

**From:** [Thomas Kehr](#)  
**To:** [Gregory V. Sullivan](#)  
**Subject:** RE: Ombudsman's Draft Final Proposal Rules RKO 100, 200 and 300  
**Date:** Friday, January 26, 2024 1:47:06 PM

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Dear Mr. Sullivan:

Thank you for your letter. In the actual final proposal, I do intend to include "electronic filing" language in Rko 208.01 (a) (4).

Proposed Rko 203.06 (b) imposes obligations solely upon the RKO, and relates to how initial notice is given to the parties. I am uncertain how any future electronic system (if any) might work, and I am hesitant to state at this time that initial notification of the commencement of proceedings will be delivered by anything but established means (similar to service of process upon the initiation of a lawsuit). I do not anticipate that the suggested change to 203.06 (b) will be included in the actual final proposal. Moreover, rules can be amended in the future, once initially established, should electronic service of the initial complaint become feasible (a situation which may necessitate additional rule changes).

I anticipate that a final proposal will be submitted for Joint Legislative Committee on Administrative Rules (JLCAR) review (and review, and perhaps further annotation, by the Office of Legislative Services (OLS)) by the end of the month. It is then likely that the rules will be scheduled for hearing at JLCAR in March, if not accepted on the consent calendar of that body, or moved to a continued meeting. I believe that I have missed the opportunity for review at the February JLCAR meeting by a day or two (see RSA 541-A: 12, I), and as I understand it, the February meeting is heavily booked. If the Final Proposal is not submitted by (I believe) February 6, I would be required to seek an extension of deadlines under RSA 541-A: 40, IV (a), or start the whole rulemaking process over again, both of which I would strongly prefer to avoid.

Once again, thank you and all those who have suggested adjustments to the Initial Proposal.

Sincerely,

Thomas F. Kehr  
Right to Know Ombudsman

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**From:** Gregory V. Sullivan <g.sullivan@mslpc.net>  
**Sent:** Monday, January 22, 2024 11:17 AM  
**To:** Thomas Kehr <Thomas.Kehr@sos.nh.gov>  
**Cc:** Justin Silverman <justin@nefac.org>; Gilles Bissonnette <gilles@aclu-nh.org>; Brendan McQuaid <bmcquaid@unionleader.com>  
**Subject:** Ombudsman's Draft Final Proposal Rules RKO 100, 200 and 300

Ombudsman Kehr: Please see the attached letter, sent on behalf of the New England First Amendment Coalition, regarding subject proposed rules. This letter has also been sent to you via U.S. mail. Thank you.

**Respectfully,**

Gregory V. Sullivan, President  
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