

INTERPRETIVE RULING 2009-#1

(November 19, 2009)

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.

Ethics Guidelines

Section 4, Prohibited Activities, Paragraph II, Subparagraphs (c) and (d)

A question has arisen regarding the meaning of the phrase “certain constituents,” as it is used in Ethics Guidelines Section 3, Prohibited Activities, Paragraph III, Subparagraphs (c) and (d). The Committee adopts the following Interpretive Ruling pursuant to RSA 14-B:3, I (b).

The referenced provisions read as follows:

II. Legislators shall not:

* * *

(c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator’s immediate family or household member, or for *certain constituents* which would not be available to others under similar conditions.

(d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator’s immediate family or household member, or to *certain constituents* which would not be available to others under similar conditions.

(Emphasis added)

The Committee construes the phrase “certain constituents” in these sections to include any particular person or persons on whose behalf the legislator is communicating, and is not restricted merely to persons who may reside within the legislator’s district. In short, the Committee considers that in accordance with these Guidelines, it would be improper conduct for a legislator to threaten legislation or any other official action, or to conduct private negotiations with any governmental agency, to influence a judicial, regulatory or administrative outcome in favor of a particular person or persons in a particular case, where the benefit of such outcome would not be available to others under similar circumstances.