

## INTERPRETIVE RULING 2011-#1

(June 17, 2011)

**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.**

### Obligations of Legislators in Connection with Proposed Petitions for the Redress of Grievances

Questions have arisen regarding the obligations of legislators who receive requests from members of the public to present petitions for redress of grievances on their behalf. Specifically, the questions are (1) Whether legislators are obliged to "present" (*i.e.* sponsor) a petition simply at the request of a member of the public; and (2) Whether legislators are obliged to keep the content of a proposed petition confidential prior to its presentation. The Committee has reviewed applicable provisions of the New Hampshire Constitution, statutes, rules, and Ethics Guidelines governing the conduct of legislators in the performance of their duties as such, and interprets them as follows.

1. Obligation to present a petition. No such governing provision requires a legislator to "present" a petition simply because the legislator was requested to do so by a member of the public. On the contrary, as with any matter a legislator may be asked to sponsor, legislators must be free to exercise their best judgment about sponsoring it. As Edmund Burke, a great English legislator of the 18th Century put it: "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

2. Obligation to keep confidential the content of a proposed petition. No such governing provision requires a legislator to keep confidential the content of petitions or other legislation the legislator is asked to sponsor by a member of the public, prior to its presentation. In the absence of express agreement by the legislator to hold the information confidential, there is no reasonable expectation that the content of a proposed petition will remain confidential. On the contrary, as with other proposed legislation, legislators should be free to pursue appropriate due diligence to evaluate the merits of a proposal before sponsoring it, which may well involve consultation with third parties about the relevant facts and other considerations.

Martin L. Gross, Chairman  
For the Committee