

Delaware Gift Laws

FINANCIAL DISCLOSURE	CODE OF CONDUCT	LOBBYING STATUTE	CRIMINAL LAW	EXECUTIVE ORDER 1
<p>Applies to: State "Public Officers" - All three branches and candidates for State office</p> <p>29 <u>Del. C.</u> § 5812</p>	<p>Applies to: "State employees, officers and honorary officials" & local gov'ts that do not adopt their own Code</p> <p>29 <u>Del. C.</u> § 5802(4).</p>	<p>Applies to: Lobbyists who must report gifts to "State employees," members of the General Assembly and "State agencies"</p> <p>29 <u>Del. C.</u> § 5831</p>	<p>Applies to: "Public Servants"- State & local employees & officers; judges; jurors, advisors or consultants for gov't functions; candidates</p> <p>11 <u>Del. C.</u> § 1206 & § 1209(4)</p>	<p>Applies to: Cabinet Secretaries, Division Directors or Equivalents, & Governor's Professional Staff</p> <p>Order No. 1</p>
<p>Requirement:</p> <p>Report "gifts" of more than \$250</p> <p>29 <u>Del. C.</u> § 5813(e)</p>	<p>Requirement:</p> <p>Restricted from accepting other employment, any compensation, gift, payment of expenses, or any thing of value if it may result in: (1) impaired judgment; (2) preferential treatment; (3) decisions outside official channels; or (4) improper appearance</p> <p>29 <u>Del. C.</u> § 5806(b^(u))</p>	<p>Requirement: List total expenditures on food, refreshment, entertainment, lodging, travel, recreation, gifts or contributions on employees or members of State agency and list recipient if expenditure is more than \$50 per day</p> <p>29 <u>Del. C.</u> § 5806(b)</p>	<p>Requirement: A public servant is guilty of receiving unlawful gratuities if the public servant solicits, accepts or agrees to accept a personal benefit for engaging in official duties which the public servant is required or authorized to perform, and for which the public servant is not entitled to special or additional compensation.</p> <p>11 <u>Del. C.</u> § 1206</p>	<p>Requirement:</p> <p>Identifies types of gifts from lobbyists that may or may not be accepted.</p> <p>Order No. 1</p>

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<p>"Gift" definition</p> <p>"A payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received."</p> <p>29 Del. C. § 5812(o)</p>	<p>No statutory definition of "gift." Commission uses plain and ordinary meaning for gift, but law also covers anything of monetary value.</p>	<p>No statutory definition of gift.</p>	<p>No statutory definition of gift.</p>	<p>"Gift" definition</p> <p>Same as Financial Disclosure law.</p> <p>Order No. 1</p>
<p>Administering Agency: Public Integrity Can Refer to AG to prosecute</p>	<p>Administering Agency: Public Integrity</p>	<p>Administering Agency: Public Integrity</p>	<p>Administering Agency: Attorney General</p>	<p>Administering Agency: Public Integrity</p>

Note: Agencies may adopt gift rules that are more stringent than the State Code of Conduct. Employees and officials should check with their agencies to insure they are in compliance with those policies.

1. **Merit Rules, Chapter 15** contains similar language. While the Code of Conduct applies to all employees, officers and officials in the Executive Branch, the Merit Rule applies to Merit employees. The Merit Rules are available at: <http://www.delawarepersonnel.com/mrules/>