a non-board member
 - ▶ Buying, selling or leasing property if public discussion would give someone an unfair advantage over the municipality
 - ▶ Lawsuits actually filed or threatened in writing against the municipality, until fully adjudicated or settled
 - ▶ Preparation for and carrying out of emergency functions including anti-terrorism issues
- Entering nonpublic session: Begin in a properly-noticed public meeting. A motion must be made and seconded to enter nonpublic session, citing the reason from the statute, and a majority roll-call vote is required. Once in nonpublic session, only the reason(s) cited in the original motion may be discussed.
- Minutes must be kept of nonpublic sessions, and, unless the board votes to seal the minutes, they must be made available to the public upon request within 72 hours after the meeting.

Important note: This is a very simplified overview of the Right to Know Law. It is not intended to be legal advice and is provided for convenience only.

Please refer to RSA Chapter 91-A or legal counsel for further information.

Please note that the legislature continues to debate the law as it pertains to e-mail. Caution is urged when using e-mail.

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