



# The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

VIA EMAIL AND FIRST-CLASS MAIL: saveforestlake@yahoo.com

October 25, 2022

Jon Swan  
25 Cashman Rd  
Dalton, NH 03598

Re: Your Right-to-Know Request Dated October 19, 2022

Dear Mr. Swan:

I am responding to your Right-to-Know request dated October 19, 2022, seeking various communications sent or received by the Senate Clerk seeking copies of records from Senate President Chuck Morse, Senator Kevin Avard, Senator James Gray, Senator Gary Daniels, Senator Bob Guida, and Senator Bill Gannon, that pertain to communications related to HB 1454. Please accept this response on behalf of the Senate clerk.

The documents identified in your Right-to-Know request are not "governmental records" within the meaning of RSA 91-A:1-a, III. Pursuant to that statute, "governmental records" are defined as follows:

Any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function.

Individual senators do not constitute a "public body" as they do not have the authority to act on behalf of a committee or on behalf of the Senate as a whole. Accordingly, individual emails or other communications received by senators that are not created, accepted, or obtained by a quorum of a committee are not "governmental records" subject to disclosure. This interpretation of the applicability of the New Hampshire Right-to-Know law to individual legislators' emails has been consistently applied for at least a decade, and it applies with equal force to other records of communications. For your convenience, I have attached a copy of a legal opinion provided by former Attorney General Michael Delaney addressing the issues raised by your request.

Attached you will find the senate bill files relating to HB 1445. Some people sent correspondence to the entire committee and those emails are included in the attached materials.

Very truly yours,

*/s/Richard J. Lehmann*

Richard J. Lehmann  
Senate Legal Counsel

Cc: Hon. Chuck Morse  
Hon. Kevin Avard  
Hon. James Gray  
Hon. Gary Daniels  
Hon. Bob Guida  
Tammy Wright  
Deborah Vanderbeek