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State Ethics Commission of Georgia

ADVISORY OPINION NO. 2007-03 July 26, 2007

REAL OR HYPOTHETICAL SET OF CIRCUMSTANCES

Whether O.C.G.A. § 21-5-33 allows the campaign committee of a superior court judge to use campaign contributions for the judge's retirement party.

ADVISORY OPINION

Under the Ethics in Government Act (Act), contributions to a candidate or public officer may only be utilized to defray ordinary and necessary expenses which are incurred in connection with the candidate's campaign or the public officer's fulfillment or retention of office. See O.C.G.A. § 21-5-33(a).

The Act defines "ordinary and necessary" to include office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, polling, volunteers, reimbursements to volunteers and special events. See O.C.G.A. § 21-5-3(18). To "fulfill" is to (1) bring into actuality or effect; (2) carry out; (3) measure up or satisfy; or (4) bring to an end or complete. American Heritage Dictionary (3rd edition, 1993).

We review definitions in the context of the legislation in which they appear, and as such, we note that the legislature specifically sought to institute and establish a requirement of disclosing expenditures relative to the "seeking" of public offices. See O.C.G.A. § 21-5-2. Further, the Act defines "ordinary and necessary" expenditures as being those expenditures traditionally used for the benefit of a campaign or the actual functioning of a public office, not for the personal benefit of the candidate or public officer. In order for a "special event" to qualify as an ordinary and necessary expense it must be an event related to a campaign, or an event designed to assist the public officer in retaining or fulfilling his or her office (i.e., a gathering to thank campaign workers for working on a campaign, or a meet and greet event with constituents to address their concerns or keep them informed on office activity).

Although one definition of “fulfill” is “to bring to an end,” we believe that fulfillment of office relates to the obligations of the public officer in the context of their public responsibilities, and a retirement party does not fulfill judicial obligations or responsibilities. Therefore, campaign contributions should not be used for the purpose of hosting the retirement party of a judge.

Prepared by Kay Biebel