

**Testimony of Cary Brown, Executive Director of the Vermont Commission on Women
House Committee on Government Operations
January 24, 2020**

RE: H619, an act relating to permitting candidate expenditures for child care costs

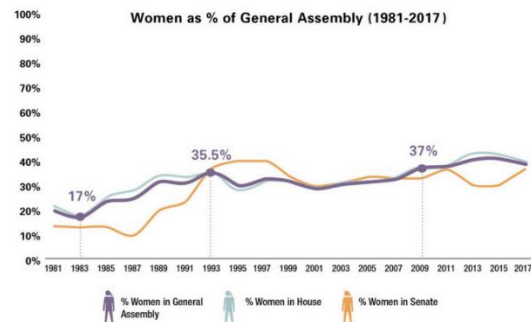
Good morning. My name is Cary Brown, and I'm the Executive Director of the Vermont Commission on Women. Thank you for the opportunity to speak about the connection between child care costs as campaign expenditures and Vermonters' increased access to running for office.

The Vermont Commission on Women has identified women's representation in public office as a key priority, as reflected in our following policy statement:

The Vermont Commission on Women supports legislation, policies, programs, and initiatives that facilitate the recruitment, retention, and promotion of women to boards and commissions and that facilitate the recruitment, retention, and promotion of women in public office.

The benefits of gender balance in public office are well-researched. It improves decision-making,¹ boosts innovation,² and ensures that a fuller set of experiences and concerns are reflected in policies and laws that are developed.³

Women are well-represented in the Vermont General Assembly, at 40% today. There was a strong increase of women in the 1980's, but then things slowed considerably. The percentage of women in the state house today is just 4.5 points higher than it was 23 years ago, in 1997.



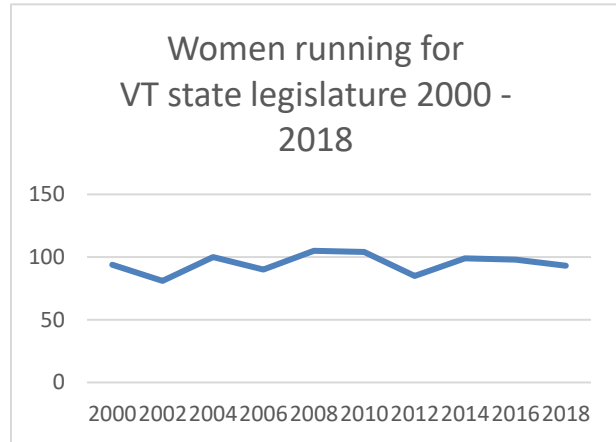
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¹ Catalyst. The Bottom Line: Corporate Performance and Women's Representation on Boards (2004 –2008). Retrieved from: <http://www.catalyst.org/2011>; <https://hbr.org/2013/09/how-women-decide>.

² Ashcraft, Catherine, and Breitzman, Anthony, Who Invents IT? An Analysis of Women's Participation in Information Technology Patenting, National Center for Women and Information Technology, 2007.

³ Volden, Craig, Alan E. Wiseman and Dana E. Wittmer (2010) "The Legislative Effectiveness of Women in Congress," <http://polisci.osu.edu/faculty/cvolden/VWWWomenLEP.pdf>. National Democratic Institute of International Affairs.

Additionally, we have not been seeing an increase in the number of women running. The number of women running for the state legislature in Vermont is almost exactly the same now as it was almost two decades ago (94 in 2000 and 93 in 2018).⁴ While in much of the rest of the country, 2018 saw record numbers of women running for office, our numbers actually dipped slightly that year.



Historically women have faced disproportionate obstacles to running for office, based on their gender. One has been the disproportionate burden of family care responsibilities that falls on women's shoulders. In the earlier days of our country, almost all candidates were men, and almost all of them had wives at home taking care of the children. Now we have both women and men running, both women and men in the workforce, and both women and men needing someone to take care of the children.

Allowing child care as a campaign expense is not just a benefit to women candidates. Fathers running for office are finding themselves with the same need for child care to allow them to campaign as mothers. Allowing child care as a campaign expense for all parents is one way to support the redistribution of family care more equitably between men and women.

