California Gift Law

C.C. §82019
(a) "Designated employee" means any officer, employee, member, or consultant of any agency whose position with the agency:

(1) Is exempt from the state civil service system by virtue of subdivision (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article VII of the Constitution, unless the position is elective or solely secretarial, clerical, or manual.

(2) Is elective, other than an elective state office.

(3) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

(4) Is involved as a state employee at other than a clerical or ministerial level in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing, or making decisions on contracts executed pursuant to Section 10122 of the Public Contract Code.

(b) (1) "Designated employee" does not include an elected state officer, any unsalaried member of any board or commission which serves a solely advisory function, any public official specified in Section 87200, and also does not include any unsalaried member of a nonregulatory committee, section, commission, or other such entity of the State Bar of California.

(2) "Designated employee" does not include a federal officer or employee serving in an official federal capacity on a state or local government agency. The state or local government agency shall annually obtain, and maintain in its files for public inspection, a copy of any public financial disclosure report filed by the federal officer or employee pursuant to federal law.

C.C. §82028
(a) "Gift" means, except as provided in subdivision (b), 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. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(b) The term "gift" does not include:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals. 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 either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code 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 required to be reported under Chapter 4 of this title.

(5) Any devise or inheritance.

(6) Personalized plaques and trophies with an individual value of less than two hundred fifty dollars ($250).

C.C. §82029
"Immediate family" means the spouse and dependent children.
C.C. §86203

It shall be unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars ($10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

C.C. §89501

(a) For purposes of this chapter, "honorarium" means, except as provided in subdivision (b), any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) The term "honorarium" does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. The commission shall adopt regulations to implement this subdivision.

(2) Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the General Fund, or in the case of a public official for local government agency, delivered to his or her agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.

C.C. §89502

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept any honorarium.

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept any honorarium. A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission and no designated employee of a state or local government agency shall accept an honorarium from any source if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

C.C. §89503

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the
person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars ($10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

C.C. §89506

(a) Payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited or limited by this chapter if either of the following apply:

(1) The travel is in connection with a speech given by the elected state officer, local elected officeholder, candidate for elected state office or local elected office, an individual specified in Section 87200, member of a state board or commission, or designated employee of a state or local government agency, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Gifts of travel not described in subdivision (a) are subject to the limits in Section 89503.

(c) Subdivision (a) applies only to travel that is reported on the recipient's statement of economic interests.

(d) For purposes of this section, a gift of travel does not include any of the following:

(1) Travel that is paid for from campaign funds, as permitted by Article 4 (commencing with Section 89510), or that is a contribution.

(2) Travel that is provided by the agency of a local elected officeholder, an elected state officer, member of a state board or commission, an individual specified in Section 87200, or a designated employee.

(3) Travel that is reasonably necessary in connection with a bona fide business, trade, or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274.
of the Internal Revenue Code, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(4) Travel that is excluded from the definition of a gift by any other provision of this title.

(e) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the Code of Civil Procedure.

2 C.C.R. §18229. - Inclusion of Registered Domestic Partners.

For purposes of this title and implementing regulations, the term “spouse” shall include registered domestic partners recognized by state law.

2 C.C.R. §18229.1. - Definition of “Dependent Children.”

For purposes of the Act and Commission Regulations, “dependent child” or “dependent children” means a child, (including an adoptive child or stepchild) of a public official who is under 18 years old and whom the official is entitled to claim as a dependent on his or her federal tax return.

2 C.C.R. §18940.1. - General Definitions.

In addition to the definition provided in the Act, for purposes of the gift regulations (Regulations 18940 through 18946.6), the following definitions apply:

(a)(1) Reportable Gift. A “gift” is reportable only if it is received from a source that the official is required to identify pursuant to the official's filing obligations under the Act.

(b) Official. For purposes of these regulations, “official” means any individual who holds a position designated in Section 87200 or 87201, or a position that is involved in the making or participation in the making of governmental decisions that may foreseeably have a material effect on any of the official's financial interests as provided in Section 87302, or who is otherwise required to file a statement of economic interests. “Official” includes a public official, agency official, candidate, judge, court commissioner, and state or local public employee who is designated, or is required to be designated under Section 87302, in the official's agency's conflict of interest code. (See Sections 82007 and 82048.)

2 C.C.R. §18940.2. - Gift Limit Amount.

(a) For purposes of Section 89503, the adjusted annual gift limit amount in effect for the period January 1, 2011, to December 31, 2012, is $420.


