

Changes in the States: Idaho, New Hampshire and Virginia

July 2006

Idaho Begins Regulation of Executive Branch Lobbyists

Joining other states such as New Hampshire and Pennsylvania that have begun regulating the activities of executive branch lobbyists, Idaho Governor Dirk Kempthorne earlier this year signed into law former House Bill 707, which extends the state's lobbying laws to cover the lobbying of executive branch officials and employees. The new law became effective on July 1, 2006.

The new law expands the definition of lobbying to cover attempts to influence various members of the executive branch regarding rulemakings, procurements, contracts, bids, bid processes, financial service agreements and bonds. The new law is applicable to influencing the following persons:

- Governor
- Lieutenant governor
- Secretary of state
- State controller
- State treasurer
- Attorney general
- Department heads, agency directors, deputy directors, division administrators and bureau chiefs
- Members of state boards and commissions

Unlike legislative lobbyists in Idaho, who currently file monthly lobbying reports when the legislature is in session, those lobbyists who solely lobby the executive branch only need to file two lobbying reports per year. Such reports are due on January 31 and July 31.

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Visit the website of Idaho's Secretary of State at for updated forms and other information relevant to the new law. For more information on similar changes in Pennsylvania, see the article in the May 2006 edition of *Election Law News* at www.wrf.com/PA_Lobbying_Rules.

New Hampshire Tackles Executive Branch Lobbying

On June 2, 2006, New Hampshire began regulating the actions of executive branch lobbyists in the state. Another new law effective on the same date established a detailed set of gift rules for public officials. Finally, a third law expanded the reporting requirements of registered legislative and executive branch lobbyists. (On June 19, 2006, New Hampshire's legislature passed a law clarifying the lobbyist reporting requirements.)

Executive Branch Lobbyists Now Regulated. For the first time, persons who undertake the following activities are required to register and report in New Hampshire as lobbyists:

promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, . . . where such action concerns legislation or contracts pending or proposed before the [state legislature], any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state.

Such lobbyists must wear name tags before the governor, council or state agency. There is an exception to the procurement lobbying portion of the new executive branch lobbying rules for certain sales activities conducted by individuals who own their own business or work as in-house employees.

New Gift and Honoraria Rules. New Hampshire now has statewide gift rules for public officials applicable to gifts from everyone—not just from lobbyists. These rules, and their many exceptions, are in addition to the preexisting provisions found in the state's criminal code.

Under the state's new gift rules, no person may give any gift to any elected official, public official, public employee, constitutional officer or legislative employee. Also, no person may give a gift to a family member of any of these covered persons "with a purpose of influencing or affecting the official conduct of such official or employee."

Furthermore, public officials and public employees may not accept an honorarium from "a person who is subject to or likely to become subject to or interested in any matter or action pending before, or contemplated by, the public official, public employee, or the government body to which that person is affiliated."

Among other things, the following items are exceptions to the new gift rule:

- Any item with a value less than \$10.
- A ceremonial object or award, the value of which is \$50 or less and is primarily personal to the recipient.
- Objects which primarily serve an informational purpose provided in the ordinary course of business such as reports, books, maps or charts.

- Meals, beverages, lodging or transportation associated with a celebratory or ceremonial event open to the public or to which more than 50 people are expected to attend.

Expanded Reporting Requirements. New executive branch lobbyists as well as long-standing legislative lobbyists are now subject to expanded lobbyist reporting requirements. Lobbying reports are now due on the second Friday of every month. Moreover, the reports ask for additional and more detailed information, including all fees provided by the lobbyist's clients.

Virginia Eliminates Federal PAC Reporting Requirements

Effective July 1, 2006, federal political action committees (PACs) are no longer required to file separate reports with the Virginia State Board of Elections (SBE). Under a recent amendment to the campaign finance laws, a federal PAC must complete a new "Statement of Organization: Federal Political Action Committee" form that will be available online at [www.sbe.state.va.us](#). This new form requires the federal PAC to include the name and address of the committee, the committee's Federal Election Committee (FEC) identification number and the name and address of the committee's treasurer.

Once this form is complete, the SBE will provide a link on its website to the federal PAC's FEC reports. No Virginia-specific reporting is required. Please note, however, that federal PACs currently registered in Virginia are still required to file Virginia-specific reports under the old reporting system for campaign activity through June 30, 2006.