



MAY 2022 QUESTION OF THE MONTH

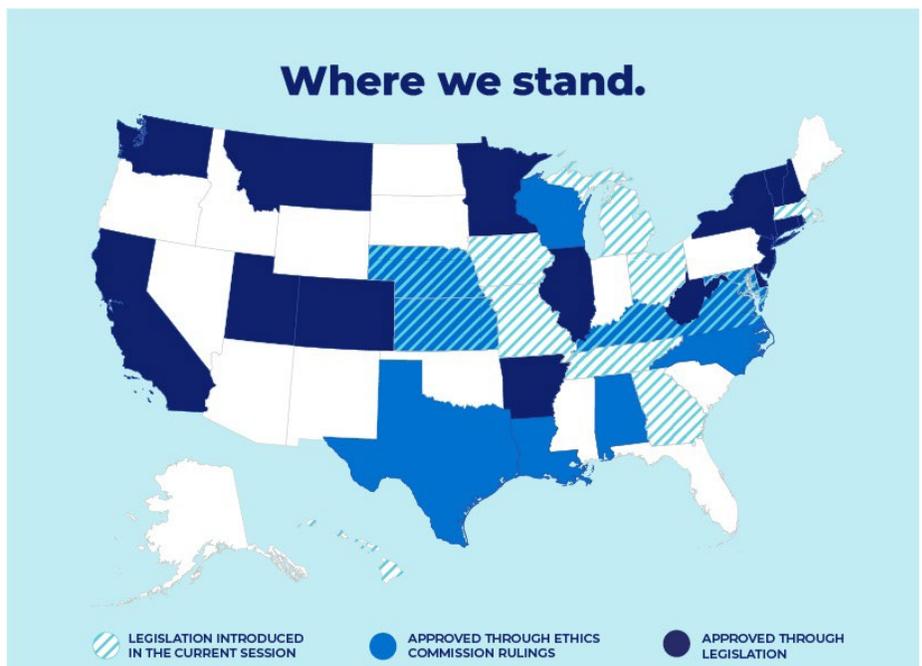
In honor of Mother’s Day, what rules or legislation govern the use of campaign funds for childcare expenses in the 15-state Southern region?

From Mother’s Day to Election Day

Despite being a - nominally - part-time job, state legislators often find themselves working long hours both on the campaign trail and once in office. The unpredictability of regular or special sessions, committee hearings, and other official or campaign events - not to mention their non-legislative careers - can lead to difficulties in work-life balance - especially for those legislators who have young children or other dependents. To assuage these concerns, 16 states allow campaign funds to pay for childcare (CFCC) during the campaign and/or once in office, while another nine permit it through ethics commission rulings. Minnesota was the first state in the U.S. to enact such a law in 1993, while Nebraska followed soon after with an ethics commission ruling in 1994. These bills and ethics opinions enable any child or dependent’s legal guardian to use campaign funds for caregiving services. However, this issue has been cited as disproportionately impacting female legislators, making this an ideal topic to discuss during May - a month to honor the legislative mothers seeking or currently holding public office.

In the CSG South region, two states - **Arkansas** and **West Virginia** - have legislation allowing this use of funds. Another six - **Alabama, Kentucky, Louisiana, North Carolina, Texas,** and **Virginia** - have rulings on the books from their respective states’ ethics authorities permitting this practice. **Arkansas**, the first state in the region

with legislation in place, began allowing these funds for childcare in 2018 after the state Ethics Commission issued Advisory Opinion 2018-EC-001. Building upon this rule, the General Assembly enacted House Bill 1728 in 2021. This campaign finance law update allows campaign funds to pay for childcare - as long as such funds are used for childcare services provided while a candidate is engaging in campaign activities and such expenses are solely due to campaigning. The same year, **West Virginia** enacted House Bill 2927 to allow candidates to use campaign funds for caregiving services, including the direct care, protection, and supervision of a child or other dependent with a disability or medical condition.



Source: "Campaign Funds for Childcare," Vote Mama Foundation, <https://www.votemamafoundation.org/cfcc-about> (2022).