The Federal Election Commission has ruled twice that child care costs are allowable as campaign expenditures. Many states are now allowing these expenditures through similar rulings by their equivalent bodies, and six have passed laws explicitly allowing it. The case for passing a law rather than leaving it to the campaign finance enforcement system to make a judgement, is that it creates stability and permanence that might not otherwise exist.

Recently, a Louisiana state House candidate had her request denied by the state ethics board even though it had allowed a man to claim campaign-related child care expenses in 2000. The members of the board had changed in the intervening years, and they weren't obligated to follow the previous decision.⁵

Attached to this testimony is detailed information on how use of campaign funds for child care expenses has been handled in the states, from the Center for American Women and Politics at Rutgers University.

⁴ <https://www.cawp.rutgers.edu/women-candidates-state-leg-historical-summary#vt>

⁵ <https://www.nbcnews.com/politics/2020-election/more-more-women-run-office-hurdle-remains-child-care-n1109296>

Use of Campaign Funds for Childcare Expenses, by State⁶

States with blank entries do not necessarily denote that campaign funds cannot be used for childcare expenses, but instead that there has either been no explicit permission requested/granted to date or that no definitive information is available from that state. Information will be updated as rulings or policy changes are made or more information is shared with us.

| State | Allows/has allowed campaign funds for childcare expenses? | Legislation | Commission Advisory Opinion/Ruling | Details |
|----------|---|-------------|---|--|
| Alabama | Yes. | | Alabama Ethics Commission Advisory Opinion No. 2018-04 | In June 2018, the Alabama Ethics Commission ruled that campaign funds could be used for childcare directly connected to campaign activity. According to some commissioners, the practice was already happening. Jennifer Gray, a candidate for the Alabama House of Representatives, requested a formal opinion from the commission following the FEC ruling for federal candidates the previous month. However, since this is an advisory opinion on a specific case, future candidates would have to make their own request and be approved on a case-by-case basis. |
| Alaska | | | | |
| Arizona | | | | |
| Arkansas | Yes. | | Arkansas Ethics Commission Advisory Opinion No. 2018-EC-001 | In July 2018, in response to a request for an advisory opinion from a House candidate, the Arkansas Ethics Commission voted unanimously to allow campaign funds to be used for campaign-related childcare |

⁶ <https://cawp.rutgers.edu/use-campaign-funds-childcare-expenses#Table>

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| | | | <p>expenses. Gayatri Agnew, a candidate for the Arkansas House, requested the opinion. However, since this is an advisory opinion on a specific case, future candidates would have to make their own request and be approved on a case-by-case basis.</p> |
| California | Yes. | California Assembly Bill No. 2020 | <p>California Assembly Bill 220, signed into law by the governor in October 2019, allows campaign funds to be used for campaign-related childcare expenses.</p> |
| Colorado | Yes. | Colorado Senate Bill 19-229 | <p>In April 2019, the Colorado legislature passed a bill allowing the use of campaign funds for campaign-related childcare. The governor signed the bill into law in May 2019. AB 220 covers the federal, state, and local levels of elections and specifies that childcare can be paid for with campaign funds as long as the candidate in question in "engaging in political activities."</p> |
| Connecticut | Somewhat. Only privately funded candidates are permitted to use campaign funds for campaign-related childcare. | Connecticut State Elections Enforcement Commission Declaratory Ruling 2019-02 | <p>In April 2019, in response to a request from Caitlin Clarkson Pereira, a candidate for state representative, the Connecticut State Elections Enforcement Commission ruled that privately raised funds can be used for candidate's childcare expenses related to campaign events; public campaign financing cannot be. The Commission stated that allowing the use of</p> |

public funds for campaign-related childcare expenses would have to be decided in the legislature.

