



FAIR POLITICAL PRACTICES COMMISSION

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September 21, 2009

Rev. Darrell L. Sand
2929 Edison Avenue, Apt. 53
Sacramento, California 95821-2450

Re: Your Request for General Information
Our File No. G-09-203

Dear Dr. Sand:

This letter responds to your request for information regarding the campaign provisions of the Political Reform Act (the "Act").¹ Because you are seeking assistance or advice regarding the duties of another person, and you do not appear to be authorized to make the request as the person's representative, we are declining to issue assistance or advice as to your question at this time. (Regulation 18329(c)(4)(C), copy enclosed.) However, we can give you very general information regarding your question. Also, please note that any assistance is based solely on the provisions of the Act. (Regulation 18329(b)(8)(d).)

QUESTION

May state Senator use campaign funds to finance a lawsuit challenging the Governor's use of the veto power?

DISCUSSION

The general rule is that an expenditure of campaign funds must be reasonably related to a political, legislative or governmental purpose. Where an expenditure of campaign funds confers a substantial personal benefit on any individual or individuals

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

with authority to approve the expenditure of campaign funds held by the committee,² the expenditure must be directly related to a political, legislative, or governmental purpose. (Section 89512.5). Section 89514, which specifically addresses expenditure of campaign funds for litigation, provides that:

“Expenditures of campaign funds for attorney’s fees and other costs in connection with administrative, civil, or criminal litigation are not directly related to a political, legislative, or governmental purpose, except where the litigation is directly related to activities of a committee’s activities or out of a candidate’s or elected officer’s activities, duties, or status as a candidate or elected officer”

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Scott Hallabrin
General Counsel



By: Valentina Joyce
Counsel, Legal Division
Legal Division

VJ:jgl

² A “committee” is defined as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year; makes contribution totaling \$10,000 or more in a calendar year; or makes contributions totaling \$10,000 or more in a calendar year to or at the behest of candidates or committees. (Section 82013).