

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 3239 (Wendy Carrillo) – As Amended March 21, 2024

SUBJECT: Political Reform Act of 1974: campaign funds: disclosures.

SUMMARY: Permits campaign funds to be used to pay or reimburse airline travel expenses related to an emotional support animal belonging to and traveling with an individual whose travel is authorized to be paid using campaign funds. Specifically, **this bill:**

- 1) Permits campaign funds, whenever campaign funds are permitted to be used to pay or reimburse for airline travel expenses and necessary accommodations under the Political Reform Act (PRA), to be used to pay or reimburse for airline fees related to an emotional support animal, as defined in existing law, belonging to and traveling with an individual whose airline travel may be paid for or reimbursed by campaign funds.
- 2) Requires such payments or reimbursement to be considered for the same purpose as a candidate's or elected officer's travel and be reported as required in accordance with existing law.

EXISTING LAW:

- 1) Creates the Fair Political Practices Commission (FPPC), and makes it responsible for the impartial, effective administration and implementation of the PRA. (Government Code §§81000 et seq.)
- 2) Makes violations of the PRA subject to administrative, civil, and criminal penalties. (Government Code §§83116, 91000-91005.5)
- 3) Provides that all contributions deposited into a campaign committee account are deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office. Provides that an expenditure to seek or hold office is within the lawful execution of this trust if it is reasonably related to a political, legislative, or governmental purpose. Requires expenditures of campaign funds to be reasonably related to a political, legislative, or governmental purpose. Requires an expenditure of campaign funds that confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds to be directly related to a political, legislative, or governmental purpose. (Government Code §§89510 et seq.)
- 4) Authorizes campaign funds to be used to pay or reimburse the candidate, the elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or employees or staff of the committee or the elected officer's governmental agency, for travel expenses and necessary accommodations when these expenditures are directly related to a political, legislative, or governmental purpose. Requires payments or reimbursement for travel by the household of a candidate or elected officer when traveling to the same destination in order to accompany the candidate or elected officer to be considered for the same purpose as the candidate's or elected officer's travel.

(Government Code §89513)

- 5) Requires an expenditure of campaign funds for travel expenses and necessary accommodations of a candidate, elected officer, the candidate or elected officer's representative, or a member of the candidate's household, to be reported on a campaign disclosure report, as specified. (Government Code §89513(a)(4))
- 6) Defines "household" to include the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer. (Government Code §89511(b)(4))
- 7) Defines an "emotional support animal" to mean an animal that provides emotional, cognitive, or other similar support to an individual with a disability, and that does not need to be trained or certified. (Health and Safety Code §122319.5)
- 8) Prohibits campaign funds from being used to pay or be reimbursed for health related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of their households. (Government Code §89513(b)(3))

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

According to the National Institutes of Health, there is increasing recognition of the therapeutic function pets can play in relation to mental health. The presence of an emotional support animal can cause calming effects to individuals at work, school, and home. AB 3239 would allow campaign funds to be used to pay or reimburse airline travel expenses related to emotional support animals.

- 2) **Authorized Use of Campaign Funds and Previous Legislation:** The PRA strictly regulates the use of campaign funds, and contributions deposited into a campaign account are deemed to be held in trust for expenses associated with the election of a candidate or for expenses associated with holding office. PRA provisions restricting the "personal use" of campaign funds are designed to prevent candidates, elected officials, and others who control the expenditures of campaign funds from benefiting privately from their campaign activities. Therefore, existing law requires expenditures of campaign funds to be reasonably related to a political, legislative, or governmental purpose, or directly related to a political, legislative, or governmental purpose in situations where the expenditure confers a substantial personal benefit on any individual with authority to approve the expenditure of campaign funds. A substantial personal benefit means an expenditure of campaign funds which results in a direct personal benefit with a value of more than \$200.

For instance, existing law allows campaign funds to be used to pay for travel or accommodations for a candidate or elected officer when the expenditures are *directly* related to a political, legislative, or governmental purpose. Additionally, existing law authorizes campaign funds to be used to pay or reimburse for travel and accommodation expenses of a

member of the candidate's or elected officer's household, such as a spouse, dependent child, or parents who reside with the candidate or elected officer. All expenditures of campaign funds on travel and accommodations are required to be disclosed on periodic campaign disclosure reports, as specified.

This bill permits campaign funds to be used to pay or reimburse airline travel expenses related to an emotional support animal belonging to and traveling with an individual whose travel may be paid for or reimbursed by campaign funds. As written, this bill allows *any* individual whose travel expenses have been authorized to be paid for or reimbursed by campaign funds to have their emotional support animal's travel expenses paid for by campaign funds. Theoretically, this bill could allow a candidate and a member of a candidate's household who is traveling with the candidate to have their emotional support animals' travel expenses paid with campaign funds. The committee may wish to consider whether such a broad expansion of the use of campaign funds could lead to abuse.

Research by committee staff did not find any FPPC advice letters opining on whether campaign funds can be used to pay or reimburse the travel expenses of an emotional support animal.

- 3) **Emotional Support Animal Definition:** This bill cross references an existing Health and Safety Code definition of the term emotional support animal. Specifically, this bill defines an emotional support animal to mean an animal that provides emotional, cognitive, or other similar support to an individual with a disability, and that does not need to be trained or certified. In other words, no certification or training documentation is required to determine that the animal traveling with the individual is an emotional support animal. The committee may wish to consider whether using campaign funds to pay for the travel expenses of an emotional support animal absent a certification requirement could lead to abuse.
- 4) **Airlines and Emotional Support Animals:** In 2020, the United State Department of Transportation announced that it was revising its Air Carrier Access Act regulation on the transportation of service animals by air to ensure a safe and accessible air transportation system. Notably, the final rule no longer considers an emotional support animal to be a service animal, and permits airlines to treat an emotional support animal as a pet. Although emotional support animals and other pets are not service animals, the rule does not prohibit their transport and an airline may choose to transport them as pets pursuant to its established policy.

Media articles reported that once airline rule changes went into effect, only trained service dogs will be allowed to fly without charge and without being in a carrier and animals that were considered "comfort" or "emotional support" animals — dogs, ducks, rabbits, or others — are no longer allowed on planes without a cost.

- 5) **Related Legislation:** SB 1170 (Menjivar) permits campaign funds to be used to pay or reimburse a non-incumbent candidate for reasonable and necessary mental healthcare expenses if the candidate does not have health insurance or has been denied coverage for mental healthcare expenses by their health insurance, as specified. SB 1170 is set to be heard in the Senate Elections & Constitutional Amendments Committee on April 30, 2024.

AB 2041 (Bonta) authorizes campaign funds to be used for costs related to security expenses,

as defined, to protect a candidate, elected officer, or the immediate family or staff of a candidate or elected officer, as specified. AB 2041 passed out of this committee on a 7-0 vote and is pending on the Assembly floor.

- 6) **Political Reform Act of 1974:** California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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