



California Fair Political Practices Commission

December 2, 1991

Susan F. Mejia, Treasurer
Friends of Chris Chandler
1227 Bridge Street, Suite E
Yuba City, CA 95991

Re: Your Request for Informal Assistance
Our File No. I-91-455

Dear Ms. Mejia:

This is in response to your request for guidance pertaining to permissible uses of campaign funds under the Political Reform Act (the "Act").¹ Your letter, written on behalf of Assemblymember Chris Chandler, requests advice of a general nature regarding expenditures for travel; hence, we are treating your inquiry as a request for informal assistance.²

QUESTION

May travel expenses incurred by Assemblymember Chandler and his family to attend another legislator's fundraising event and to spend two days after the event in the area be paid for with campaign funds?

CONCLUSION

Under Section 89513(a)(1) and (2), expenditures for travel and accommodations must be directly related to a political, legislative or governmental purpose; any such expenditure which

¹ 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.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

would meet standards similar to the Internal Revenue Code requirements for business travel deductions are considered to be directly related to a political, legislative, or governmental purpose.

FACTS

Assemblymember Chris Chandler is contemplating air travel to attend, with his family, a political fundraiser hosted by another legislator. Mr. Chandler plans to remain in the locale to which he and his family are travelling for two days after the fundraising event. He is concerned about use of campaign funds to pay for the anticipated travel and accommodations. The analysis below is offered in a prospective sense only; the legal division of the Fair Political Practices Commission does not comment on past conduct.

ANALYSIS

Section 89513(a) pertains to use of campaign funds for travel expenditures by candidates and elected officers. The basic rule is that there must be a direct relation between the expenditure for travel and a political, legislative, or governmental purpose. However, Section 89513(a) adds the following to the basic rule:

(1) For the purposes of this section, payments or reimbursements for travel and necessary accommodations shall be considered as directly related to a political, legislative, or governmental purpose if the payments would meet standards similar to the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the Internal Revenue Code for deductions of travel expenses under the federal income tax law.

(2) For the purposes of this section, payments or reimbursement for travel by the household of a candidate or elected officer when traveling to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate's or elected officer's travel.

Internal Revenue Code Section 162(a)(2) allows the deduction of all "ordinary and necessary" traveling expenses while away from home in the pursuit of a trade or business. Thus a travel expenditure (which would include expenditures for accommodations and food as well as for transportation) would be permissible under Section 89513(a)(1) if it were an ordinary and necessary expense for a political, legislative or governmental purpose. A fundraising event such as the one you describe in your letter would be considered an ordinary an necessary expense for a political, legislative, or governmental purpose.

However, accommodations and food for a two-day family vacation subsequent to the fundraising event would not meet the "ordinary and necessary" test of the Internal Revenue Code because there is no political, legislative, or governmental purpose in staying for the two extra days. Thus, campaign funds could not be spent for that part of the trip.

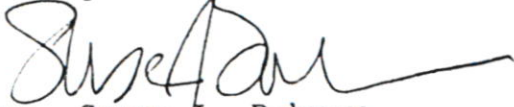
Under Section 89513(a)(2), members of the household of the candidate or elected official who are travelling to the same destination in order to accompany the candidate or elected officer are subject to the same rules as those applicable to the candidate or elected officer. Members of a household include the spouse, dependent children, and parents residing with the candidate or elected officer. (Section 89511(b)(3).)

Staff is currently developing regulations which deal specifically with use of campaign funds for travel. We expect that these regulations will be adopted within the next few months, and suggest that you check with us as to the permissibility of specific travel expenditures which may be covered by those regulations.

I trust the above answers your question. If you are in need of further information, please do not hesitate to contact me at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel


By: Susan L. Bobrow
Counsel, Legal Division

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