(c) General Rule for Return, Donation, or Reimbursement of a Gift. A gift is neither accepted nor received if, within 30 days:

(1) The gift is returned to the donor, the donor's agent, or the donor's intermediary from whom the item was received, unused and without receiving anything of value in exchange for the returned payment or;

(2) The gift is donated, unused, to a 501(c)(3) charitable organization with which the official, or a member of the official's immediate family, holds no position, or to a state, local, or federal government agency, without being claimed as a deduction for tax purposes or;

(3) The official reimburses the donor, donor's agent, or the donor's intermediary from whom the payment was received, in full, or for a portion thereof. If the donor is not reimbursed for the full value of the payment, the value of the gift the official has received is reduced by the amount of the reimbursement.

2 C.C.R. §18942. - Exceptions to Gift and Exceptions to Gift Limits.

(a) For purposes of Sections 82028, 82030, and the gift regulations, except as otherwise indicated, the following payments that otherwise meet the definition of gift as provided in Section 82028, subdivision (a) are neither gifts nor income:

(1) Informational material as defined by Regulation 18942.1. (Section 82028(b)(1).)
(2) A payment that is not used and that, pursuant to Regulation 18941 is returned, donated, or for which reimbursement is paid. (Section 82028(b)(2).)

(3) A payment from: the official's spouse or former spouse; child or step-child; parent; grandparent; grandchild; brother; sister; current or former parent-in-law, brother-in-law, or sister-in-law; nephew; niece; aunt or uncle; including grand nephew, grand niece, grand aunt, or grand uncle, or first cousin including first cousin once removed or the spouse, or former spouse, of any such person other than a former in-law, unless the donor is acting as an agent or intermediary for any person not identified in this paragraph. (Section 82028(b)(3).)

(4) A campaign contribution required to be reported under Chapter 4 of the Act (commencing with Section 84100). (Section 82028(b)(4).)

(5) Any devise or inheritance. (Section 82028(b)(5).)

(6) A personalized plaque or trophy valued at less than $250. (Section 82028(b)(6).)

(7)(A) The cost of home hospitality, as defined in Regulation 18942.2, provided to an official by an individual in the individual's home when the individual is present, unless one of the following provisions applies:

(i) Any part of the cost of the hospitality provided by the host is paid directly or reimbursed by another person.

(ii) Any person deducts any part of the cost of such hospitality as a business expense on any government tax return.

(iii) There is an understanding between the individual extending the hospitality and another person that any amount of compensation the individual receives from that person includes a portion to be utilized to provide gifts of hospitality in the individual's home.

(B) In determining the applicability of subparagraph (A), the following apply:

(i) The cost of providing hospitality does not include any part of the value or rental cost of the home nor does it include any depreciation value on the home where the hospitality is extended.

(ii) An official may presume that the cost of home hospitality is paid by the host unless the host discloses to the official, or it is clear from the surrounding circumstances at the time the hospitality is provided, that a person, other than the host, paid the cost of the hospitality.

(8)(A) Benefits commonly exchanged between an official and an individual who is not a lobbyist who is registered to lobby the official's agency, on a holiday, birthday, or other occasions, including reciprocal exchanges as identified in subparagraph (B) below where benefits are commonly exchanged, to the extent that the value of the benefits exchanged is not substantially disproportionate and includes food, entertainment, and nominal benefits provided to guests at an event, by an honoree or another individual, other than a lobbyist, hosting the event.

(B) Reciprocal Exchanges made in a social relationship between an official and another individual, who is not a lobbyist who is registered to lobby the official's agency, with whom the official participates in repeated social events or activities such as lunches, dinners, rounds of golf, attendance at entertainment or sporting events, where the parties typically rotate payments on a continuing basis so that, over time, each party pays for approximately his or her share of the costs of the continuing activities, so long as the total value of payments received by the official within the calendar year is not substantially disproportionate to the amount paid by the official. If the official receives a disproportionate amount relative to what the official paid, the official has received a gift for the excess amount. This reciprocal exchange payment provision does not apply to any single payment that is equal to or greater than the amount specified in Regulation 18940.2.

(9) Leave credits, including vacation, sick leave, or compensatory time off, donated to the official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer and available to all employees in the same job classification or position except for donations of cash.
(10) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if the payments are available to members of the public without regard to official status.

(11) Payments for campaign activities as specified in Regulation 18950.4.

