



NH Lobbying Rules

What Nonprofit Organizations Need to Know

What is “lobbying?”

- Lobbying is defined in RSA 15:1, I and II:
 - Whenever you contact a legislator or executive branch decision-maker (elected officials/principals only, not staff)
 - in order to “promote or oppose, directly or indirectly”
 - ◇ any legislation at the NH legislature
 - ◇ or any action of the governor, governor and council, or any state agency with respect to contracts, procurement of good or services, or administrative rules

When to register as a lobbyist

- You must register if you are paid in any way by another to conduct lobbying.
 - No matter how little time you lobby or how little you are paid, you must register.
- You need not register if:
 - You volunteer to lobby
 - You are the owner or employee of a business merely seeking to do business with the state
 - You participate in state agency hearings and proceedings that do not involve legislation, rule-making, or purchasing goods and services

Registration as a lobbyist: NH Secretary of State

(see RSA 15 for all details: <http://www.sos.nh.gov/Lobbyist%20law%202009.pdf>)

- \$50 registration is for the calendar year and expires December 31 (RSA 15:3, 15:4)
- Quarterly reporting includes fees, expenditures, political contributions (RSA 15:6)
- Orange lobbyist name tag (RSA 15:2)

Duty to segregate funds received from state

- You may not use state funds to engage in lobbying activities. You must keep state funds physically and financially separate from any funds used to lobby. “Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.” (RSA 15:5,II)

May a registered lobbyist serve as a public employee, appointee or volunteer for the state?

- A person required to register as a lobbyist and/or an employee of a nonprofit that employs a registered lobbyist, may not serve as a public employee or as an appointee or volunteer for any governmental entity (including a multi-branch commission, committee, board)
- But may:
 - Appear in court for a governmental entity
 - Appear before an agency (other than for rule-making) for a governmental entity
 - Serve in a position appointed by the governor
 - Testify in public meetings

- Serve on a board or commission or similar governmental entity that is subject to the right-to-know laws.

RSA 21-G:25 <http://www.gencourt.state.nh.us/rsa/html/I/21-G/21-G-25.htm>

Prohibition on gifts to public official

- No one may give a gift, directly or indirectly, to any elected official, public official, public employee, constitutional official, or legislative employee, or family members of any such persons. (RSA 15-B:3) <http://www.gencourt.state.nh.us/rsa/html/I/15-B/15-B-mrg.htm>
 - Gift defined (RSA 15-B:2,V)
 - Money in any amount, in any form
 - Any other tangible thing, intangible thing, service valued at more than \$25.
 - Gift does not include:
 - political contribution as defined in RSA 664.
 - a commercially reasonable loan
 - repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan
 - commemorative object, personally inscribed to recipient, valued at \$150 or less
 - informational objects or services such as reports, books, maps, charts.
 - money in any form, any tangible or intangible thing or service of economic value, where the donor's act of giving is purely private and personal in nature and the thing or service would have been given and received even if the person were not a public official
 - tickets or free admission to a charitable, ceremonial, or political event provided:
 - ◇ event is sponsored by a charitable organization that is registered with the division of charitable trusts or that is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or
 - ◇ proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or
 - ◇ event is published in the calendar of the senate or the house as open for any member of the general court to attend
 - meals, beverages, lodging, or transportation associated with attendance at
 - ◇ primarily ceremonial or celebratory public event or, if by invitation only, is planned to have an attendance greater than 50 people; or
 - ◇ event where the person is attending in official capacity
 - expense reimbursement or honorarium (subject to RSA 15-B:4 and 5--see below)
 - meals/beverages consumed at a meeting or event to discuss official business.
 - monetary or non-monetary awards or recognition issued under the suggestion and extraordinary service award program under RSA 99-E.

Honorarium for public official

- OK to pay BUT: No one may pay honorarium if likely to become subject to or interested in any matter or action pending before, or contemplated by, the public official, public employee, or the governmental body with which that person is affiliated. (RSA 15-B:4)

Expense Reimbursements for public official

- OK to pay for the reasonable expenses for attendance, registration, travel, meals, and lodging for a bona fide conference, meeting, seminar, or educational or informational program which the person attends and that is related to the office, position, or employment held with the state or county