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**Interpretation of the Secretary of State  
Number 92-2**

Pursuant to the authority granted by NRS 293.247(3), the Secretary of State provides the following interpretation of statutes and regulations governing the conduct of primary, general, special and district elections in this state.

**QUESTION**

Can a candidate use campaign contributions to repay expenses he incurs for lunch meetings and similar activities related to the campaign?

**ANSWER**

A candidate can use campaign contributions to reimburse expenses related to the campaign, provided he or she reports such reimbursement as a campaign expense. A candidate who chooses to declare lunch meetings or other activities as a campaign expense must be prepared to defend the expense as one which furthers the campaign and is not personal use.

**REASONS FOR INTERPRETATION**

The personal use of campaign contributions was prohibited by the 1991 Nevada Legislature. NRS 294A.160 states: "It is unlawful for a candidate to spend money received as a campaign contribution for his personal use." However, the Legislature did not define "personal use." Further, no Nevada court has yet been asked to interpret this statute.

We know from the statutory definition of "campaign expenses" (see below) that any expenditure which furthers the campaign must be reported. There are no guidelines as to whether an expense such as a lunch meeting "furthers the campaign" or is "personal use."

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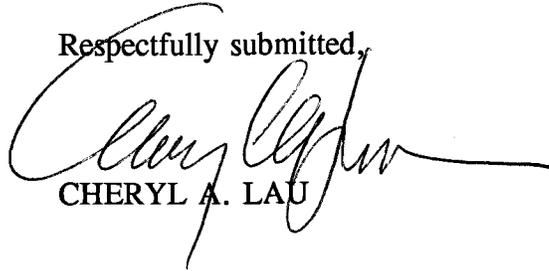
NRS 294A.004 defines campaign expenses as follows:

"Campaign expenses" means all expenditures contracted for or made for advertising on television, radio, billboards, posters and newspapers, and all other expenditures contracted for or made to further directly the campaign for the election or defeat of a candidate or group of candidates or the passage or defeat of a question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity. (Emphasis added.)

It should also be noted that all campaign contributions must be accounted for -- either as campaign expenses or unspent funds remaining after the election -- so that a candidate's account "balances." Therefore, it is the opinion of this office that any use of campaign contributions must be reported as a campaign expense.

However, the Secretary of State does not have the authority pursuant to NRS 293.247(3) to categorize personal uses and "legitimate" campaign expenses.

Respectfully submitted,



CHERYL A. LAU

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