(12) A ticket provided to an official and one guest of the official for his or her admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose at which the official performs a ceremonial role on behalf of his or her agency, as defined in Regulation 18942.3, so long as the official's agency complies with the posting provisions set forth in Regulation 18944.1, subdivision (d). Any official who attends the event as part of his or her job duties to assist the official who is performing the ceremonial role has not received a gift or income by attending the event.

(13) A prize or award received in a manner not related to the official's status in a bona fide contest, competition, or game of chance. A prize or award that is not reported as a gift shall be reported as income unless the prize or award is received as a winning from the California State Lottery.

(14) Benefits received as a guest attending a wedding or civil union so long as the benefits are substantially the same as the benefits received by the other guests attending the event.

(15) Bereavement offerings typically provided in memory of and concurrent with the passing of a spouse, parent, child, or sibling or other relative of the official.

(16) Acts of Neighborliness. A service performed, such as a loan of an item, an occasional needed ride, personal assistance in making a repair, bringing in the mail or feeding the cat while the official is away, and other similar acts of ordinary assistance consistent with polite behavior in a civilized society that would not normally be part of an economic transaction between like participants under similar circumstances.

(17)(A) Bona Fide Date or Dating Relationship. Personal benefits commonly exchanged between people on a date or in a dating relationship, unless the individual providing the benefit to the official is listed under (D)(i-iii) below. If the benefit is from an individual listed under (D)(i-iii) the benefit is a gift that is not reportable or subject to limits but the aggregate value is subject to the Act's conflict of interest provisions if the value meets the amount specified in Regulation 18940.2.

(B) Acts of Human Compassion. Payments provided to an official, or an official's family member, by an individual to offset family medical or living expenses that the official can no longer meet without private assistance because of an accident, illness, employment loss, death in the family, or other unexpected calamity; or to defray expenses associated with humanitarian efforts such as the adoption of an orphaned child, so long as the source of the donation is an individual who has a prior social relationship with the official of the type where it would be common to provide such assistance (such as a relative, long-term friend, neighbor, co-worker or former co-worker, member of the same local religious or other similar organization, etc.), or the payment is made without regard to official status under other circumstances in which it would be common to receive community outreach, unless the individual providing the benefit to the official is listed under (D)(i-iii) below.

(C) A payment provided to an official by an individual with whom the official has a long term, close personal friendship unrelated to the official's position with the agency, unless the individual providing the benefit to the official is listed under (D)(i-iii) below.

(D) The limitations placed on the exceptions contained within this paragraph (17) apply to the following persons:

(i) A lobbyist, lobbying firm, lobbyist employer, or other person required to file reports under Chapter 6 (commencing with Section 86100) of the Act and who is registered to lobby the official's agency.

(ii) A person who has, or may reasonably foreseeably have, a contract, license, permit, or other entitlement for use pending before the official's agency, and for 12 months following the date a contract is signed or a final decision is rendered in the proceeding, if the official makes or participates in making a governmental decision, as defined in the Act's conflict of interest regulations (Regulation 18702 et seq.) regarding the contract, license, permit, or other entitlement for use.
(iii) A person, or an agent of a person, involved in a licensing or enforcement proceeding before a regulatory agency that employs the official and in which the official may reasonably foreseeably participate, or has participated, within 12 months of the time the gift is made.

(18) Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made that the official makes or participates in the type of governmental decisions that may have a reasonably foreseeable material financial effect on the individual who would otherwise be the source of the gift.

2 C.C.R. §18942.1 - Definition of “Informational Material.”

“Informational material” means any goods or service that serves primarily to convey information and that is provided to the official for the purpose of assisting him or her in the performance of his or her official duties or the duties of the elective office he or she seeks. Informational material may include:

(a) Books, reports, pamphlets, calendars, periodicals, photographs, audio and video recordings, flash drives, CD-ROMS, or DVD ROMS or other similar recordings, or free or discounted admission to informational conferences or seminars.

(b) Scale models, pictorial representations, maps, and other such items, provided that when the item has a fair market value in excess of the gift limit amount specified in Regulation 18940.2, the burden shall be on the recipient to demonstrate that the item is informational material.

(c) On-site demonstrations, tours, or inspections. Transportation provided to or in connection with an on-site demonstration, tour, or inspection is also considered “informational material” when any of the following apply:

(1) The transportation serves as the means by which the information is conveyed and is integral to the conveyance of the information, such as an aerial tour over an area.

(2) The transportation is provided solely at the site of a demonstration, tour, or inspection, including to and from an area of that site that is legally inaccessible to the public.

