

Advisory Opinion 2012-1
Response to a Request for an Advisory Opinion
from Senator Jeanie Forrester
(January 23, 2012)

Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.

Pursuant to RSA 14-B:3, I (c), Senator Jeanie Forrester has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, as an appointed member of the Assessing Standards/Current Use Board, she is required to file a "Statement of Financial Interests," as prescribed by RSA 15-A:3, in addition to the "Financial Disclosure Form," prescribed by RSA 14-B:8, for the period covering a given calendar year.

According to the Committee's records, Senator Forrester has submitted to the Committee the Financial Disclosure Form required of legislators by RSA 14-B:8 for the calendar year 2012. Along with such forms submitted by other members of the General Court, in due course the Committee will review them and transmit properly completed forms to the Secretary of State for filing. See RSA 14-B:3, IV.

Specifically, Senator Forrester asks whether under these circumstances, she is excused from filing a separate RSA 15-A:3 form, in light of RSA 15-A:3, II, which reads:

"II. The filing of a financial disclosure form by an elected member of the house of representatives or senate pursuant to RSA 14-B:8 shall satisfy the requirement for filing a statement of financial interest pursuant to this chapter."

An additional relevant statute is RSA 14-B:3, IV which states in part:

"IV. * * * The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A."

We advise as follows: Not just once, but in two distinct RSA Chapters, the General Court has specified that the RSA 14-B:8 Financial Disclosure Form duly filed by a legislator satisfies the requirement for filing the RSA 15-A:3 Statement of Financial Interest Form. The law cannot be more plain or clear, and we assume the General Court meant what it said, both times: Legislators who comply with RSA 14-B:8 by filing a timely and sufficient Financial Disclosure Form need do nothing more to satisfy the filing requirements of RSA 15-A:3. Accordingly, having filed the requisite 14-B:8 form with the Committee, Senator Forrester is not required to file a separate 15-A:3 form with the Secretary of State as an appointed member of the Assessing Standards/Current Use Board.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman
For the Committee