

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

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Statement by Gregory V. Sullivan, President of the

New England First Amendment Coalition

to the House Judiciary Committee

regarding House Bills 1002 and 1696

January 16, 2024

My name is Gregory V. Sullivan and I serve as President of the New England First Amendment Coalition. The New England First Amendment Coalition is a non-profit coalition of journalists, attorneys and concerned citizens all dedicated to advancing transparency and accountability in government.

House Bill 1002

The proposed paragraph VIII to R.S.A. 91-A:4 is a monumental step in the wrong direction that, if enacted, will discourage and prevent the citizenry of New Hampshire from gaining access to public records. The purpose of R.S.A. 91-A is to provide New Hampshire citizens with “...both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people”. Passage of proposed bill 1002 would ensure the opposite result. It should be noted that the proposed language of sub-paragraph (e) is not opposed by NEFAC as it is consistent with the advice given by the New Hampshire Supreme Court in the case of Salcetti v. City of Keene, No. 2019-0217, 2020 N.H. LEXIS 106 (June 3, 2020).

House Bill 1696

With respect to proposed bill 1696, NEFAC respectfully suggests that the language of the last sentence of paragraph 1, I. should read “Public bodies and

agencies shall accept governmental record requests by electronic means and shall provide such records electronically whenever said records are stored in an electronic format, without requiring the physical appearance of the citizen making the request.” That language will reflect today’s communications environment and will provide for more efficient and effective provision of the goals of R.S.A. 91-A.

Thank you for providing NEFAC with the opportunity to submit this testimony and for your consideration.