State	CFCC Authority / Citation	Dependent care allowed?	Usage Cap?	Public financing funds allowed?
ALABAMA	Ethics Ruling AO 2018-04	-	-	-
ALASKA	-	-	-	-
ARIZONA	-	-	-	-
ARKANSAS	Ethics Ruling AO 2018-EC-001 , Legislation Act 734 (2021)	-	-	-
CALIFORNIA	Legislation AB 220 (2019)	-	-	Yes
COLORADO	Legislation SB 19-229 (2019)	Yes	-	-
CONNECTICUT	Legislation SB 883 (2021) , Ethics Ruling 2019-02	-	Yes	Yes
DELAWARE	Legislation HB 90 (2021)	-	-	-
FLORIDA	-	-	-	-
GEORGIA	-	-	-	-
HAWAII	-	-	-	-
IDAHO	-	-	-	-
ILLINOIS	Legislation SB 825 (2021)	Yes	-	-
INDIANA	-	-	-	Yes
IOWA	<i>Disallowed</i> per Ethics Ruling AO 2018-02	-	-	-
KANSAS	Ethics Ruling AO 2018-04	-	-	-
KENTUCKY	Ethics Ruling AO 10-01-2018	Yes	-	-
LOUISIANA	Ethics Ruling Dkt. 2018-1210	-	-	-
MAINE	-	-	-	-
MARYLAND	Ethics Ruling 2019-05-16	-	-	Yes
MASSACHUSETTS	-	-	-	-
MICHIGAN	-	-	-	-
MINNESOTA	Legislation HF 201 (1993)	-	-	Yes
MISSISSIPPI	-	-	-	-
MISSOURI	-	-	-	-
MONTANA	Legislation HB 221 (2021)	-	-	-
NEBRASKA	Ethics Ruling AO 146-1994	-	-	-
NEVADA	-	-	-	-
NEW HAMPSHIRE	Legislation HB 651 (2019)	-	-	-
NEW JERSEY	Legislation SB 698 (2020)	-	-	-
NEW MEXICO	-	-	-	-
NEW YORK	Legislation AB 1108 (2019)	-	-	-
NORTH CAROLINA	Ethics Ruling WO 2020-04-20	-	-	-
NORTH DAKOTA	-	-	-	-
OHIO	-	-	-	-
OKLAHOMA	-	-	-	-
OREGON	-	-	-	-
PENNSYLVANIA	-	-	-	-
RHODE ISLAND	Legislation SB 60 (2021) , Ethics Ruling 2020 Req.7.3 D. 8	-	-	-
SOUTH CAROLINA	-	-	-	-
SOUTH DAKOTA	-	-	-	-
TENNESSEE	-	-	-	-
TEXAS	Ethics Ruling AO 547-2018	-	-	-
UTAH	Legislation HB 129 (2019)	-	-	-
VERMONT	Legislation Act 8 (2021)	Yes	-	-
VIRGINIA	Ethics Ruling AO 2021	-	-	-
WASHINGTON	Legislation SB 5855 (2022)	Yes	-	-
WEST VIRGINIA	Legislation HB 2927 (2021)	Yes	-	-
WISCONSIN	Ethics Ruling 2018 ETH-01	-	-	-
WYOMING	-	-	-	-

Source: "CFCC Legislation Tracking," Vote Mama Foundation, <https://www.votemamafoundation.org/cfcc-legislation-tracking>, updated by the author (2022).

In addition to the two Southern states with laws already on the books, detailed above, five others in the region have recently proposed or have currently pending legislation to address this issue or clarify existing ethics opinions, such as:

- The bipartisan **Georgia** [Senate Bill 523 \(2022\)](#) would have updated the statutes governing ethics in government to add qualified caregiving services to the ordinary and necessary expenses allowable under the law. These services were defined as direct care, protection, and supervision of a child or other person with a disability or medical condition for whom a candidate has a direct caregiving responsibility.
- Similarly, **Kentucky** [House Bill 312 \(2022\)](#) would have added caregiving services to allowable expenses for candidates for a child or other dependent with medical or disability needs - as long as costs were incurred due to engagement in campaign activities.
- The more limited **Missouri** [House Bill 1648 \(2022\)](#) would authorize candidates - and officeholders - to use campaign funds for childcare expenses incurred due to campaigning or public office duties. Costs for a child's well-being are allowable, but no expenditures can be made to a candidate or officeholder's household members.
- **Tennessee** [House Bill 2280 \(2022\)](#) would have authorized any candidate for public office to use unexpended campaign funds, which remain after an election, to reimburse child or dependent care expenditures. Such care must have been incurred as a direct result of participation in campaign-related events and activities - and would not exist without the individual's candidacy.
- **Virginia** [Senate Bill 463 \(2022\)](#) would have added an exemption to the personal use of campaign funds ban for a candidate's dependent care expenses incurred directly due to campaign-related activities. While this proposal passed the upper chamber, it did not make it out of the House of Delegates before the session sine died.