The Georgia Government Transparency and Campaign Finance Commission (the "Commission") has received the following request for advisory opinion from Alexia M. Ryan (Request No. 2014-02).

Questions Presented – No. 2014-02

Whether an inaugural event held more than a month after a runoff election qualifies as an "ordinary and necessary" expense as set out in O.C.G.A. § 21-5-33(a)? Whether there is an appropriate time period after an election during which campaign contributions may be used for special events or whether the guidelines for disposition as set out in O.C.G.A. § 21-5-33(b)(1) apply the day following an election?

Advisory Opinion

The Georgia Government Transparency and Campaign Finance Act (the "Act") provides that

> Contributions to a candidate...shall be utilized only to defray ordinary and necessary expenses...incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office.

See O.C.G.A. § 21-5-33(a).

Under Article 1, the Act defines a "ordinary and necessary expenses" as including, but not limited to

> expenditures made during the reporting period for qualifying fees, office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, attorney fees connected to and in the furtherance of the campaign, and all other expenditures contemplated in Code Section 21-5-33.

See O.C.G.A. § 21-5-3(18).

Pursuant to the statutory provisions outlined above, an inaugural event could be classified as an ordinary and necessary expense incurred in connection with a candidate's fulfillment or retention of the office for which he or she has been elected.

Accordingly, the Commission finds that an inaugural event held over a month after a runoff election qualifies as an "ordinary and necessary" expense as set out in O.C.G.A. § 21-5-33(a). The Act provides no set time limitation on when expenditures can be made and the Commission declines to set one at this time. The Commission does find, however, that the guidelines for

disposition of campaign contributions are not required to be employed the day following the election.

Prepared by Jonathan Hawkins.
July 10, 2014.