

FINANCIAL DISCLOSURE
RSA CHAPTER 15-A

15-A:1 Financial Disclosure. The general court finds that many public spirited citizens perform volunteer service for the state each year under circumstances where their service does not create any appreciable opportunity to influence the setting of public policy, the expenditure of state funds, or the selection of vendors for the state. Recognizing that the purpose of financial disclosure is to ensure the public has access to information about the financial interests of those who act on the public's behalf when setting public policy, spending state funds, or choosing vendors to do work for the state, requiring volunteers who do not perform such actions to file statements of financial interests does not advance the purpose of the statute and may chill volunteerism. The general court intends to exempt from financial interest disclosure requirements those individuals who serve the state solely in a volunteer capacity and whose service does not afford any appreciable opportunity to influence public policy or spending, including but not limited to individuals who assist with search and rescue, teach hunter safety, work on recreational trails, stock fish, or assist with the annual Easter egg hunt.

15-A:1 Purpose. The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by requiring the following persons to file a statement of financial interests with the secretary of state. This chapter shall be liberally construed to effect this purpose.

15-A:2 Definitions. In this chapter:

- I. "Agency" means the executive branch and any department, division, board, commission, or equivalent entity of the executive branch.
- II. "Agency head" means the commissioner or equivalent leader of any department, and the highest ranking member of any commission, board, institution, bureau, or office, which is not a subordinate component of a department or equivalent agency, by whatever name called, other than the legislative and judicial branches of state government.
- III. "Family member" shall mean any person related to and living in the same domicile as the elected official, public official, public employee, constitutional official, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.
- IV. "Income" means any money or thing of value received.
- V. "Primary occupation" means any business, business association, public sector employment, nonprofit employment, or self-employment which provides the largest source of income for the candidate.

15-A:3 Persons Required to File. I. The following persons shall file a statement of financial interests as required by this chapter:

- (a) All candidates who file for state or county office.
- (b) All persons filing an acceptance of nomination form for state or county office.
- (c) Every person appointed by the governor, governor and council, president of the senate, or the speaker of the house of representatives to any board, commission, committee, board of directors, authority, or equivalent state entity whether regulatory, advisory, or administrative in nature.
- (d) All agency heads.
- (e) Any public official designated, due to the responsibilities of the position, by the agency head.
- (f) The secretary of state and the treasurer, and any of their subordinates designated, due to the responsibilities of the position, by the secretary of state or treasurer.
- (g) All persons elected to state or county office, and all persons appointed to such elective office to fill a vacancy.

(h) Any person, not employed by or working under contract for the state, who is acting on behalf of the governor or an agency while engaged in state business.

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.

III. Any person who is otherwise subject to the filing requirements of subparagraph I(h) shall be exempt from filing a statement of financial interests provided the individual volunteering:

- (a) Does not directly or indirectly influence the setting of public policy;
- (b) Does not directly or indirectly influence decisions on how state funds will be expended; and
- (c) Does not directly or indirectly influence the selection of vendors for the state.

15-A:4 Designated Public Officials. The governor shall file with the secretary of state an organizational chart identifying the names and titles of all persons who are acting on behalf of the governor and who are required to file a statement of financial interests. Each agency head shall file with the secretary of state an organizational chart identifying the names, titles, and position numbers of persons in his or her department that are required to file a statement of financial interests. The secretary of state and the state treasurer shall file with the secretary of state an organizational chart identifying the names and titles of all persons in his or her department that are required to file a statement of financial interests.

15-A:5 Form of Disclosure. The secretary of state shall establish a uniform statement of financial interests, which may be in paper or electronic form.

I. The statement of financial interest shall include: (a) The full text of RSA 15-A. (b) The full name, work address, work phone number, primary occupation, and, if different, the office, appointment, or employment with government held by person filing the statement of financial interest. (c) The name, address, and type of any profession, business, or other organization in which the reporting individual or family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included.

If the person filing the financial interest statement has no qualifying income he or she shall report this by writing his or her initials following the statement "My income does not qualify ____."

(d) A statement of whether the person reporting or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, or matter would potentially have a greater financial effect on the person reporting the financial interest or a family member than it would on the general public: (1) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such professional, occupation, or category of business. (2) Health care. (3) Insurance. (4) Real estate, including brokers, agents, developers, and landlords. (5) Banking or financial services. (6) State of New Hampshire, county, or municipal employment. (7) The New Hampshire retirement system. (8) The current use land assessment program. (9) Restaurants and lodging. (10) The sale and distribution of alcoholic beverages. (11) The practice of law. (12) Any business regulated by the public utilities commission. (13) Horse or dog racing, or other legal forms of gambling. (14) Education. (15) Water resources. (16) Agriculture. (17) New

Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax. (18) The reporting official may, but is not required by this chapter to specify any other area for which he or she has a special interest.

(e) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information pertinent to the administration and enforcement of laws relating to financial disclosure. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

III. The statement of financial interests, if filed on paper, shall be completed by typewriting or legible hand printing, and shall be verified, dated, and signed by the reporting individual personally.

IV. The secretary of state shall maintain the statement of financial interests for 6 years, after which time the statement may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes the public information on statements of financial interest available to the public through the internet.

15-A:6 Deadlines for Filing. All persons subject to this chapter shall file a statement of financial interests annually no later than the third Friday in January. All persons subject to this chapter, except those who are elected, shall file a statement of financial interests within 14 days of assuming the office, position, or appointment that makes the person subject to this chapter, unless the person has previously filed a statement during the calendar year. *No person required to file a statement of financial interest pursuant to RSA 15-A:3, I, shall be eligible to serve in his or her appointed capacity prior to filing a statement in accordance with this section.*

15-A:7 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor. It shall be an absolute defense in any prosecution under this chapter that the person acted in reliance upon an advisory opinion on the subject issued under RSA 14-B:3, I(c) or RSA 21-G:30, I(c).

15-A:8 Examination of Disclosures. The attorney general may examine the statement of financial interests which are made under this chapter to the secretary of state and compel such disclosures to be made to comply with the law.

15-A:9 Severability. If any provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

RSA 21-G:28-a, III. Each appointing authority under RSA 15-A:3 shall provide the secretary of state with the name and address and appointment date of any person appointed by him or her to any board, commission, committee, or board of directors after the effective date of this section.