

LOBBYISTS  
(RSA 15)

**15:1 Registration.**

I. Any person who is employed for a consideration by any other person, except the state of New Hampshire, in a representative capacity for the purposes specified in paragraph II of this section shall first register as a lobbyist with the secretary of state. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as lobbyist.

II. Registration is required where the person, partnership, firm, or corporation is employed:

(a) To promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or;

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraph III.

III. Such registration is not required where the person:

(a) Is employed to represent another only in an adjudicative proceeding or nonadjudicative process as defined or described in RSA 541-A, other than a rulemaking proceeding or any process related to the purchasing of goods or services by the state, and who files an appearance with the authority conducting the matter; or

(b) Is an owner or employee, of a business seeking to do business with the state or communicating with an executive branch official or employee, a state agency, or an administrative official of the general court regarding goods or services that are being or may be purchased by the state.

IV. All registrations required under this section shall expire on December 31.

V. The following communications are excluded from the regulation imposed by this chapter and shall not be considered in a determination of whether a person is required to register and report as a lobbyist:

(a) Public testimony before a legislative committee or subcommittee.

(b) Public testimony before any entity subject to RSA 91-A, the right-to-know law.

(c) A written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding.

(d) Communication made by a public official acting in the public official's official capacity.

(e) Communication made by a representative of a media organization if the purpose of the communication is gathering or disseminating news and information to the public.

(f) Communication made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, the Internet, or other medium of mass communication.

(g) Communication made in writing which becomes a public record subject to the provisions of RSA 91-A, the right-to-know law, provided in response to a written request by a legislative or executive branch official.

(h) Communication made to the governor or to any member of the executive council, member of the general court, or public official as defined in RSA 15-B:2, X by an employee on behalf of his or her employer that would otherwise require registration under RSA 15:1, II, provided that the person making the communication:

(1) Is not required to register and report as a lobbyist for any person, including the employer on whose behalf the communication exempted under this subparagraph is made:

(2) Is not specifically compensated by the employer or any other person for making the communication;

(3) Has not been required to make the communication by the employer or any other person required to register and report under this chapter; and

(4) The purpose of the communication is to allow the employee to communicate the employer's views or his or her personal views on any matter within the scope of RSA 15:1, II that may affect the employer and/or the employee in his or her capacity as an employee.

**15:2 Name Tag.**

I. Any person who is required to register as a lobbyist under RSA 15:1 shall wear on his or her outer garment a clearly visible name tag when lobbying in the state house or the legislative office building, or before the governor, governor and council, or a state agency. Such name tag shall have white lettering on a hunter orange background and shall be at least 1 ½ inches high and 2 ½ inches long. This name tag shall consist of lobbyist's first and last name and the word "lobbyist" or the name of the organization represented in letters at least ¼ inch high.

II. A person whose lobbying activity is appearing to testify before a legislative committee in an open hearing session is exempt from the requirements of paragraph I.

*[II. repealed effective January 1, 2007, Chapter 169, Laws of 2006]*

**15:3 Registration Form.**

I. The lobbyist registration shall be on a form prescribed by the secretary of state that shall at a minimum include:

- (a) The full name of the person registering, if that person is affiliated with a partnership, firm, or corporation, the name of that partnership, firm, or corporation, the name of the client who has employed the person registering, his or her respective business addresses, or if none, his or her residence address.
- (b) The usual occupation or primary field of business of each.
- (c) The date and character of the employment or agreement therefore.
- (d) The duration of the employment if it can be determined.
- (e) The special subjects of legislation or executive branch action, if any, to which the employment relates.
- (f) If the person registering is a member of or affiliated with a partnership, firm, or corporation that has other members or employees who are also registered as a lobbyist, a list of the full name of each such person. Being listed in this subparagraph does not relieve anyone who will be lobbying for this client from being listed individually under subparagraph (a).
- (g) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. If the employment varies from time to time, a current registration shall be maintained for each employment.

**15:4 Registration Fee.** The fee for registration as a lobbyist under RSA 15:1 for any one year shall be \$50 for each person lobbying for each reported client or employer. A fee shall be paid for each individual who acts as a lobbyist for each client or employer regardless of his or her affiliation with any other registered lobbyist.

**15:5 Prohibited Activities.**

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

**15:6 Statements.** I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work..

(b) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(c) Any honorarium or expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional or personal capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer or by a family member of the lobbyist. The statements shall be open to public inspection. For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

II. Lobbyists shall file statements no later than the last Wednesday of each January, April, July, and October covering all fees received and expenditures, contributions, honorariums, or expense reimbursements made since the last required filing, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.

V. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each lobbying client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses,

that are related, directly or indirectly, to lobbying such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each honorarium or expense reimbursement made, that is reportable pursuant to RSA 15-B:

- (1) The name of the client on whose behalf the expense reimbursement or honorarium was made, if any.
- (2) The name of the person receiving the honorarium or expense reimbursement.
- (3) A brief description of the event to which the honorarium or expense reimbursement relates.
- (4) The value of the honorarium or expense reimbursement.

(f) For each political contribution made that is reportable pursuant to RSA 664:

- (1) The name of the candidate.
- (2) The office the candidate is seeking.
- (3) The value of the contribution.
- (4) If the contribution is an in-kind contribution, a brief description of the contribution.

(g) For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

(h) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15, RSA 15-B, and RSA 664 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

VI. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

**15:7 Blanks.** The secretary of state shall provide suitable forms in paper or electronic form to carry out the requirements of this chapter.

**15:8 Penalty.** Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Whoever shall make and file any statement under this chapter which is to his or her knowledge false shall be deemed guilty of perjury and punished accordingly.

**15:9 Examination of Statements of Fees and Expenditures.** It shall be the duty of the attorney general to examine the statements of fees and expenditures which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

**15:10 Testimonial Privilege.** No person shall be excused from testifying in a proceeding instituted against another person under the foregoing sections for the reason that he might thereby incriminate himself; but no testimony so given by him shall be used directly or indirectly as evidence against him in any prosecution, nor shall he be prosecuted for any offenses so disclosed by him.

**15:11 Severability.** If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Effective: September 13, 2009