



STATE OF DELAWARE
OFFICE OF THE STATE ELECTION COMMISSIONER

ELAINE MANLOVE, STATE ELECTION COMMISSIONER

March 14, 2014

RE: Request for Advisory Opinion No. 2014-01

By email dated March 11, 2014, you requested an Advisory Opinion on the authorized use of campaign funds. In accordance with 15 *Del. C.* § 8041(2), you provide the following recitation of facts.

A member of New Castle County Council is videotaping the meetings of New Castle County Council to post them to the internet. This is being done in an effort to provide transparency in government meetings and to provide more information to the people with a real-time view of their government in action.

The cost to videotape and post the video to the internet is being paid for by one member of County Council. The Council member advised that the funds used to pay for the service are from campaign funds.

Based on this set of facts, you ask “whether the facts and circumstances surrounding the proposed videotaping in fact constitute authorized campaign expenditures for advertising and publicity under 15 *Del. C.* Section 8020(12).” As explained below, I conclude that the answer is no.

It is central to 15 *Del. C.* § 8020 that campaign expenditures be related to campaigns. That relationship is express in many of the 18 numbered permissible uses of campaign funds. For example, Section 8020 expressly authorizes the use of campaign funds to pay the wages and travel expenses of the candidate and his or her campaign workers. The relationship is implicit in the remaining 18 permissible uses. So, for example, a candidate may not use campaign funds to pay for the rental of office and equipment in his or her private business; the rental expenses must be campaign related. So too the permissible expenditure for advertising and publicity under 15 *Del. C.* Section 8020(12); it must relate to advertising and publicity to support a candidate. As you describe them, the expenses that are the focus of your inquiry are unrelated to any campaign. While it is certainly laudable “to provide transparency in government meetings and to provide

more information to the people with a real-time view of their government in action," such a purpose is simply not related to any campaign. Therefore, a member of county council may not use campaign funds to pay the cost to videotape and post the video of council meetings to the Internet.

I thank you for the opportunity to address your inquiry.

Very truly yours,



Elaine Manlove
State Election Commissioner