



Ethics: Prohibitions Against Lobbyists Making False Statements or Filing False Reports

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Thirty-five states address the issue of lobbyists giving false testimony and statements to legislators and legislative committees and filing false disclosure reports. State statutes can be divided into three board categories: (1) states that prohibit false testimony; (2) states that prohibit false reporting and disclosure, but not false testimony, and (3) states that prohibit false testimony, reporting and disclosure.

Thirteen states have no provisions and two states prohibit unprofessional or unlawful conduct by lobbyists.

A Summary of the chart indicates that:

Fourteen states have enacted specific statutes addressing or prohibiting lobbyists from making false statements or giving false testimony to legislators/legislative committees. They are: Alabama, Alaska, Arizona, California, Idaho, Maryland, Mississippi, Nebraska, New Jersey, Oregon, Tennessee, Texas, Utah and West Virginia.

Eighteen states have statutes addressing false reporting or disclosure by lobbyists, but not false testimony. They are: Colorado, Delaware, Florida, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Vermont, Virginia, Wisconsin, and Wyoming.

Three states have statutes addressing false testimony as well as false reporting or disclosure. They are: Arkansas, Nevada, and Washington.

No provisions was found in 13 states. They are Connecticut, Georgia, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Mexico, Pennsylvania, Rhode Island, South Carolina, and South Dakota.

The remaining two states, Montana and South Dakota, prohibit lobbyists from either "unprofessional conduct" (Montana) or "unlawful means" (North Dakota), but the terms are not defined.

The chart below shows the provisions regarding these matters for each state.

AL | AK | AZ | AR | CA | CO | CT | DE | FL | GA | HI | ID | IL | IN | IA | KS | KY | LA | ME | MD | MA | MI | MN | MS | MO | MT | NE | NV | NH | NJ | NM | NY | NC | ND | OH | OK | OR | PA | RI | SC | SD | TN | TX | UT | VT | VA | WA | WV | WI | WY

State and Citation	Statute
Alabama Alabama Code Section 36-25-26	Section 36-25-26 False reporting for purpose of influencing legislation. No person, for the purpose of influencing legislation, may do either of the following: (1) Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the Legislative or Executive Branch. (2) Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the Legislative or Executive Branch without notifying the member in writing of the truth.
Alaska Title 24, Legislature; Chapter 24.45.121; Regulation of Lobbying	Sec. 24.45.121. Prohibitions. (a) A lobbyist may not (3) intentionally deceive or attempt to deceive any public official with regard to any material fact pertinent to pending or proposed legislative or administrative action; (5) cause a communication to be sent to a public official in the name of any fictitious person or in the name of any real person, except with the consent of that person;
Arizona	41-1235. Spurious communications; classification

Title 41, Article 8 Registration and Regulation of Lobbyists; 41-1235	Whoever shall transmit, utter or publish to the legislature, or to any member or members of the legislature, or any committee, officer or employee of either house of the legislature, or to any state officer, agency, board, commission or council any communication materially related to any matter within the jurisdiction of the legislature, or be a party to the preparation thereof, knowing such communication or signature thereto is false, forged, counterfeit or fictitious shall be guilty of a class 2 misdemeanor.
Arkansas Arkansas Code 21-8-607	21-8-607 Prohibited Acts (b) No person engaging in lobbying shall: (2) Purposely provide false information to any public servant as to any material fact pertaining to any legislative or administrative action; (3) Purposely omit, conceal, or falsify in any manner information required by the registration and lobbyist activity reports. (c)(1) Any person convicted for violation of any provision of this subchapter is prohibited from acting as a registered lobbyist for a period of three (3) years from the date of the conviction.
California California Government Code, Title 9 Chapter 6 §86205	86205. No lobbyist or lobbying firm shall: (b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action. (d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.
Colorado Colorado Statute 24-6-309	24-6-309. Offenses - penalties - Injunctions. Any person who violates any of the provisions of this part 3, willfully files any document provided for in this part 3 that contains any materially false statement or material omission, or willfully fails to comply with any material requirement of this part 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment. Note: "Part 3" refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.
Connecticut	No provision found.
Delaware Delaware Code 5837	§ 5837. Violation and penalties. (a) Any person who knowingly fails to register as a lobbyist as required by this subchapter shall be guilty of a misdemeanor. (b) Any person who knowingly furnishes false information in any registration, authorization or report required by this subchapter shall be guilty of a misdemeanor. Note: § 5837 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.
Florida Title III, Chapter 11. §11.045	§ 11.045 Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (6). Note: § 11.045 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.
Georgia	No provision found.

