



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

March 10, 2011

Ms. Ina K. Bendis  
Governing Board Member  
Santa Clara Unified School District  
3129 Barkley Avenue  
Santa Clara, CA 95051

Re: Your Request for Advice  
**Our File No. A-11-032**

Dear Ms. Bendis:

This letter responds to your request for advice regarding campaign provisions of the Political Reform Act (the "Act").<sup>1</sup>

### QUESTION

May you use campaign funds to pay for your membership dues of \$71 to join the International Society for Philosophical Enquiry ("ISPE"), a Minnesota-based nonprofit organization whose membership is restricted to individuals of high intelligence as measured by standardized tests?

### CONCLUSION

You stated your membership in ISPE is related to your service on the Santa Clara Unified School District Board because ISPE emphasizes educational achievement and public service and you will use your membership to discuss with other members issues about improving public education. Under the Act, you may use campaign funds for the payment of ISPE membership dues because the payment is reasonably related to a governmental purpose.

### FACTS

You provided the following facts in your request for advice. You serve as a governing board member of the Santa Clara Unified School District ("SCUSD"). Your political campaign

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<sup>1</sup> 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.

account is "Bendis for School Board 2010," committee identification No. 1289597. You ask whether you may use campaign funds to pay the initiation fee of \$21 and first year membership dues of \$50 to join ISPE. ISPE is a Minnesota-based 501(c)(3) nonprofit organization whose membership is restricted to individuals whose Intelligence Quotient (IQ) is at or above the 99.9<sup>th</sup> percentile, which you are qualified to join.

You paid the initiation fee and membership dues on a credit card that you have not used for any personal or campaign purpose during the current billing cycle. You had planned to pay the bill from your campaign account, but are inquiring with the FPPC to see if this expenditure of campaign funds is permissible.

You provide the following reasons why ISPE membership relates to your service on the SCUSD Board of Education:

1. ISPE particularly recognizes academic achievement and public service. You state that unlike most other high-IQ organizations, ISPE provides various levels of advancement that specifically relate to earning additional academic degrees as well as public service.

2. Your candidacy for office on SCUSD's Board particularly related to your unusual level of intelligence and academic achievement. You state that one reason you ran for school board is that you believe unusually intelligent people make unusually correct analyses of complex challenging situations and unusually good decisions based on available data. This message was part of your campaign and resonated with many supporting donors and voters. Related to your unusual intellect, you add that you have an unusually robust education with three Doctoral level degrees (Ph.D., M.D., J.D.) and one Masters level (Stanford Graduate School of Business) degree. You have used this expertise to teach at high school, college and graduate levels. In your view and the view of many donors and voters, these educational achievements directly relate to your robust understanding of 21<sup>st</sup> century educational challenges and issues, and what we need to do to improve public education. You believe that ISPE's nexus tying educational achievement and public service to its membership levels connects ISPE membership to your work as a school board member.

3. You have already used, and will continue to use your ISPE membership to forward your work as a school board member. The most important benefit of ISPE membership for you is members' ability to access others of similarly high intelligence to discuss issues of interest to them by participating in ISPE's Yahoo Group. You have already received informative responses from other ISPE members with interest, knowledge and expertise in education, to specific requests you made there for input regarding public education. You anticipate receiving more input of this nature from fellow ISPE members.

4. Other benefits of ISPE membership are peripheral. The benefits of ISPE membership are summarized on its website, <http://www.thethousand.com>. They primarily consist of participatory access to ISPE's Yahoo Group (see above), subscription to ISPE's publication Telicom, and ability to submit articles to Telicom, which you anticipate doing in the context of

public education issues. You are not aware of any other "personal" benefits from ISPE membership.

### ANALYSIS

The Political Reform Act's provisions concerning the permissible uses of campaign funds are found in Sections 89510-89522. Under these provisions, campaign funds are regarded as separate and distinct from a candidate or officeholder's personal funds. The Act's campaign funds provisions are designed to ensure that campaign funds are used for electioneering and officeholder purposes, and are not expended for the candidate or officeholder's personal purposes.

Section 89510 provides that all "contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office." An expenditure associated with seeking or holding office is within the lawful execution of the trust imposed by Section 89510 if it is *reasonably related* to a political, legislative or governmental purpose. Expenditures that confer a substantial personal benefit on an official must be *directly related* to a political, legislative, or governmental purpose. (Section 89512.) A "substantial personal benefit" means: "an expenditure of campaign funds which results in a direct personal benefit with a value of more than two hundred dollars (\$200) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee." (Section 89511(b)(3).)

While the payment of membership dues to organizations is not expressly set forth in the use of campaign funds statutes, we have advised that such expenditures are permitted so long as they are directly (or reasonably) related to a political, legislative or governmental purpose. If the cost of the membership is less than \$200, the expenditure must be reasonably related to a political, legislative, or governmental purpose. (*Zimmer* Advice Letter, No. I-92-617.)

The Commission has allowed the payment of membership fees with campaign funds in the past. The *Kaloogian* Advice Letter, No. 97-111, concluded that a legislator may use campaign funds or officeholder account funds to pay for the \$50 annual membership dues to join the American Legislative Exchange Council and to attend ALEC's annual convention, because the payment of these expenses is directly related to a legislative or governmental purpose. The *Garcetti* Advice Letter, No. A-93-042, concluded that the Los Angeles District Attorney may use campaign funds to pay membership dues for local bar associations. The *Eckel* Advice Letter, No. A-91-488 concluded that a local official may use campaign funds to pay membership dues to the chamber of commerce. And the *Winger* Advice Letter, No. I-97-185, advised that a county sheriff may use campaign funds or officeholder account funds for service club memberships to the Lions Club, Rotary Club, Kiwanis Club, Sons of Italy and the Italian Catholic Federation.

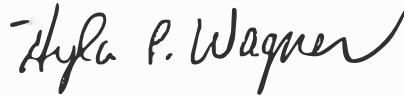
You provided information showing that your membership in ISPE is reasonably related to your service on the SCUSD board because ISPE emphasizes educational achievement and public service and you will use your membership to discuss with other members issues about public

education and to enhance your understanding of 21<sup>st</sup> century educational challenges and what we need to do to improve public education. Because the payment of your membership dues in ISPE is reasonably related to a legislative or governmental purpose, under the Act, you may use campaign funds to pay the \$71 dues.

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

Sincerely,

Scott Hallabrin  
General Counsel



By: Hyla P. Wagner  
Senior Counsel, Legal Division

HPW:jgl