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ADVISORY OPINION 2016-003

Any Advisory Opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the Advisory Opinion is required. See KRS 121.135(4).

July 12, 2016

VIA FACSIMILE 502.564.0456
AND FIRST CLASS U.S. MAIL

David E. Fleenor
General Counsel
Kentucky State Senate
State Capitol
Frankfort, KY 40601

In re: Campaign Funds/ Allowable Campaign Expenditures (AO 2016-003)

Dear Mr. Fleenor:

This Advisory Opinion is sent in response to your recent request, on behalf of Senator Robert Stivers (Senator Stivers) and similarly situated members of the General Assembly, regarding the use of campaign funds to attend a political party's national convention. The Registry received your advisory opinion request on June 16, 2016. As required by KRS 121.135(5)(a), your request was posted for public comment on June 16, 2016. No public comments were received.

You specifically ask whether Senator Stivers may use funds from his campaign account to cover travel and lodging expenses in attending the Republican National Convention in Cleveland, Ohio from July 18-21, 2016. In so doing, you explain that Senator Stivers' attendance at the convention will enhance the senator's public profile and will be used on campaign materials.


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The short answer is “yes,” so long as Senator Stivers’ representation at the Republican National Convention “provides a direct benefit to his candidacy” and the expenses are “. . . directly and primarily related to his candidacy.” See 32 KAR 2:200, Sections 1(5) and 3. Likewise, any necessary travel and lodging expenses incurred by Senator Stivers to attend the event may be paid for from the campaign account, but the expenses must be reasonable and primarily and directly related to his candidacy. *Id.* at Section 1(4), see also KRS 121.175(1).

By contrast, campaign funds may not be used to bestow a private pecuniary benefit on a candidate, to purchase tickets to an event which is unrelated to a political campaign or candidacy, or to promote or oppose an individual’s candidacy for a leadership position in a governmental, professional or political organization, or other entity. See KRS 121.175(1). Furthermore, any similarly situated member of the General Assembly who uses campaign funds for the event described must be able to independently verify that his or her attendance at the event provided a direct benefit to the individual member’s candidacy.

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request, does not cover past conduct, and only may be applied to cover the conduct in the transaction you describe. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,


EMILY DENNIS
General Counsel

Cc: Registry Members
John R. Steffen, Executive Director