

No Lobbying Exception for In-House Employees in New Hampshire

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On September 21, the New Hampshire Attorney General's Office issued a letter confirming that there is no registration exception for in-house employees whose lobbying activity is incidental to their primary job duties. New Hampshire remains a "zero-threshold" state in which lobbyist registration is triggered prior to engaging in any legislative or executive branch lobbying.

A handful of states do exempt in-house employees whose lobbying activity is incidental to their primary job functions from lobbyist registration. For example, Illinois does not require persons who make incidental contacts with public officials at business or social functions where executive, legislative, or administrative action is discussed to register as lobbyists, as long as they do not make any reportable expenditures. In Kansas, employees whose lobbying is incidental to their main duties are not required to register as lobbyists, as long as they are not formally appointed to represent their employer in lobbying efforts on state-owned or leased property and they do not make \$1,000 or more in lobbying expenditures in a calendar year. Massachusetts also has an incidental activity exception to lobbyist registration, although the Secretary of the Commonwealth has "strongly encouraged" individuals to register "for precautionary measures"; individuals who register prophylactically and do not thereafter trigger registration are permitted to file abbreviated reports. Oklahoma and Tennessee also provide registration exemptions for incidental lobbying.

Employers must be aware of lobbying registration thresholds, deadlines, and reporting obligations. It is a best practice to pre-screen the activity of employees who interact with government officials to ensure compliance with the relevant jurisdiction's lobbying

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