

TO:
David Emadi, Esq.
Executive Director
Georgia Ethics Commission
200 Piedmont Ave., S.E.
Suite 1416 West Tower
Atlanta, GA 30334

DATE

Re: Advisory Opinion Request

Dear Mr. Emadi:

As state representatives and mothers we are writing to request an ethics ruling on the use of campaign funds to pay for dependent care expenses directly related to both campaign activity and legislative duties.

Question Presented

Are caregiving expenses – defined as direct care, protection, and supervision of a child or other person with a disability or a medical condition for which a candidate has direct caregiving responsibility – incurred as a direct result of campaign activity and holding public office deemed a permissible campaign expenditure in the state of Georgia?

Analysis

Under federal guidelines, as cited in [AO 2018-06](#), candidates for Federal office are allowed to use private campaign funds to pay for childcare expenses, “to the extent such expenses are incurred as a direct result of campaign activity.” Childcare costs are considered a permissible expense at the federal level if the care expenditures would not otherwise exist if not for the campaign.

Under current Georgia state law, it is unclear if dependent care costs incurred as a direct result of candidacy is considered a necessary and permissible expenditure. According to the [Georgia Campaign Finance Act](#), candidates for public office must abide by the following guidelines:

“(12) Expenditure” means a purchase, payment, distribution, loan, advance, deposit, or any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis. The term “expenditure” shall also include the payment of a qualifying fee for and on behalf of a candidate.”

“(18) Ordinary and necessary expenses” shall include, but shall not be limited to, expenditures made during the reporting period for qualifying fees, office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, attorney

fees connected to and in the furtherance of the campaign, and all other expenditures contemplated in Code Section 21-5-33.”

We are requesting that the Georgia Ethics Commission determine whether dependent care expenses incurred in connection with running for office or holding public office in Georgia are considered personal use under the law or are considered a permissible campaign expenditure.

If you have any questions or need additional information in connection with this Advisory Opinion Request, please contact us at stacey.evans@house.ga.gov or beth.camp@house.ga.gov.

Sincerely,

Stacey Evans
State Representative District 57

Beth Camp
State Representative District 135