(3) The transportation is to or from a site when there is no reasonable, publicly-available commercial transportation available to that site and the transportation provided is limited to the segment for which public transportation is not available.

2 C.C.R. §18942.2 - Definition of Home Hospitality.

Home Hospitality. “Home hospitality” means any benefit received by the official, and the official's spouse and family members when accompanying the official, consisting of food, typical home entertainment, or occasional overnight lodging provided by an individual with whom the official has a relationship, connection, or association unrelated to the official's position and the hospitality is provided as part of that relationship, connection, or association in the individual's home when the individual is present. Home hospitality includes any food provided by other guests at the event and benefits received by the official when the official serves as the host. “Home” includes a vacation home owned, rented, or leased, by the individual for use as his or her residence, including a timeshare with deeded ownership or a continual right-to-use ownership benefit, and a motor home or boat owned, rented, or leased by the individual for use as his or her residence. “Home” also includes any facility in which the individual has a right-to-use benefit by his or her home residency, such as a community clubhouse. Any benefit received, other than the use of the premises, by any guests of the official other than the official's spouse and family members who are present at the request of the official or the official's agent are gifts to the official.

2 C.C.R. §18942.3 - Definition of Ceremonial Role.

A “ceremonial role” is an act performed at an event by the official as a representative of the official's agency at the request of the holder of the event or function where, for a period of time, the focus of the event is on the act performed by the official. Examples of a ceremonial role include: throwing out the first pitch at a baseball game; cutting a ribbon at an opening; making a presentation of a certificate, proclamation, award, or other item, such as the key to the city. The filing officer of a local jurisdiction may
adopt specific policies under this definition that either limit or expand the permissible ceremonial roles for
an official in the local jurisdiction. If the local jurisdiction's filing officer does not have policy-making
authority, the legislative body may adopt a specific policy. If a separate agency policy is adopted, the
policy shall be forwarded to the Commission for posting on the Commission's website.

2 C.C.R. §18943 - Gift to Official Through Family Member.

(c) Absent an exception under Regulation 18942, a payment provided to or for the use of a family
member is a gift to the official under either of the following conditions:

(1) There is no established working, social, or similar relationship between the donor and the family
member that would suggest an association between the donor and the family member suitable or
appropriate for making the type of payment provided to the family member.

(2) There is evidence to suggest the donor had a purpose to influence the official. Evidence to suggest
the donor had a purpose to influence the official exists in any of the following circumstances:

(A) The payment is made to a family member of a state agency official by a donor who is a lobbyist,
lobbying firm, lobbyist employer, or other person required to file reports under Chapter 6 (commencing
with Section 86100) of the Act and who is registered to lobby the official's agency.

(B) The payment is made to a family member of a state or local government agency official by a donor, or
the donor's agent, if the donor is involved in an action or decision before the official's agency, in which the
official will reasonably foreseeably participate or in an action or decision in which he or she has
participated within the last 12 months.

(C) The payment is made to a family member by a person who has a contract with the official's agency or
by a person who engages in a business that regularly seeks contracts with or comes before the agency
for the purpose of receiving a license, permit, or other entitlement and the official may reasonably
foreseeably make or participate in a governmental decision, as defined in the Act's conflict of interest
regulations (Regulation 18702 et seq.), related to the person, or has participated in any decision related
to the person within 12 months of the time the gift is made. For purposes of this subparagraph, a person
who "has a contract with the official's agency" or who "engages in a business that regularly seeks
contracts with or comes before the agency" does not include any individual who has less than a ten
percent interest in the business contracting with or appearing before the agency.

2 C.C.R. §18944.2 - Agency Raffles and Exchanges of Presents.

(b) Agency Raffles.

(1) When an agency holds an employee raffle and the item awarded in the raffle has been received by the
agency from a source other than an agency employee and the agency did not purchase the item from its
funds, the item is a gift from the source who provided the item to the agency to the official who wins the
item, and the agency is the intermediary of the gift. The value of the gift is the fair market value less any
consideration that the official paid to participate in the raffle. If the value of the gift is $50 or more, the
agency and the official shall comply with Section 87210 or Section 87313 if applicable.

(c) Exchanges of Presents Among Agency Employees. When an employee of an agency receives a
present in an exchange of presents, where all participants in the exchange are agency employees, any
present received by the official in the exchange is not a gift so long as the present received is provided by
another employee of the agency and is not substantially disproportionate in value from the item provided
by the official.

(d) This regulation does not apply to a ticket or pass of the type described in Regulation 18944.1, which
shall be governed by that regulation, if the ticket or pass is provided from a source other than an agency
employee.


