



# California Fair Political Practices Commission

April 18, 1994

Honorable Linda M. Calandra  
City Councilmember  
City of Fresno  
City Hall  
2600 Fresno Street  
Fresno, CA 93721-3600

Re: Your Request for Advice  
Our File No. A-94-132

Dear Councilmember Calandra:

This is in response to your letter requesting advice regarding your responsibilities under the "personal use" provisions of the Political Reform Act (the "Act").<sup>1</sup>

## QUESTION

May campaign funds be used to pay for fees (and associated travel) for an educational program called the Women's Campaign School, a program that will be cosponsored by the Women's Studies Program at Yale University?

## CONCLUSION

You may use campaign funds to pay for the program (and associated travel) because the payment would be considered directly related to a political purpose.

## FACTS

You have asked whether you may use campaign funds to pay for travel and fees (which includes accommodations) for a program cosponsored by the Women's Studies Program at Yale University,

<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, Sections 18000-18954. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

The program is intended to assist women in entering the political process as candidates and campaign staff. The registration fee for the program is \$600.

#### ANALYSIS

The general rule of the new personal use law is that any expenditure of campaign funds must be, at a minimum, reasonably related to a political, legislative, or governmental purpose. (Section 89512.) However, under some circumstances, the personal use law requires a stricter standard. For example, where an expenditure confers a substantial personal benefit on the candidate or officeholder, the expenditure must be directly related to a political, legislative, or governmental purpose.<sup>2</sup> (Section 89521.)

#### Course Fees

Where campaign funds are used to pay for an educational program, it would appear that the candidate receives a personal benefit equivalent to the cost of the program. According to the facts you provided, the registration fee for the program is greater than \$100. Consequently, for the expenditure of campaign funds to be permissible, there must be a direct relationship between the expenditure and a political, legislative, or governmental purpose. (Section 89512.)

Since the program is related to campaign training for candidates, there would be a direct relationship between the expenditure of campaign funds for the program and a political purpose. Consequently, campaign funds may be used to pay fees for the program.

#### Travel To and From the Program

Section 89513(a)(1), which deals with travel, provides:

(a) Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or employees or staff of the committee or the elected officer's governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

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<sup>2</sup> A substantial personal benefit is defined as a direct personal benefit to the candidate or officeholder of \$100 or more. (Section 89511.)

(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.

Thus, the test set forth in Section 89513(a)(2) is whether there is a direct relationship between a governmental purpose and the trip in question. Absent such a relationship, Section 89513(a)(1) precludes the use of campaign funds for travel.

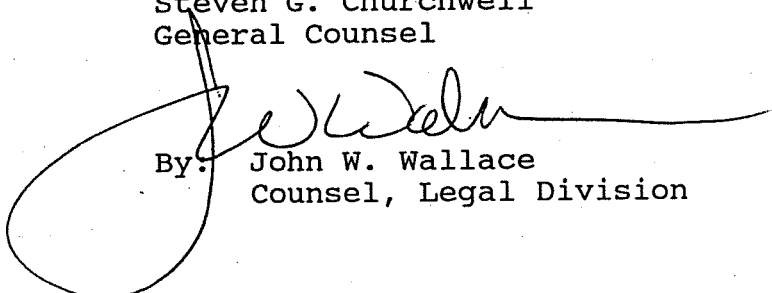
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Since we concluded the program is directly related to a political purpose, campaign funds may be used for ordinary and necessary expenses associated with the travel and accommodations consistent with the Internal Revenue Service standards.<sup>3</sup>

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

Sincerely,

Steven G. Churchwell  
General Counsel

  
By: John W. Wallace  
Counsel, Legal Division

<sup>3</sup> Please see Internal Revenue Code Section 162(a)(2) for general rules regarding ordinary and necessary traveling expenses while away from home in the pursuit of a trade or business. Campaign funds may not be used for personal activities not related to a governmental purpose.