
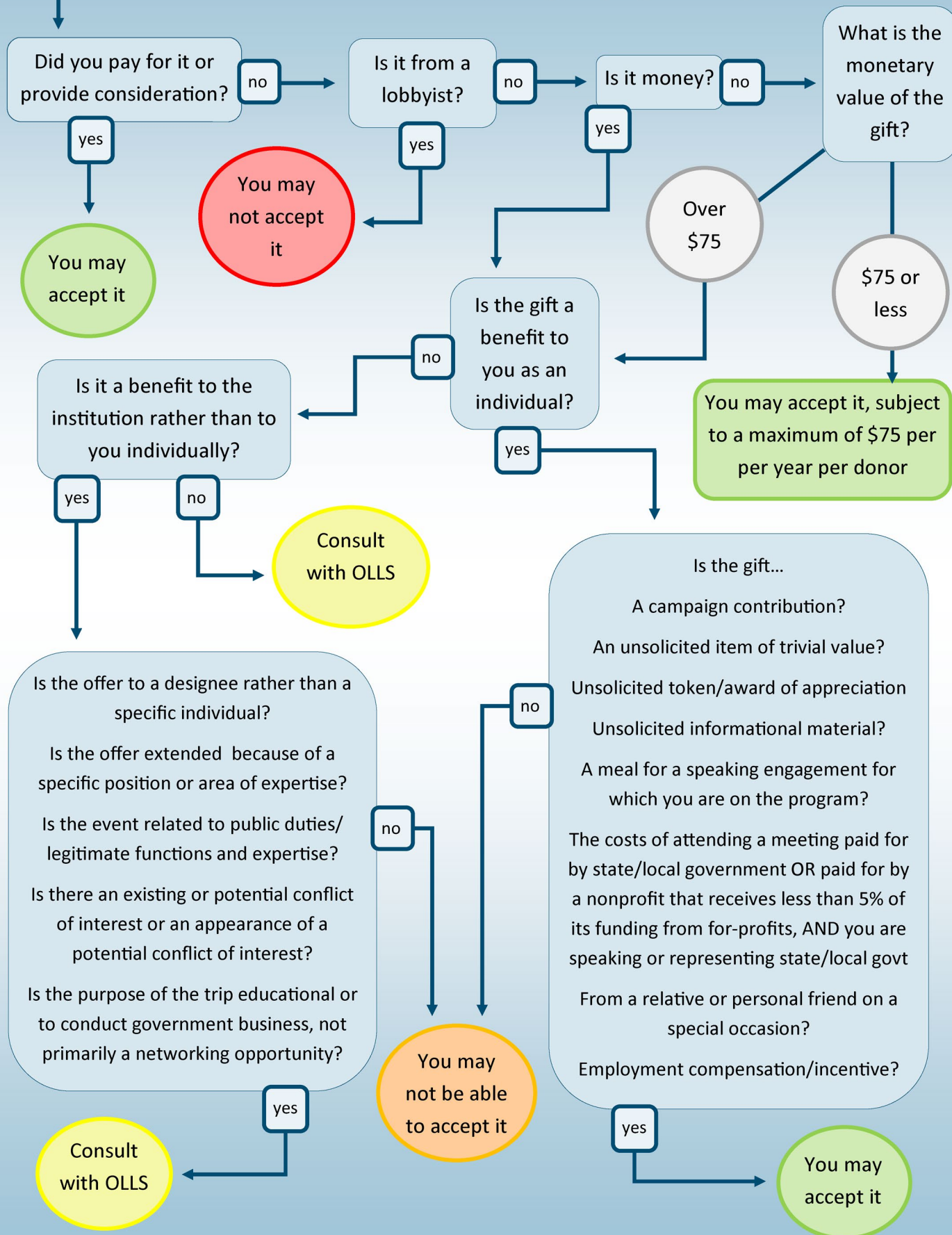


So, you have been offered a  gift.

# Ethics Flash Card

September

Prepared by the Office of Legislative Legal Services 2023



## Can I Accept This Gift?

### Ask yourself these questions:

- Is it money (or loan forgiveness) in any amount?
- Is it a gift or thing of value >\$75 (to benefit you, your spouse, or dependent child)?
- Have you accepted anything else from this same donor in the past year and the cumulative value with this gift would be >\$75?
- Is it a gift from a lobbyist or a gift of money (in any amount) from a corporation or labor organization? If so, do NOT accept! No exceptions.

### You may be able to accept if one of the following applies:

*Have you provided lawful consideration of equal or greater value?*

- Did you pay for it (the price the general public would have to pay)?
- Did you give the donor something else of greater or equal value?

*Does one of the 8 exceptions listed in A-41 apply?*

- Is it a campaign contribution?
- Is it an unsolicited item of trivial value?
- Is it an unsolicited token or award of appreciation?
- Is it unsolicited informational material?
- Is it admission to and/or the cost of food and beverages at a meal/meeting at which you are speaking as part of a scheduled program?
- Is it reasonable expenses paid by a state or local gov't or by a nonprofit that receives <5% of its funding from for-profit entities **and** you are speaking or representing state or local gov't at the event?
- Is it from a relative or personal friend on a special occasion?
- Is it your compensation/incentive in the normal course of employment?

*Is it actually a benefit to the General Assembly (institution), not you?*

- Is the offer to a designee, rather than specifically to you?
- Did you receive the offer because of your position or area of expertise?
- Is the event related to your public duties/legitimate functions and expertise?
- Is there an existing or potential conflict of interest (or appearance)?
- Is the purpose of the trip educational or to conduct gov't business (not just networking)?

**Still not sure?**

## Do I Need to Report This Gift to the SOS?

Every incumbent and candidate elected to the General Assembly who receives any of the following *in connection with his/her public service* must file a report with the SOS disclosing any:

- Payment for a speech, appearance, or publication (honoraria)
- Payment of expenses for travel/lodging to attend a convention, fact-finding mission or trip, or other meeting if permitted under A-41 (except don't have to report expenses paid for by state or local gov't or association of public officials or public entities) OR if paid for by a "joint governmental agency" to whom the state pays dues (NCSL, CSG, and the Energy Council; State does NOT pay dues to ALEC)

- Meal at a fundraising event of a political party

*Only for elected candidates not yet sworn in:*

- Money (including loan, pledge, advance, forgiveness of loan) >\$75
- A gift of real or personal property with a value >\$75
- A loan of any item of real or personal property with a value >\$75
- Tickets to a sporting, recreational, educational, or cultural event with a value >\$75

### Do Not Have to Report (but may):

- Campaign contributions already disclosed under the Fair Campaign Practices Act
- Unsolicited items of trivial value
- Unsolicited tokens or awards of appreciation
- Expenses for travel/lodging to attend a convention, fact-finding mission or trip, or other meeting permissible under A-41 if paid for by state or local gov't or association of public officials or public entities
- Salary from employment in addition to GA/public governmental salary
- Any other gift/thing of value permissible under A-41

- Discuss it with your caucus leadership or senior caucus members
- Call the OLLS (303.866.2045) for advice
- Request an advisory opinion from the Board of Ethics for the General Assembly or the Independent Ethics Commission