



2009-023

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December 18, 2008

Honorable Demetrius C. Newton
Office of Speaker Pro Tempore
House of Representatives
11 South Union Street, Room 516D
Montgomery, Alabama 36130-2950

Campaign Contributions - Campaign
Expenses - Inaugurations - Legislators

Section 17-5-7 of the Code of Alabama
allows a public official to use excess
campaign funds to cover the costs for
traveling and attending the inaugural
events for the President of the United
States.

Dear Speaker Newton:

This opinion of the Attorney General is issued in response to your
request.

QUESTION

Can legislators use their campaign funds to cover
expenses for traveling and attending the inaugural
events for the President of the United States?

FACTS AND ANALYSIS

Your request states that many legislators from the State of Alabama are
planning to attend the inauguration of the Forty-fourth President of the United
States, and many of these legislators wish to know whether excess campaign
funds in their principal campaign accounts can be used to cover the expenses for
the trip.

The Fair Campaign Practices Act ("FCPA") specifies the ways that campaign funds may be used. Section 17-5-7 of the FCPA states, in pertinent part, as follows:

(a) A candidate, public official, or principal campaign committee as defined in this chapter, may only use campaign contributions, and any proceeds from investing the contributions that are in excess of any amount necessary to defray expenditures of the candidate, public official, or principal campaign committee, for the following purposes:

(1) Necessary and ordinary expenditures of the campaign.

(2) Expenditures that are reasonably related to performing the duties of the office held. For purposes of this section, expenditures that are reasonably related to performing the duties of the office held do not include personal and legislative living expenses, as defined in this chapter.

(3) Donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds. Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U. S. Code.

(4) Transfers to another political committee as defined in this chapter.

(5) *Inaugural* or transitional *expenses*.

ALA. CODE § 17-5-7 (2006) (emphasis added).

This section provides that a candidate, public official, or principal campaign committee may use campaign contributions for inaugural expenses. This term is not defined in the FCPA, and there are no limitations placed on its application. For example, it is not defined as applying to only state-sanctioned

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inaugural events. Accordingly, the term "inaugural expenses" should be given its plain, ordinary, and commonly understood meaning. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997).

The term "inauguration" is defined as "to introduce or induct into an office with suitable ceremonies or solemnities." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1140 (2002). This Office has previously recognized that an inauguration is a government-sponsored event participated in and enjoyed by the public at large and serves as the ceremonial recognition of the beginning of a new term of office for newly elected officials. Opinion to Honorable Wendell W. Mitchell, State Senator, dated March 10, 1995, A.G. No. 95-00146. Thus, inaugural expenses would include the costs of attending an inaugural event. Based on the foregoing, it is the opinion of this Office that section 17-5-7 of the Code of Alabama allows a public official to use excess campaign funds to cover the costs for traveling and attending the inaugural events for the President of the United States.

CONCLUSION

Section 17-5-7 of the Code of Alabama allows a public official to use excess campaign funds to cover the costs for traveling and attending the inaugural events for the President of the United States.

I hope this opinion answers your question. If this Office can be of further assistance, please contact me.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

TK/BFS
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