



# California Fair Political Practices Commission

January 22, 1990

Ruben S. Ayala  
State Senator, 34th District  
P.O. Box 7177  
San Bernadino, CA 92411

RE: Your Request for Advice  
Our File No. A-90-754

Dear Senator Ayala:

You have requested advice concerning the legality of sending lottery tickets to your volunteers. While your request asks whether certain acts are "legal," please note that our advice pertains only to the applicability of the Political Reform Act.<sup>1</sup> You should consult your own attorney or the Attorney General as to the applicability of other laws.

#### QUESTIONS

1. May you send California Lottery tickets to individuals who were volunteers on your November election campaign?
2. May you use campaign funds to pay for the tickets?

#### CONCLUSIONS

1. The Act does not prohibit you from sending your volunteers lottery tickets.
2. Assuming that the total value of gifts given to the any individual volunteer in a calendar year does not exceed \$250, the Act does not prohibit your plan to use campaign funds for the purchase of a lottery ticket for each of your volunteers.

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS


Nothing in the Act prohibits the sending of lottery tickets to campaign volunteers. The use of campaign funds, however, is regulated by Sections 89512-89521 which include restrictions on the use of campaign funds to purchase personal gifts. (Section 89513(f).)

A gift is "any payment to the extent that consideration of equal or greater value is not received . . ." (Section 82028.) Lottery tickets given to campaign volunteers would be gifts. Campaign funds may not be used to make gifts unless the gift is directly related to a political, legislative or governmental purpose. (Section 89513(f).) Gifts to campaign committee workers totalling less than \$250 in a calendar year are deemed directly related to such purposes. The value of a lottery ticket is its fair market value, here the \$1.00 purchase price. (Regulation 18726(a), copy enclosed.) So long as the giving of lottery tickets does not cause the total gifts given to an individual volunteer to be \$250 or more in the calendar year, the giving of a lottery ticket is deemed directly related to a political, legislative or governmental purpose. Under these circumstances, you may use campaign funds to pay for lottery tickets that will be gifts to your volunteers.

If you have any further questions regarding this matter please contact me at (916) 322-5901.

Sincerely,

Scott Hallabrin  
Acting General Counsel

By:   
Mark T. Morodomi  
Counsel, Legal Division

SH:MTM:dg

Enclosures