



CITY OF CONCORD

New Hampshire's Main Street™
City Solicitor's Office

James W. Kennedy
City Solicitor

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Deputy City Solicitor

DATE: October 25, 2016

FROM: James W. Kennedy, City Solicitor

SUBJECT: Council Referral Regarding Cell Phones & Personal Computing Devices

You have asked for my opinion on whether city councilors may utilize and show the presence of and/or display cell phones and personal computing devices during city council meetings.

There is no law in New Hampshire which prohibits city councilors and/or members of public bodies from using and displaying cell phones or other personal computing devices during city council meetings and/or public body meetings. However, it is not permissible for city councilors and/or public body members to communicate amongst each other with the use of cell phones or other personal computing devices regarding city council/public body business during a public meeting.

New Hampshire's Right-to-Know law requires that public meetings are audible or otherwise discernable to the public. This means that no meeting shall be conducted by email or "any other form of communication that does not permit the public hear, read, or otherwise discern meeting discussion contemporaneously." RSA 91-A:III, (c). Thus, while New Hampshire law does not expressly prohibit city councilors or other public body members from using and displaying the presence of cell phones and other personal computing devices at public meetings, city councilors and/or public body members may not use such devices to communicate with each other regarding city council/public body business during the public meeting.

To the extent that this city council or any other public body would like to regulate this activity, it may do so in their respective rules.