

# **Advisory Opinion 2024-1**

## **Response to a Request for an Advisory Opinion from Representative Judy Aron (January 29, 2024)**

Representative Judy Aron has submitted a request for an Advisory Opinion about whether, consistent with applicable statutes and the Ethics Guidelines, it would be “reasonable” for her, as chair of the House Committee on Environment and Agriculture, to ask her committee members if they were solicited by or accepted campaign donations from the Humane Society Legislative Fund (HSLF) and, if so, suggest that they should recuse themselves from voting on bills that are supported by the Humane Society.

### **Background**

In completing its consideration of Representative Aron’s request, the Committee reviewed the facts set forth in the written request. In addition, at the Committee’s invitation, Representative Aron appeared before the Committee and provided direct testimony.

In her email, dated January 11, 2024, Representative Aron stated that in late November 2023, she received a \$500 donation in the form of a check from the Humane Society Legislative Fund. According to her email submission, the check was included with a letter from Kurt Ehrenberg, the NH State Director of HSLF. The letter stated:

“Dear Candidate, Please find the enclosed contribution from the Humane Society Legislative Fund of New Hampshire PAC. HSLF works to pass animal protection laws at the state and federal levels, to educate the public about animal protection issues, and to support humane candidates for office. Thank you for all you do to protect animals in your community.”

Representative Aron expressed concern that accepting a donation from HSLF and voting in favor of legislation promoted by HSLF could appear as a “quid pro quo situation” and said she “would not want any of my committee members to be accused of quid pro quo actions or to seem that such a contribution ‘bought their vote.’” She asked, “Since quid pro quo is outlined as a prohibited activity in item number 3 of the ethics guidelines should my committee members be alerted to the possibility of an ethics violation and therefore protect themselves by recusal when executing these bills? With regard to the possibility of ethics violations, what is your recommendation here?”

## **Relevant Statutory Provisions**

Ethics Guidelines Section 3 -- Prohibited Activities.

II. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

(a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.

(b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.

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(d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation, or any state agency.

Ethics Guidelines Section 4 -- Permitted Activities; Permitted Gifts.

I. Nothing in section 3, Prohibited Activities, shall be construed to prohibit the following:

(a) Giving or receiving campaign contributions made for the purpose of defraying the costs of a political campaign in compliance with RSA 664 or the Federal Election Campaign Act of 1971, as amended.

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II. The following shall not be considered gifts for the purposes of these Guidelines:

(a) A political contribution as defined in RSA 664.

RSA14-C:2 Definitions.

IV.(b) Notwithstanding subparagraph (a), "gift" shall not include:

(1) A political contribution as defined in RSA 664.

## **Committee Analysis**

The Committee acknowledges that campaign contributions are sometimes made by individuals or organizations with the hope that the legislator receiving the contribution will look favorably upon legislation the donor supports or opposes. The Committee is sympathetic with Representative Aron's concern that such situations can create at least the appearance of impropriety. However, the Legislature, in adopting the Ethics Guidelines and RSA 14-C, specifically exempted political contributions from the definition of a gift and permitted the giving or receiving of such contributions. There is an expectation that legislators will carry out their responsibilities as legislators regardless of who has provided political support. Individual legislators may decide not to accept political donations if they disagree with the donor's positions or are concerned about the donor's intent.

## **Conclusion**

As the Ethics Guidelines are currently established, it is not an ethical violation to accept a campaign contribution. We advise Representative Aron that it is the responsibility of her committee members to decide for themselves whether they should accept legal campaign contributions from individuals or organizations who may support or oppose legislation that could come before them. The members of her committee would not be required to recuse from voting or otherwise participating in official activities relating to legislation HSLF has supported or opposed solely on the basis of having received a campaign contribution from HSLF.

We appreciate the opportunity to be of assistance.

Honorable Edward M. Gordon, Chairman  
Honorable Donna Sytek, Vice Chairman  
Senator Cindy Rosenwald  
Senator Ruth Ward  
Representative Janet G. Wall  
Representative Bob Lynn  
Honorable David W. Hess

For the Committee,  
Edward M. Gordon  
Chairman

*[Vote: 7-0]*