



State Ethics Commission

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November 2025

As public servants, we all have the honor of serving the citizens of North Carolina. The staff of the Ethics Commission thank you for your efforts in ensuring that North Carolina officials represent the needs and interests of those citizens. Happy holidays to you!

William Freeman, Chair

Kathleen Edwards, Executive Director

Ethics Act Gift Ban

The holidays are almost here, and you all know what that means...hot cocoa, holiday lights, fireside family gatherings and gift ban questions! At the risk of casting Scrooge's shadow over the festivities, remember that holiday celebrations and gift-giving this year are still subject to the gift ban of the Ethics Act and Lobbying Law. This newsletter summarizes the gift ban and provides information to help you navigate gift-giving this holiday season. As always, if you have any questions or doubts about what may or may not be allowed, please contact our office and we will be happy to assist you.

What is the Gift Ban?

The Ethics Act prohibits public servants, legislators, and legislative employees from accepting gifts from lobbyists and lobbyist principals, and public servants from accepting gifts from those doing or seeking to do business with the State, unless a gift ban exception applies (See G.S. 138A-32). Likewise, the Lobbying Law prohibits lobbyists, lobbyist principals, and liaison personnel from giving gifts to those individuals. (See G.S. 120C-303 and -501).

What is a Gift?

A gift is anything of monetary value given or received without valuable consideration. In North Carolina, there is no allowance for *de minimis* or small gifts, so all gifts from givers listed above (even candy canes!) are prohibited unless an exception applies.



Holiday Gift Ban Q & A

Q: Are holiday greeting cards gifts?

A: No, holiday greeting cards alone are not considered gifts and may therefore be exchanged without violating the gift ban.

Q: What about gifts from family members?

A: Gifts from extended family members or members of the same household are allowed as long as they are not given for lobbying purposes, but the gifts may need to be reported if they are from a registered lobbyist.

Q: I'm a Public Servant/Legislator/Legislative Employee; can I ask my employees to contribute to a local charity instead of giving me a holiday gift?

A: No, covered persons are generally prohibited from soliciting charitable donations from subordinate State employees, although generic written solicitations sent to all employees are allowed.

Q: What should I do if I receive a prohibited gift?

A: Promptly decline or return it, pay fair market value for it, or donate it to a charity or the State. And make sure you document your return of the gift and get a receipt if you opt to pay for it or donate it to charity.

Q: What should I do if I'm uncertain about whether I can give/receive a gift?

A: If you have any questions or doubts, please contact the State Ethics Commission staff and we will be happy to assist you.

Q: May I attend a holiday party hosted by my neighbor, a lobbyist?

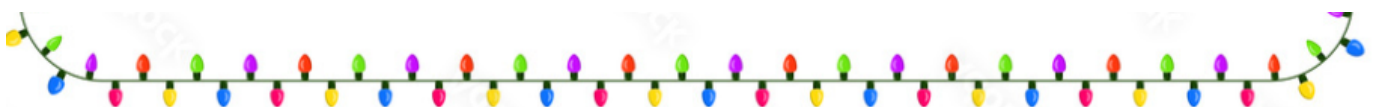
A: Since the food and beverages are being given by a lobbyist, a gift ban exception must apply before you join in the merriment. One exception allows gifts given as part of a business, civic, religious, fraternal, personal, or commercial relationship if: (1) that relationship is not tied to your public position; and (2) the gift is not given to lobby you. Here, since you were invited to the party because you are a neighbor, and not because you are a public servant, and you are being given the same food and beverages as all attendees, you may accept the food and beverages.

Who is Covered?

Not sure if the gift ban applies to you? Names of covered persons and boards can be found at <https://ethics.nc.gov/coverage>

Who are Lobbyists & Principals?

Search for registered lobbyists and lobbyist principals at: <https://sosnc.gov/divisions/lobbying>





Hero Corner

Because Ethics Liaisons are our Heroes!

Help! Don't leave us out in the cold. Did you know that our database system is not automated? We rely on Ethics Liaisons to inform us when an agency has changes to covered persons, or a member joins or leaves a board or commission. Keeping us up to date helps us maintain accurate public lists of officials and avoid sending compliance notices to those who are no longer serving or new to their position.

Updates can be submitted directly to our webform at: <https://ethics.nc.gov/ethics-liaison/new-covered-person-or-ethics-liaison-form> If you cannot use the webform, you may email updates to SEI@ethics.nc.gov.

Please include:

- The date the change is effective, or start/end dates for board members,
- The Appointing Authority and the filer's board position,
- Who the new member or employee replaces, &
- The new member's contact information.

Happy Holidays!



State Ethics Commission Members: Bill, Jim, James, Kevin, Larry, Lee, Renee, and Tom

Staff: Aaron, Angela, David, Jameson, Jane, Kathy, Katie, Mary, Susy, and Tracey

