

For Immediate Release  
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## Governor Lynch's Veto Message Regarding HB 53

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 23, 2010, I vetoed HB 53.

The Right to Know Law plays a critical role in assuring transparency and accountability in the operation of government at all levels. The provisions of the law governing public meetings and access to the records of public bodies and public agencies should be understandable and clear to citizens and officials alike. I am vetoing this bill because it could potentially dilute the public's access to documents and information that constitute governmental records under RSA 91-A.

The existing provisions of RSA 91-A subject "public bodies" to the requirements for open meetings and access to governmental records. "Public agencies" must also provide access to governmental records, but may not be subject to the open meeting requirement depending upon whether such agencies act or vote by agreement of their members.

HB 53 amends the definition of "public body" in an effort to clarify that certain local officials are not public bodies. The bill provides that "an individual executive or administrative officer of a political subdivision shall not constitute a public body, and staff members of an agency or department of a political subdivision meeting as a group shall not constitute a public body."

By explicitly stating that such local officials and employees are not a "public body", the bill creates confusion about the continuing obligation for such local officials and staff to make available their records in accordance with RSA 91-A and would dilute the spirit of the law.

The goal of distinguishing the respective open meeting obligations of public bodies, public agencies and local officials and staff in the Right to Know Law may be a valid one, but any changes to the law for this purpose should be narrowly drawn and must not leave room for any ambiguity or misinterpretation about the existing obligations of public bodies and public agencies to make available their governmental records.