For purposes of the gift limits in Sections 86203 and 89503, and the Act's reporting requirements,
separate gifts from two or more sources are aggregated as being from a single source in any of the
following circumstances:
(a) The separate gifts are from an individual and an entity in which the individual has an ownership interest of more than 50 percent unless the individual did not direct and control the gift from the entity. An individual who has an ownership interest of more than 50 percent is presumed to direct and control the gift from the entity. This presumption may be rebutted if the payment is made by another individual who, in fact, directed and controlled the payment.

(b) The separate gifts are from an individual and an entity and the individual in fact directed and controlled the decision of the entity to make the gift.

(c) The gifts are from two or more entities and the same person or a majority of the same persons directed and controlled the decisions of the entities to make the gifts to the official.

(d) Business entities in a parent-subsidiary relationship, or business entities with the same controlling (more than 50 percent) owner, shall be considered a single source unless the business entities acted independently in their decisions to make the gifts. For purposes of this regulation, a parent-subsidiary relationship exists when one business entity owns more than 50 percent of another business entity.

2 C.C.R. §18946 - Valuation of Gifts.

(a) General Gifts. Except as specified in subdivisions (b) and (c), a gift is valued at fair market value as of the date of receipt. Sections 18946.1 through 18946.5 provide for the valuation of specific types of gifts in the following situations:

Ticketed Events - See Regulation 18946.1
Invitation-Only Events - See Regulation 18946.2
Wedding Gifts - See Regulation 18946.3
Tickets to Nonprofit and Political Fundraisers - See Regulation 18946.4
Air Transportation - See Regulation 18946.5

(b) Unique Gifts. Whenever the fair market value of a gift cannot be determined because the gift is unique or unusual, the official must make a reasonable approximation. In making such an approximation, the official must take into account the price of similar items. If similar items are not available as a guide, a good faith estimate shall be utilized.

§ 18946.2. Exception — Valuation of Gifts: Attendance at Invitation-Only Events.

(e) Drop-In Visit. Except as provided in subdivision (f) of this regulation, if an official attends an invitation-only event and does not consume any meal or stay for any entertainment and consumes only minimal appetizers and drinks, the value of the gift received is the value of any specific item, other than food, presented to the official and guest accompanying the official at the event.

(f) Lobbyists, Lobbying Firms, and Lobbyists Employers. When an official attends an invitation-only event sponsored by any person required to file a periodic statement under Article 1 of Chapter 6 of the Act, the value of the gift is determined pursuant to the provisions of Regulation 18640.

For purposes of this regulation, "entertainment" means a feature show or performance intended for an audience, and does not include music provided for background ambiance.

2 C.C.R. §18946.4 - Valuation of Gifts: Attendance at Nonprofit or Political Organization Fundraising Event.

This regulation establishes the value of a ticket, or admission by invitation, when the ticket or invitation to attend is to a fundraising event for a nonprofit or political organization.

(a) Nonprofit Fundraiser. Except as provided in subdivision (b), the value of a ticket or admission by invitation, to a fundraising event for a non-profit, tax-exempt organization that is not a committee covered by subdivision (c) is determined as follows:

(1) When the ticket clearly states that a portion of the ticket price is a donation to the organization, or the organization provides information indicating the portion of the admission price that constitutes the donation, the value of the ticket is the nondeductible portion of the admission.
(2) If there is no ticket, or other official information provided by the organization, indicating the value of the nondeductible portion of the admission, the value of the admission is the pro-rata share of the cost of any food, catering services, entertainment, and any other item provided to the official that is available to all guests attending the event, as determined under Regulation 18946.2 for invitation-only events. Any other specific benefit provided to the official at the event, such as golf green fees, is valued at fair market value.

(b) 501(c)(3) Organization Fundraiser. When the event is a fundraising event for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, the organization may provide two tickets or invitations per event to an official that shall be deemed to have no value. Additional tickets or admissions by invitation provided to or controlled by the official and any tickets not provided directly by the 501(c)(3) organization to the official are valued under subdivision (a) above.

(c) Political Fundraiser. For a ticket or invitation to attend a fundraising event for a committee defined in Section 82013(a), or a comparable committee regulated under federal law or the laws of another state, the committee or candidate may provide two tickets or invitations per event to an official that shall be deemed to have no value. Additional tickets or admissions by invitation provided to or controlled by the official and any tickets not provided directly by the committee or candidate to the official are valued under subdivision (a) above.