



California Fair Political Practices Commission

September 29, 1994

Timothy J. Mahoney
P.O. Box 22358
Santa Barbara, CA 93121

Re: Your Request for Advice
Our File No. A-94-285

Dear Mr. Mahoney:

You have requested advice regarding the "personal use" provisions of the Political Reform Act (the "Act").¹

QUESTIONS

- 1) Are baby-sitting services, which facilitate your attendance at campaign-related activities, a permissible expenditure of campaign funds?
- 2) If so, how are such expenditures reported on Campaign Statement Form 490?

CONCLUSIONS

- 1) Baby-sitting services which facilitate your attendance at campaign-related activities are permissible if the cost does not exceed \$100.
- 2) The baby-sitting expenditures are reported as campaign expenditures on Form 490, Schedule E.

FACTS

You are considering running for a local city or county elected position. As a candidate, you will be invited to attend public forums with other candidates. You will need to pay for baby-sitting services for your family while you are at speaking engagements. You would like to know if this is a permissible use of your campaign funds.

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

ANALYSIS

Campaign funds are held in trust for the purpose of seeking elective office and may be used only for that purpose. (See Section 89510(b).) Section 89512 provides that:

An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. . . . Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.

Section 89511(b)(3) defines "substantial personal benefit" as:

[A]n expenditure of campaign funds which results in a direct personal benefit with a value of more than one hundred dollars (\$100) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

We believe that expenses incurred in providing a baby sitter for your children while you are campaigning for office are reasonably related to a political purpose. Thus, as long as each payment is less than \$100, it would be permissible.


We cannot say, however, that baby-sitting expenses incurred during campaign activities are directly related to a political purpose. (Cf. Olson Advice Letter, No. A-90-204 (no analysis -- confirmation of oral advice).) Examples of expenditures permitted under this strict "directly related" standard include a councilmember's expenditure of campaign funds to fund the operation of a district office and to provide constituent services which are directly related to a political, legislative or governmental purpose. (Boyer Advice Letter, No. I-91-291.) We have also advised that campaign funds used to pay for an official's retirement party are considered directly related to a political, legislative or governmental purpose. (Anderson Advice Letter, No. A-94-240.)

Therefore, you may use campaign funds for baby-sitting services if there is no substantial personal benefit to you, as defined above.

I trust this answers your questions.

Sincerely,

Steven G. Churchwell
General Counsel

By: 
Jill Stecher
Counsel, Legal Division

SGC:JS:ak