Hawaii Hawaii Revised Statute §97-7	<p>§ 97-7 Penalties; administrative fines. (a) Any person who:</p> <p>(1) Wilfully fails to file any statement or report required by this chapter;</p> <p>(2) Wilfully files a statement or report containing false information or material omission of any fact;</p> <p>(3) Engages in activities prohibited by section 97-5; or</p> <p>(4) Fails to provide information required by section 97-2 or 97-3; shall be subject to an administrative fine imposed by the commission that shall not exceed \$500 for each violation of this chapter. All fines collected under this section shall be deposited into the general fund.</p> <p>Note: § 97-7 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
Idaho Idaho Statute 67-6602	<p>67-6602</p> <p>(b) In addition, a person required to register as a lobbyist shall not:</p> <p>(1) Engage in any activity as a lobbyist before registering as such;</p> <p>(2) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation...</p>
Illinois Illinois Compiled Statutes (25 ILCS 170/) Lobbyist Registration Act.	No provision found.
Indiana Indiana Code 2-7-6	<p>IC 2-7-6</p> <p>Chapter 6. Enforcement</p> <p>IC 2-7-6-3</p> <p>Violations; false reports; offense</p> <p>Sec. 3. Whoever knowingly or intentionally makes a false report under this chapter that overstates or understates the amount of any or all expenditures or gifts commits a Class D felony.</p> <p>Note: § 2-7-6-3 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
Iowa Iowa Code §68B.2	No provision found.
Kansas Kansas Statutes 46-275	<p>46-275. Giving false lobbying information defined and classified as crime. Giving false lobbying information is intentionally</p> <p>(1) making a false or incomplete statement on any registration paper under K.S.A. 46-265, or</p> <p>(2) making a false or incomplete report under K.S.A. 46-268 and 46-269.</p> <p>Giving false lobbying information is a class B misdemeanor.</p> <p>Note: § 46-275 .refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
Kentucky Kentucky Revised Statutes §6.821	<p>6.821 Any legislative agent or employer who intentionally files a statement of expenditures which he knows to contain false information or to omit required information shall be guilty of a Class D felony.</p> <p>Note: § 6.821 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
Louisiana LSA-R.S. 24:4	<p>§54. Reports and statements under oath</p> <p>A.(1) All reports, registrations, notices, and statements required under this Part shall include a</p>

