



Gift ban

Minnesota Campaign Finance and Public Disclosure Board

What is the gift ban?

Lobbyists and principals may not give a gift to an official or ask someone else to give a gift to an official. An official cannot accept a gift given by, or requested to be given by, a lobbyist or a principal.

What is a gift?

A gift is anything given to an official for which a lobbyist or principal does not receive something of equal or greater value in return at the same time. If the lobbyist or principal receives something of equal or greater value from the official at the same time, the item or benefit given to the official is not a gift.

The following things can be gifts: money; real or personal property; services; loans, paying or forgiving a loan; a promise of future employment; meals or entertainment; loans of personal property for less than payment of fair market value; giving preferential treatment for purchases; and honoraria.

What is an official?

An official is a public official, an employee of the legislature, or a local official of a metropolitan governmental unit (MGU). Public officials include legislators, constitutional officers, judges, commissioners, assistant or deputy commissioners, members and chief administrative officers of state boards or commissions, other state agency heads, members of a metropolitan agency, or other persons designated by statute. Local officials include elected officials of MGUs and those individuals employed in public positions in MGUs in which they have authority to make, to recommend, or to vote on major decisions regarding the expenditure or investment of public money.

Are there any exceptions?

The gift ban does not apply to the following things unless they are prohibited by some other law:

- Political contributions;
- Services to help an official in the performance of official duties, including providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
- Services of insignificant monetary value;
- A plaque or informational material with a resale value of \$5 or less;
- A trinket or memento costing \$5 or less;
- Food or beverage given at a reception, meal, or meeting away from the recipient's workplace by an organization before whom the recipient appears to make a speech or answer questions as part of a program; or
- Food or beverage given at a reception, meal, or meeting if the recipient is a member or employee of the legislature and all legislators were invited to attend at least five days before the event.

The gift ban also does not apply if the gift is given:

- Because of the official's membership in a group, a majority of whose members are not officials, provided that an equivalent gift is given to the other members of the group; or
- By a lobbyist or principal who is a member of the official's family, unless the gift is given on behalf of someone who is not a member of the official's family.

How can I learn more about the gift ban?

The Board has issued many advisory opinions interpreting the provisions of the gift ban. These opinions, along with other information on the gift ban, have been compiled into a gift ban primer available on the Board's website.