

INTERPRETIVE RULING 2016-1  
{Revised with additional information}  
(March 21, 2016)

**Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.**

**Receipt by Legislators of Unsolicited Books and Other Items**

Questions have arisen about whether legislators may lawfully accept unsolicited books, CDs, DVDs, or similar materials.

Under RSA 14-C:3, “Gifts” to legislators are prohibited, unless specifically exempted by law. Transfers by third persons to legislators of non-monetary items of value are prohibited, unless the item is worth \$50 or less, or otherwise qualifies for a specific statutory exemption from the definition of “gift.” In some instances, an item is not worth what is shown as the list price of the item. Under RSA 14-C:3, XI, an item’s value is defined as “the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.” This means that if a book, CD, DVD, or similar item is widely available from Internet sources, for example, for a price of \$50 or less, a legislator can accept it.

Another available exemption allows the acceptance of “(o)bjects or services which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.” [14-C:2, IV(b)(5)] Under this exemption, such objects or services may be accepted even when valued at more than \$50.

When a legislator receives an unsolicited item that is valued at more than \$50 and does not qualify for a specific statutory exemption from the definition of gift, the legislator can avoid violation of the prohibition on the acceptance of gifts by discarding the item. Legislators may also return the item to the giver (but are not required to incur any cost in doing so) or give the item to another individual who is not a family member or donate it to an entity such as a museum, library, or non-profit organization, provided no benefit accrues to the legislator or the legislator’s family member.

The Committee hopes that this interpretation is helpful. In specific cases, if there is doubt about whether an unsolicited gift may be accepted, legislators should request an Advisory Opinion from the Committee.

Honorable Donna Sytek, Chairman

Senator Sharon M. Carson, Vice Chairman  
Representative Janet G. Wall  
Senator Martha Fuller Clark  
Representative David A. Welch  
Honorable John A. Graham  
Attorney David H. Bradley

For the Committee,  
Donna Sytek  
Chairman

*[Vote: 7-0]*