

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 626-FN, restricting right-to-know requests to persons domiciled or maintaining a permanent residence in New Hampshire and requiring proof of domicile or residency to file right-to-know requests.

Hearing Date: February 3, 2026

Time Opened: 2:40 p.m.

Time Closed: 2:59 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Carson, Altschiller and Reardon

Members of the Committee Absent: None

Bill Analysis: This bill restricts right-to-know requests to persons domiciled or maintaining a permanent residence in New Hampshire and requires proof of domicile or residency to file right-to-know requests.

Sponsors:

Sen. Gannon

Sen. McGough

Sen. Fenton

Sen. Innis

Sen. McConkey

Sen. Pearl

Sen. Reardon

Who supports the bill: Senator Tim McGough, Senator Mark McConkey, Donovan Fenton, Derek Ferland, Dorothea Vecchiotti and Elizabeth Sargent (NH Assoc. of Chiefs of Police).

Who opposes the bill: 89 individuals signed in opposition. Contact Brendan Bunnell (brendan.bunnell@gc.nh.gov) for further details.

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Bill Gannon, introduced SB 626, explaining that the bill addresses burdensome Right-to-Know requests coming from out-of-state individuals and organizations.

- Said some requests are extremely large and costly for municipalities to fulfill, particularly when the requester has no connection to New Hampshire.

- The bill would ensure that New Hampshire residents retain full access to records under RSA 91-A, while limiting access for those with no ties to the state.
- Explained that the proposal would still allow access for people with “minimum contacts,” such as property owners, businesses operating in the state, or attorneys representing New Hampshire clients.
- Emphasized that the intent is not to reduce transparency for residents, but to prevent misuse by outside actors or organizations engaging in large-scale data requests that consume municipal resources.

Sarah Burke Cohen, representing the New Hampshire Municipal Association, testified in support, saying the organization requested that the bill be introduced.

- Argued that defining “citizen” in the Right-to-Know law would clarify existing intent, noting that the term “citizen” has appeared in the statute since 1967. She said the bill aligns with the New Hampshire Constitution by ensuring transparency for those governed by the state.
- Explained that an amendment would clarify that people domiciled in New Hampshire and property owners would qualify, and that proof of eligibility could be demonstrated using reasonably accessible documentation similar to documents used to prove domicile for voting.
- Noted that the definition would apply to individuals and business entities, using existing statutory definitions of “person.”
- Stressed that the bill would not block legitimate oversight or media access. Media organizations including out-of-state outlets like the Boston Globe would still be able to request records without proving domicile. She said the purpose is to reduce frivolous or burdensome requests from entities with no connection to the state and to allow municipalities to focus their limited staff time on serving residents.
- Senator Carson asked whether the bill was intended to address companies that engage in large-scale data mining of public records.
 - Burke confirmed that such requests are a major part of the problem and consume significant staff time while not serving accountability or oversight purposes.
- Senator Abbas asked whether the Municipal Association had considered shifting costs to out-of-state requesters rather than restricting access entirely.
 - Burke responded that earlier legislation already allowed municipalities to recover certain costs, but said the issue is not only financial. Even when fees are charged, staff time is still diverted from other duties, especially in small municipalities where the same person performs multiple roles.

She also said the bill clarifies the original intent of the law while helping municipalities prioritize requests from residents.

Mark Hayward of the New England First Amendment Coalition testified in opposition. He argued that SB 626 would act as a barrier to information and could limit legitimate uses of public records. He gave several examples of situations where non-residents might reasonably need access to records, such as:

- A Massachusetts driver cited in New Hampshire wanting records to investigate whether enforcement practices were discriminatory or improper.
- A nonresident considering purchasing property who needs tax, zoning, or environmental records.
- A business considering locating in New Hampshire that needs regulatory and market information.
- Raised concerns about practical implementation, noting that town officials would have to decide who qualifies as a citizen, which could be complicated.
- Questioned how anonymous Right-to-Know requests could function if requesters must prove residency.
- Noted that only a few states limit public records access by citizenship and suggested giving recent cost-recovery laws more time to work before adopting further restrictions.

Sarah Burke Cohen, returned briefly to clarify a point about the existing law allowing municipalities to charge for large requests.

- She said many municipalities have difficulty implementing that law because of how “communications” are defined, noting that a single email chain with attachments can count as one communication even if it is hundreds of pages, making cost recovery difficult.
- Reiterated that many out-of-state businesses that genuinely operate in New Hampshire would still qualify to request records because of their local presence.
- Senator Abbas asked whether a business physically operating in New Hampshire but not domiciled there would qualify.
 - Sarah Burke responded that the language would already cover those situations because the statutory construction in RSA 21:9 defines “person” broadly to include bodies corporate and politic as well as individuals.
 - She explained that using the term “person” in the citizen definition would therefore encompass business entities. She added that the amendment’s

reference to providing documentation “analogous” to proof of domicile was meant to address exactly this issue.

- o While a business would not have a driver’s license like an individual, but it could provide equivalent documentation such as a lease, food or liquor license, or other records showing it operates in New Hampshire.
- o Based on that interpretation, she stated that businesses physically operating in the state would still be able to request records and would not be excluded by the bill.

Mark Hayward, returned to briefly to say that he does not believe the bill solves problem that the New Hampshire Municipal Association has.

BMB
Date Hearing Report completed: February 6, 2026