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John R. Steffen
Executive Director

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October 5, 2018

Josie Raymond, Candidate for State Representative, District 31
3704 Tan Bark Ct.
Louisville, KY 40220

RE: Advisory Opinion Request (Rcvd. 10/01/2018)

Dear Ms. Raymond:

This letter is sent in response to your above referenced request for an Advisory Opinion regarding the following issue:

Are childcare expenses "similar services which are primarily and directly related to the individual's candidacy," as set forth in 32 KAR 2:200? Would childcare workers qualify as campaign staff and their work qualify as "staff services" as laid out in the same statute?

As indicated in our telephone conversation this same date, the Registry is unable to address your question in the context of an Advisory Opinion. An advisory opinion request must ". . . describe a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, posing a hypothetical situation, or regarding the activities of third parties, shall not be considered." See 32 KAR 2:060 §1(2). You state that your campaign has no intention to use campaign funds for the purpose of childcare, but you believe the issue should be clear "so that all parents in Kentucky who either are or are considering running for office are better informed about their options." Because your issue involves a general question of interpretation, the Registry is addressing your request as an informal inquiry instead of an advisory opinion request.

Kentucky's campaign finance law does not specifically address childcare as a permissible campaign expense; therefore, the Registry must consider childcare on a case by case basis in light of KRS 121.175(1), which states, "'Allowable campaign expenditures' means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate . . . and . . . does not include expenditures of funds in a campaign account . . . which would bestow a private pecuniary benefit . . . upon a candidate [or] member of the candidate's family." See KRS 121.175(1). Emphasis added.

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Thus, it is impermissible for a candidate to use campaign funds to pay for childcare expenses that existed prior to their candidacy or occur during the candidacy but have nothing to do with the campaign, as that would bestow a "private pecuniary benefit" on the candidate. However, if the childcare enables the candidate to promote his or her campaign in a reasonable way, then it could be considered an actual expense made directly and primarily in support of the candidate.

The bottom line is if childcare expenses are incurred as a direct result of campaign activity, then the childcare expenses may be permissibly paid with campaign fund.

Thank you for your inquiry. If you have any questions or require additional explanation of this response, please do not hesitate to contact me at 502-573-2226.

Sincerely yours,


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Cc: John R. Steffen, Executive Director