

Advisory Opinion 2023-2

Response to a Request for an Advisory Opinion from Representative Deborah L. Hobson (May 26, 2023)

The Legislative Ethics Committee, at its meeting on May 26, 2023, considered a request for an advisory opinion from Representative Deborah L. Hobson. In her memorandum, dated May 25, 2023, she asked whether, consistent with applicable statutes and the Ethics Guidelines, she could accept employment from Americans for Prosperity (AFP) “to canvas for them on a short-term basis.” She stated that she had “been told by the New Hampshire director that (her) work will not directly influence policy or advocate for particular positions.” She asked if her acceptance of employment with AFP would be viewed as a conflict of interest with her legislative responsibilities.

Relevant Provision of the Ethics Guidelines

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:

(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.

Committee Analysis

Americans for Prosperity-NH is a political advocacy group. As an organization, it is represented by registered lobbyists and actively promotes or opposes matters pending before the General Court. If she is being compensated to canvas on behalf of a group which has a direct interest in the outcome of legislation, she is receiving something of value to effectively support their activities. It is different from a business that may be affected by legislation. It is an organization which intends to affect legislation.

It is likely that, in her legislative capacity, matters which are the subject of AFP’s advocacy may come before her, either in committee or in session. Participating in any legislative activities in matters on which AFP has advocated would be inconsistent with the Ethics Guidelines and a conflict of interest.

Conclusion

We advise as follows:

Should she accept employment with Americans for Prosperity-NH, Representative Hobson would be required to recuse herself from voting, testifying or otherwise participating in any official activities relating to legislation on which AFP has lobbied, testified, or otherwise attempted to influence the outcome.

We appreciate the opportunity to be of assistance.

Honorable Edward M. Gordon, Esq., 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, Esq.
Chairman
Legislative Ethics Committee

[Vote: 7-0]