	<p>certification of accuracy by the person responsible for filing the report, registration, notice, or statement: that the information contained in the report, registration, notice, or statement is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been made, and no fundraising functions have been held that are not included therein as required by law; and that no information required by this Part has been deliberately omitted.</p> <p>Note: § 54 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
<p>Maine</p> <p>§ 312-A. Definitions</p> <p>Title 3. Legislature; Chapter 15 Lobbyist Disclosure Procedures</p>	No provision found.
<p>Maryland</p> <p>MD Code, State Government §15-713</p>	<p>§ 15-713. Prohibitions.</p> <p>(4) engage in or counsel any person to engage in fraudulent conduct;</p> <p>(5) while engaging in lobbying activities, knowingly make to an official or employee a statement of material fact relating to lobbying activity that the regulated lobbyist knows to be false;</p>
<p>Massachusetts</p> <p>General Laws of Massachusetts; Chapter 3: The General Court; Section 39. Definitions</p>	No provision found.
<p>Michigan</p> <p>Michigan Codified Laws; Chapter 4, Legislature; Act 472 of 1978</p>	No provision found.
<p>Minnesota</p> <p>Minnesota Statutes 10A.01 Subd.21</p>	No provision found
<p>Mississippi</p> <p>Mississippi Code 5-8-13.</p>	<p>§5-8-13</p> <p>(2) A lobbyist or lobbyist's client shall not knowingly or willfully make or cause to be made a false statement or misrepresentation of facts to an executive, legislative or public official or public employee, or to the public in general with the intent to affect the outcome of a legislative or executive action.</p>
<p>Missouri</p> <p>Missouri Revised Statutes 105.473.</p>	<p>105.473. 1. Each lobbyist shall, not later than five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works....</p> <p>2. Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury....</p> <p>8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section</p> <p>Note: § 105.473 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
<p>Montana</p> <p>Montana Code 5-7-302</p>	<p>5-7-302. Unprofessional conduct.</p> <p>No lobbyist or principal shall engage in or directly or indirectly authorize any unprofessional conduct.</p> <p>Note: Does not define "unprofessional conduct."</p>
<p>Nebraska</p>	49-1491

Nebraska Statutes Section 49-1491	A principal, lobbyist, or anyone acting on behalf of either, shall not knowingly or willfully make any false or misleading statement or misrepresentation of fact to any public official in the executive or legislative branch of state government.
Nevada Nevada Revised Statute NRS 218.942	NRS 218.942 Unlawful acts. 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts: (a) To any member of the Legislative Branch in an effort to persuade or influence him in his official actions. (b) In a registration statement or report concerning lobbying activities filed with the Director.
New Hampshire New Hampshire 15:6	15:6 Statements. – I. Each lobbyist shall file with the secretary of state itemized statements under oath of: (h) The following statement followed by a line for each person filing the form to sign and date the form: ""I have read RSA 15, RSA 15-B, and RSA 664 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." This statement shall be made under oath before a notary public or justice of the peace. 15:8 Penalty. – Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Whoever shall make and file any statement under this chapter which is to his or her knowledge false shall be deemed guilty of perjury and punished accordingly. Note: § 15:6 and 15.8 refer to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.
New Jersey New Jersey Permanent Statutes 52:13C-31	52:13C-31 False communication relative to legislation; fourth degree crime. 14. Any person who shall transmit, utter or publish to the Legislature or the Governor or his staff any communication relating to any legislation or be a party to the preparation thereof, knowing such communication or any signature thereto is false, forged, counterfeit, or fictitious, shall upon conviction, be guilty of a crime of the fourth degree.
New Mexico New Mexico Statutes Article 11	No provision found.
New York Legislative Law §1-o	§ 1-o. Penalties. (a) (i) Any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this article or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article shall be guilty of a class A misdemeanor; and (ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this article or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article, after having previously been convicted in the preceding five years of the crime described in paragraph (i) of this subdivision, shall be guilty of a class E felony. § 1-p. Enforcement. (a) All statements and reports required under this article shall be subject to a declaration by the person making and filing such statement and report that the information is true, correct and complete to the best knowledge and belief of the signer under the penalties of perjury. Note: § 1-o and 1-p refer to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.
North Carolina North Carolina General Statutes Article 9A. Lobbying § 120-47.9	§ 120-47.9. (Effective until January 1, 2007) Punishment for violation. Whoever willfully violates any provision of this Article shall be guilty of a Class 1 misdemeanor. In addition, no lobbyist who is convicted of a violation of the provisions of this Article shall in any way act as a lobbyist for a period of two years following his conviction.

