

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement •• Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

March 1, 1984

John S. Klemanski
Assistant Professor
Department of Political Science
University of Detroit
4001 W. McNichols Road
Detroit, MI 48221

Re: Your Request for Advice, Our
Advice No. A-84-039

Dear Professor Klemanski:

I am writing in response to your letter asking the following questions:

1. Does the State of California allow an elected official to have an Officeholder's Expense Fund (a separate account for expenses incidental to holding office)?
2. Does the State provide its state legislators with an expense account? If it does, what is the amount of the account and is disclosure required?

Discussion

1. In California, elected officials do not normally have separate Officeholder's Expense Funds. An officeholder may use his or her campaign funds to make payments which are related to his or her status as an officeholder; such expenditures are reported on the official's campaign reports. Officeholder related expenses which are paid out of personal funds, rather than campaign funds, are not reported unless they are political - an officeholder who buys a sofa for his office doesn't report that as a campaign expenditure. (See California Government Code Section 82025, Elections Code Section 12400, et seq., 2 Cal. Adm. Code Section 18225 (copy enclosed), and Form 420, Schedule E (copy enclosed).)

2. Your question concerning the state legislators' expense accounts should be directed to the Office of Legislative Counsel, State Capitol, Room 3021, Sacramento, California

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95814. The Political Reform Act (Section 81000, et seq.) does not require expenses paid from this account to be reported because the funds cannot be used for political purposes.

If you have any additional questions, please feel free to contact me at 916/322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel, Legal Division

JSM:km
Enclosures



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4001 W. McNichols Road, Detroit, Michigan 48221

Telephone: (313) 927-1000

February 7, 1984

State of California
Fair Political Practices Commission
Sacramento, Cal. 95814

To Whom It May Concern:

The State of Michigan Campaign Finance Act (1976) provides for, in part, an Officeholder's Expense Fund (OEF). This Fund allows state elected officials to create a separate account for expenses "incidental to holding office."

Does your state have any provision for such a fund? Or is a fund like this prohibited? Does the state provide an expense account for its state legislators? If so, in what amount? Is disclosure required?

In addition to the above questions, I am also interested in the citations for any relevant portions of your campaign finance statute. Thank you in advance for your cooperation. Please bill me for any costs associated with reproducing any materials you may send.

Sincerely,

John S. Klemanski
Assistant Professor
Dept. of Political Science