

OFFICE OF  
GENERAL COUNSEL

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April 3, 2018

Lisa J. Stevenson, Esq.  
Acting General Counsel  
Office of General Counsel  
Federal Election Commission  
1050 First Street, N.E.  
Washington, D.C. 20463

Re: Advisory Opinion Request

Dear Ms. Stevenson:

My name is Liuba Grechen Shirley, and I am a candidate for Congress in the Second District of New York. Liuba for Congress is my campaign committee. I am writing to request an advisory opinion on the use of campaign funds to pay for childcare expenses for my two young children.

Prior to deciding to run for Congress in October of 2017, I worked from home as a consultant and cared for my three-year old daughter and one-year old son full time. My husband works full time. Since my campaign started, I have had to hire a part-time care giver for my children, so I can fulfill the responsibilities that go along with being a candidate for office. As the primary election approaches, I expect to need full time care for my children, along with additional support on evenings and weekends, so that I can devote the time necessary to run a successful campaign.

Having foregone my income while still managing my typical finances including medical bills, student loans, and a mortgage, paying for full-time childcare for an extended period of time in order to campaign for Congress is not financially possible. It is critical that we make running for office accessible to all working parents, not just for the independently wealthy.

**Question Presented**

May my Campaign pay for the childcare expenses I described above?

**Analysis**

The Federal Election Campaign Act and Commission regulations permit the use of campaign funds for “otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual,” so long as those expenditures are not “converted to

personal use.”<sup>1</sup> The law and regulations also list several expenditures that are considered to always be personal use of campaign funds. Childcare expenses are not on that list.

I am requesting that the Commission determine whether child care expenses incurred in connection with running for Federal office are considered personal use under the law or are permissible campaign expenditures.

The Commission encountered similar questions in Advisory Opinion 1995-42 and Draft Advisory Opinion 2008-02. In AO 1995-42, the Commission advised that campaign funds could be used to pay for child care expenses for travel to and attendance at campaign events by a candidate and his wife because the “child care expenses [were] incurred only as a direct result of campaign activity and would not otherwise exist.”

Likewise, in Draft Advisory Opinion 2008-02, the draft Opinion suggested that the Commission would permit the use of campaign funds to pay for child care expenses incurred “as a direct result of [the Candidate’s] campaign activity.” The facts presented in the 2008 request are nearly identical to mine. The 2008 request concerned the campaign activities of a parent who, prior to running for Congress, stayed at home as a full-time caretaker for his two young children. He asked the Commission whether he could use campaign funds to pay for full-time daycare for his three-year-old child and occasional after-school daycare for his seven-year-old child. A draft Opinion prepared by your office determined that those expenses could be paid with campaign funds because they were “otherwise authorized expenditures in connection with [the] campaign when incurred during the pendency of [the] campaign and would not exist irrespective of [the] campaign.” At the time of the request, the only two sitting Commissioners voted in favor of the Draft, but they were unable to issue a formal opinion without a quorum.

Prior to running for Congress, I was the full-time caregiver for my two young children. Due to the demands of campaigning, I can no longer provide full-time care for my children and have hired a part-time care giver. As my campaign progresses, it is likely that a full-time care giver will be required, along with other as-needed care on nights and weekends to attend campaign events. These child care expenses are a direct result of my campaign activities and would not exist except for my campaign for Federal office. Therefore, these childcare costs do not fit the definition of personal use. Since these expenses are connected to my campaign for Federal office and are not personal use, my campaign should be allowed to cover the costs of childcare for my children when it directly relates to my campaign.

I am requesting that the Commission approve the use of campaign funds to pay for child care expenses related to my campaign activities.

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<sup>1</sup> 52 U.S.C. § 30114(a), (b); 11 C.F.R. § 113.1(g)(1).

If you have any questions or need additional information in connection with this Advisory Opinion Request, please contact my counsel, Neil Reiff, at (202) 479-1111.

Sincerely,

A handwritten signature in black ink, appearing to read "Liuba Grechen Shirley". The signature is fluid and cursive, with a large initial "L" and "S".

Liuba Grechen Shirley  
Candidate for Congress  
New York's 2<sup>nd</sup> District