	<p>§ 120-47.9. (Effective January 1, 2007) Punishment for violation.</p> <p>(a) Whoever willfully violates any provision of this Article shall be guilty of a Class 1 misdemeanor. In addition, no legislative lobbyist who is convicted of a violation of the provisions of this Article shall in any way act as a legislative or executive lobbyist for a period of two years following conviction.</p> <p>(b) In addition to the criminal penalties set forth in this section, the Secretary of State may levy civil fines for willful false or incomplete reporting up to five thousand dollars (\$5,000) per violation.</p> <p>Note: § 120-47.9 refers § 120-47.9 to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
<p>North Dakota</p> <p>North Dakota Code Chapter 54-05.1-06</p>	<p>54-05.1-06.</p> <p>Unlawful means to influence legislative assembly. In addition to the violation of any other provision of this chapter, it is unlawful for any lobbyist or for any other person:...</p> <p>3. To attempt to influence any member of the legislative assembly without first making known to such member the real and true interest the person has in such measure, either personally or as agent or attorney.</p> <p>54-05.1-07. Penalty.</p> <p>Any person who violates any provisions of this chapter is guilty of a class B misdemeanor...</p>
<p>Ohio</p> <p>Ohio Revised Code 101.70.; 121.60</p>	<p>§ 101.71. Prohibitions</p> <p>(D) No person shall knowingly file a false statement that section 101.73 or 101.74 of the Revised Code requires the person to file.</p> <p>§ 101.75. An employer or legislative agent who files a false statement of expenditures or details of a financial transaction is liable in a civil action to any public officer or employee who sustains damage as a result of the filing or publication of the statement.</p> <p>Note: § 101.71 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
<p>Oklahoma</p> <p>Oklahoma Statutes Title 74</p>	<p>§74-4255. Penalties.</p> <p>A. Any person who knowingly and willfully violates any provision of Sections 5 through 11 of this act or Chapter 23 of the Rules of the Ethics Commission commits a misdemeanor. Nothing in Sections 5 through 11 of this act relieves a person of criminal responsibility under the laws of this state relating to perjury.</p>
<p>Oregon</p> <p>Oregon Revised Statutes</p> <p>Chapter 171.764 State Legislature</p>	<p>171.764 False statement or misrepresentation by lobbyist or public official prohibited; defense.</p> <p>(1) No lobbyist or public official, as defined in ORS 244.020, shall make any false statement or misrepresentation to any legislative or executive official or, knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth as prescribed in subsection (2) of this section.</p> <p>(2) It is a defense to a charge of violation of subsection (1) of this section if the person who made the false statement or misrepresentation retracts the statement or misrepresentation and notifies the official in writing of the truth:</p> <p>(a) In a manner showing complete and voluntary retraction of the prior false statement or misrepresentation; and</p> <p>(b) Before the subject matter of the false statement or misrepresentation is submitted to a vote of a legislative committee or either house of the Legislative Assembly or is relied upon by an executive official in an administrative hearing.</p> <p>(3) As used in this section:</p> <p>(a) "False statement or misrepresentation" means the intentional misrepresentation or</p>

