

Frequently Asked Questions – Lobbyists Fact Sheet

The \$10 Gift Limit

A “gift” is defined in the Political Reform Act as any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.

The term “gift” does not include:

- (1) Informational material which is provided for the purpose of assisting the recipient in the performance of his or her official duties, such as books, reports, pamphlets, calendars, periodicals, videotapes, or free or discounted admission to informational conferences or seminars. No payment for travel or reimbursement for any expenses shall be deemed “informational material”.
- (2) Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.
- (3) Gifts from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.
- (4) Campaign contributions.
- (5) Any devise or inheritance.
- (6) Personalized plaques and trophies with an individual value of less than \$250.

Q. Will the FPPC be changing the \$10 per month limit on gifts from lobbyists?

A. The Commission has no authority to amend any statute, including the lobbyist gift limitation. The authority to amend the Act rests with the Legislature or with the voters, by means of the initiative process.

Q. Are gifts between a lobbyist and his or her spouse limited when the spouse is a reportable person, e.g., legislative staff member?

A. No. As noted above, gifts from family members are not limited by the Political Reform Act.

Q. May the spouse of a lobbyist give a gift to the spouse of an official without regard to the \$10 limit? What if the lobbyist’s spouse paid for the gift out of community property funds?

A. The \$10 gift limit only applies to gifts to state, legislative, and agency officials and does not apply to an official’s spouse or other family members who are not officials, although gifts from a lobbyist to members of an official’s immediate family are reportable as “activity expenses”.

With regard to gifts from a lobbyist’s spouse to state, legislative, and agency officials, under circumstances which clearly indicate that the spouse is acting entirely independently of the lobbyist and for purposes of his or her own which are unrelated to those of the lobbyist, a gift from the spouse is not reportable by the lobbyist nor does the \$10 gift limit apply. However, if the gift is made under the direction of the lobbyist, it must be reported by the lobbyist and is subject to the \$10 limit. The use of community property funds is not relevant.