

State Ethics Code

Quick Guide: Gifts to Legislators

Gifts to Legislators

The State Ethics Code prohibits legislators and employees from accepting gifts where it is reasonable to infer that the gift is intended to influence or reward official action. Below are answers to some common questions about gifts offered to legislators.

Gifts from Constituents:

Question: *May a legislator accept a modest gift from a constituent, such as home-made bread or a box of cookies?*

Answer: YES, so long as the constituent is not a lobbyist, nor asking the legislator to take official action that directly benefits the constituent.

Question: *May a legislator accept a lei at a special event, such as the opening day of the Legislature?*

Answer: YES, legislators may accept lei (except money lei), from any source, including lobbyists, in connection with a celebration or special event.

Question: *If a legislator attends a community event, may the legislator eat food at the event?*

Answer: YES, legislators may attend community events and eat “free” food at those events if the food is not provided by a lobbyist or someone seeking official action from the legislator. If the food is provided by a lobbyist or lobbying organization, the legislator should decline. If the

legislator pays to attend the community event or if the community event is genuinely open to the public (i.e., reasonable notice has been provided and any member of the public may attend), a legislator may accept food in the same manner as other members of the public, even if the food is being provided by a lobbyist or lobbying organization. If the event is a fundraiser for a charitable organization and the organization invites a legislator to attend, the legislator may accept if the non-tax deductible value of admission is less than \$75.

Gifts from Lobbyists

Question: *May a legislator accept a holiday gift basket or box of cookies from a lobbyist?*

Answer: NO, legislators generally may not accept gifts from lobbyists, including gift baskets, meals, and other gifts. But see the discussions



above and below about lei and small promotional items, which are generally acceptable.

Question: *May a legislator accept a small promotional item from a lobbyist, such as a branded pen or notepad?*

Answer: **YES**, legislators are permitted to accept small promotional items having no resale value, such as branded pens, hats, calendars, or tote bags, from any source (including lobbyists).

Gifts from Other Entities, Colleagues, and State Employees

Question: *May a legislator accept a modest gift from a consulate or foreign government, such as a calendar?*

Answer: **YES**, so long as the consulate or foreign government is not lobbying or asking the legislator to take official action. If the gift is more expensive, such as a piece of art received from attending a formal event, it should be treated as state property.

Question: *May a legislator accept a gift from another legislator, such as by exchanging gifts during the holidays?*

Answer: **YES**, legislators may accept gifts from their legislative colleagues. Generally, modest gifts among colleagues in the same office or agency, such as a box of chocolates during the holidays, are allowed.

Question: *May a legislator accept a holiday or birthday gift from an employee of another state agency?*

Answer: Generally, **NO**. Employees may accept modest gifts from other state employees. However, if a state agency has business before the legislature (such as a budget request), legislators should avoid accepting gifts from state employees that might appear as an attempt to influence the legislator. Because the Legislature typically considers budget requests from most state agencies, it is probably safer to avoid gifts from other state employees.

Similarly, legislators should avoid gifts from county officials to the extent counties commonly seek official action from the Legislature.

Question: *May a legislator accept a gift of travel to an event?*

Answer: It depends. Factors considered are (1) the donor's relationship to the legislator (e.g., is the donor a lobbyist?), (2) the value of the trip, and (3) the state purpose (how will the state benefit if you accept)? A modest, educational trip from a nonprofit is likely acceptable, whereas a plane ticket to attend a music concert would be problematic. We strongly encourage consulting the Ethics Commission before accepting the trip. This protects you from any after-the-fact questions about the trip.

For more questions about gifts, see our Quick Guide on Gifts at <http://bit.ly/ethics-gifts>.

Any other questions? Contact us at ethics@hawaiiethics.org or (808) 587-0460 for quick, confidential, and free advice.