

Advisory Opinion 2023-3

Response to a Request for an Advisory Opinion from Representative Alissandra Murray (December 5, 2023)

Please note: The Legislative Ethics Committee might arrive at the same determination but would do so on the basis of the subsequently enacted law RSA 14-C:4-a, et seq.

The Legislative Ethics Committee, at its meeting on December 5, 2023, considered a request for an advisory opinion from Representative Alissandra Murray. More specifically, she asked for advice on whether, given her employment, she “should be filing a Declaration of Intent prior to any specific vote in the upcoming legislative year.”

In her letter to the Committee, dated October 16, 2023, Representative Murray stated that she is employed by the Reproductive Freedom Fund of New Hampshire (“RFFNH”), which she described as a “501(c)(3) non-profit organization whose mission is to fund abortion care for indigent patients in New Hampshire.” She stated that she disclosed her employment by RFFNH on her 2023-2024 Financial Disclosure Form. Her employer engages in minimal “lobbying” activity. However, she is not employed in nor does she receive any direct financial benefit from that activity. Therefore, in the past, she did not think it necessary to make further disclosure by filing a Declaration of Intent Form on particular legislation. That position has been called into question, prompting her request for an advisory opinion.

In completing its consideration, the Committee reviewed the facts set forth in the written request. In addition, the Committee received testimony from Representative Murray and her attorney, William E. Christie. The Committee also invited Ms. Josie Pinto, the Executive Director of RFFNH to attend voluntarily, and her attorney, Jeffrey D. Odland, spoke on her behalf.

The Committee finds that Representative Murray was elected to office in November 2022. She was a founder of RFFNH and served as a volunteer until she was hired for the position of deputy director. The purpose of RFFNH is to provide funding for abortion services. According to the testimony received by the Committee, the executive director of RFFNH, Josie Pinto, is a registered lobbyist representing RFFNH. She specifically testified on five bills before the legislature during the 2023 session with about \$800 in organizational expenses attributable to the lobbying effort. While Representative Murray’s position does not involve lobbying for RFFNH, she did co-sponsor one of the bills promoted by RFFNH and may have voted on others.

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

In *Advisory Opinion 2023-2*, the Committee considered a set of facts involving a legislator's proposed employment by an organization which was represented by registered lobbyists and actively promoted or opposed matters pending before the General Court. The Committee reasoned that if the legislator was being compensated to work on behalf of an organization which has a direct interest in the outcome of legislation, the legislator would be receiving something of value to effectively support the organization's activities. The Committee determined that an organization which intends to effect legislation is different from a business that may be affected by legislation. Accordingly, the Committee advised that, were the legislator to accept employment with the organization, she would be required "to recuse herself from voting, testifying or otherwise participating in any official activities relating to legislation on which (the organization) has lobbied, testified, or otherwise attempted to influence the outcome." The Committee determined that the circumstances presented in this request are substantially the same as the circumstances presented in *Advisory Opinion 2023-2*.

Conclusion

Accordingly, we advise that Representative Murray is required to file a Declaration of Intent Form on any matters involving abortion funding. As long as Representative Murray is employed by RFFNH, she is required to recuse herself from voting, testifying or otherwise participating in any official activities relating to legislation on which RFFNH has lobbied, testified, or otherwise attempted to influence the outcome. For legislation generally relating to abortion funding but on which RFFNH has not lobbied, testified, or otherwise attempted to influence the outcome, filing a Declaration of Intent would provide disclosure of the possible conflict sufficient to satisfy requirements of the conflict of interest provisions of the Ethics Guidelines.

We appreciate the opportunity to be of assistance.

By the Committee:
Honorable Donna Sytek, Vice Chairman
Senator Ruth Ward
Representative Janet G. Wall
Honorable David W. Hess

Senator Cindy Rosenwald voted against the majority opinion.
Representative Bob Lynn recused and did not participate.

For the Committee,
Edward M. Gordon
Chairman

[Vote: 5-1]