	<p>misstatement of a material fact.</p> <p>(b) "Material" means that which may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction. [1993 c.743 §6]</p>
<p>Pennsylvania</p> <p>The Lobbying Disclosure Act, Act 93 of 1998, Chapter 13 § 1303</p>	<p>No provision found.</p>
<p>Rhode Island</p> <p>Rhode Island General Laws §22-10-1</p>	<p>No provision found.</p>
<p>South Carolina</p> <p>South Carolina Code 2-17-10</p>	<p>No provision found.</p>
<p>South Dakota</p> <p>South Dakota Code 2-12-1</p>	<p>No provision found.</p>
<p>Tennessee</p> <p>Tennessee Code 3-6-102</p>	<p>3-6-108. Prohibited activities</p> <p>(b) No lobbyist shall knowingly or willfully make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which such lobbyist is registered to lobby to any official in the legislative or executive branch.</p>
<p>Texas</p> <p>Texas Government Code Title 3, Legislative Branch.</p> <p>305.003. Persons Required to Register</p> <p>305.002. Definitions</p>	<p>§ 305.021. FALSE COMMUNICATIONS.</p> <p>A person, for the purpose of influencing legislation or administrative action, may not:</p> <p>(1) knowingly or willfully make a false statement or misrepresentation of the facts to a member of the legislative or executive branch; or</p> <p>(2) cause a copy of a document the person knows to contain a false statement to be received by a member of the legislative or executive branch without notifying the member in writing of the truth.</p>
<p>Utah</p> <p>Utah Code Title 36-11-303</p>	<p>36-11-303. Prohibition on communicating false information to a public officer.</p> <p>A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.</p>
<p>Vermont</p> <p>Vermont Code Title 2, Chapter 11, Section 267</p>	<p>§ 267. Verification of statements and reports.</p> <p>Any statement or report required to be made under any provision of this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury.</p> <p>Note: § 267 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
<p>Virginia</p> <p>Virginia Code §2.2-433</p>	<p>§ 2.2-433. Prohibited acts; violation a misdemeanor.</p> <p>A. No lobbyist shall:</p> <p>3. Misrepresent in any material respect or omit any information required to be reported pursuant to this article.</p>
<p>Washington</p> <p>Washington Code RCW 42.17.230</p>	<p>RCW 42.17.230 Lobbyists' duties, restrictions</p> <p>A person required to register as a lobbyist under this chapter shall also have the following</p>

	<p>obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies, or confirms any such act, to other civil liabilities, as provided by this chapter:</p> <p>(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers, and documents shall be made available for inspection by the commission at any time: PROVIDED, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.</p> <p>(2) In addition, a person required to register as a lobbyist shall not:</p> <p>(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;</p>
<p>West Virginia West Virginia Code §6B-3-7</p>	<p>§6B-3-7. Duties of lobbyists.</p> <p>A person required to register as a lobbyist under this article also has the following obligations, the violation of which constitutes cause for revocation of his or her registration and termination of his or her lobbying privileges and may subject the person, and the person's employer, if employer aids, abets, ratifies or confirms the violation, to other civil liabilities as provided by this chapter...</p> <p>(2) In addition, a person required to register as a lobbyist may not:</p> <p>(B) Knowingly deceive or attempt to deceive any government officer or employee as to any fact pertaining to a matter which is the subject of lobbying activity;</p>
<p>Wisconsin Wisconsin Statutes Chapter 13, Subchapter III of Ch. 13, 13.69</p>	<p>13.69 Enforcement and penalties.</p> <p>(3) Any lobbyist who falsifies information provided under s. 13.68 (4) or any principal who files or any person who files or causes to be filed on behalf of any principal a falsified statement under s. 13.68 may be fined not more than \$1,000 or imprisoned in the county jail for not more than one year.</p> <p>(4) Any lobbyist who procures his or her license by fraud or perjury or any person who acts as a lobbyist without being licensed may be required to forfeit not more than \$1,000 and shall not be eligible to be licensed as a lobbyist for the period of 3 years from the date of such conviction.</p> <p>(6m) Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which he or she does not believe to be true is guilty of a Class H felony.</p> <p>Note: § 13.69 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>
<p>Wyoming Wyoming Statutes 28-7-102</p>	<p>28-7-102. Penalties.</p> <p>(a) Any person or individual failing to register as a lobbyist with the secretary of state shall be guilty of a misdemeanor subject to a fine of not more than two hundred dollars (\$200.00).</p> <p>(b) Any person or organization failing to file a lobbyist activity report required under this section or who files a lobbyist activity report containing information which the lobbyist knows to be false is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Upon a second or subsequent conviction under this section, any person or organization shall have his right to be a registered lobbyist revoked by the secretary of state for a period of up to two (2) years in addition to any fine.</p> <p>Note: 28-7-102 refers to lobbyist disclosure requirements--not specifically to the giving of testimony to legislators or staff.</p>

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