

**January 19, 1996**

**Advisory Opinion 1996 - No.2**

**QUESTION**

Political party organizations have traditionally provided legislators and legislative candidates with complimentary admission to party events. Similarly, legislators and legislative candidates sponsoring campaign fundraising events have traditionally provided each other with complimentary admission to these events. Does the State Ethics Act, Chapter 42.52 RCW, prohibit the acceptance of these traditional complimentary admissions?

**OPINION**

The answer is no. Free admissions would not be "gifts" under the Act and therefore would not be subject to the Act's restrictions of "gifts." In reaching this conclusion, we assume that admissions would be truly complimentary and that no admission payments would be made by third parties.

**ANALYSIS**

While the Act does not contain specific language dealing with the acceptance of the complimentary admission specified in the question, it does contain provisions indicating generally that acceptance of such admission would not violate the Act. The prohibitions and limitations on certain gifts found in the Act are designed to avoid situations, both real and perceived, where receipt of an item would unduly influence a legislator or be considered a reward for official legislative action or inaction (RCW 42.52.140). Consistent with this intent, the Act excludes from the gift definition, and therefore from the gift prohibitions and limitations, things of economic value for which consideration is given (RCW 42.52.010(9)); items from relatives and friends that are not designed to influence the recipient (RCW 42.52.010(9)(a)); and campaign contributions (RCW 42.52.010(9)(h)).

Legislators have traditionally been requested by political parties and legislative candidates to appear at party functions and legislative fundraisers. Legislators are often part of a host committee or have some other role in supporting the event. At the least, their attendance is requested to show support for the party or the candidate. It is also customary and accepted practice not to charge these individuals or to offer them a reduced charge in exchange for their presence. The Act is not intended to alter this political relationship between the political parties, legislators and legislative candidates.

If, however, a third person pays for attendance, a gift analysis applying the Act's gift

prohibitions and limitations will likely be appropriate. We will consider a third person to have paid for the attendance if the person has purchased the authorization (such as a "complimentary ticket") for the legislator or legislative candidate to attend. If such a purchase occurs, we would not consider the admission to be complimentary. In addition, attendance would not be complimentary if there is any kind of arrangement, agreement or understanding that payment by a third person would pay for or help pay for attendance by a legislator or a legislative candidate.

The Board cautions that this opinion is limited to a *gift* analysis pursuant to the Act (RCW 42.52). Attendance at political party or Political Action Committee events, or campaign fundraisers, may raise questions implicating the campaign financing laws (RCW 42.17) and the Public Disclosure Commission should be contacted for guidance.