Delaware

Florida

Georgia

Hawaii

Idaho

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| Illinois | No. Legislation has been proposed but not passed as of December 2019. | Illinois Senate Bill 0033 | In January 2019, legislation was introduced that would allow political committee funds may be used for certain child care expenses that are necessary for the fulfillment of political, governmental, or public policy duties, activities, or purposes. The bill has not passed out of committee. |
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Indiana

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| Iowa | No. | Iowa Ethics & Campaign Disclosure Board Advisory Opinion 2018-02 | In July 2018, Iowa Ethics & Campaign Disclosure Board (IECDB) ruled that candidates cannot use campaign funds for childcare expenses. The request came in response to a request from Reyma McCoy McDeid, a state House candidates, to use money she raised to pay childcare expenses incurred while campaigning. The ethics board noted in its ruling that this policy decision should be left to the legislature to decide, and proposed a bill that would amend state law to allow Iowa candidates to use campaign funds to pay for expenses related to the care of any |
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dependent of the candidate. As of July 2019, the proposed bill currently has no sponsors.

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| Kansas | Yes. | Kansas Governmental Ethics Commission Opinion No. 2018-04 | In August 2018, the Kansas Governmental Ethics Commission ruled in an 8-1 vote that campaign funds, such as donations, may be used to pay for childcare directly related to campaigning or serving in office. The Commission executive director said that staff received multiple inquiries on the issue and issues the ruling to clarify. |
| Kentucky | Yes. | Kentucky Registry of Election Finance (KREF) Letter to Candidate Josie Raymond (not available on KREF site) | In October 2018, in response to a request from Josie Raymond, a candidate for the legislature, the Kentucky Registry of Election Finance (KREF) stated that candidates are allowed to use campaign donations to pay for childcare directly related to the campaign. An official copy of the letter to Raymond affirming her right to use the campaign funds for childcare is not available on the KREF web site (copies can be found on various news sites.) |
| Louisiana | Yes. | Louisiana Board of Ethics Docket No. 2018-1210 | In February 2019, the Louisiana Ethics Board voted to allow campaign funds to be used for campaign-related childcare, reversing a decision made three months earlier against a candidate's request to use her campaign funds for childcare. A candidate for state legislature, Morgan |

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Lamandre was denied her original request in November 2018, and that earlier decision was met with public outcry. The request to revisit the ruling came from Lamandre and the Louisiana Women's Legislative Caucus. However, since this is an advisory opinion on a specific case, future candidates would have to make their own request and be approved on a case-by-case basis.

Maine

Maryland Yes.

[Maryland State Board of Elections Guidance on Child Care Expenses](#)

In May 2019, the Maryland State Board of Elections issued a legal guidance stating that, per current election law, candidates are allowed to use campaign funds for campaign-related childcare expenses as long as the expenditure "would not have occurred but for the fact a candidacy is being promoted, supported or opposed."

Massachusetts No.

Massachusetts [Senate Bill 386](#) and [House Bill 2898](#) (2018)

Current state law bars candidates from using campaign funds for personal use. In 2018, an proposed bill (Act Supporting Working Parents who Choose to Run for Public Office) would have allowed candidates to use campaign funds for childcare when they are "performing work or attending events directly related to the candidate's campaign," but the bill was not voted on before the legislative session ended.

It is expected to be re-introduced in 2020.

Michigan

Minnesota Yes.

[Minnesota Statute 10A.01 and 211B.12](#)

State law prohibits spending money collected for political purposes unless the expenditure is reasonably related to the conduct of election campaigns or is a noncampaign disbursement. The statute specifically lists childcare during campaigning a noncampaign disbursement and thus allows for campaign funds to be used for that purpose.

Mississippi

Missouri

Montana

Nebraska Somewhat. A 1994 advisory opinion appears to allow for such expenses, but the language used in election guidelines is outdated and needs clarification.

[Nebraska Accountability and Disclosure Commission Opinion No. 146](#)

The Nebraska Accountability and Disclosure Commission opinion established a "but for" test (funds can be used for expenses that would not have happened "but for" the candidacy.) This opinion appears to allow for some childcare expenses, as outlined in the [Candidate Committee Treasurer's Guide](#), which states that states that campaign funds may be used for *"Babysitters when it is necessary that both the candidate and his/her spouse attend a campaign event. This type of expenditure is not permitted for an event relating to the duties of the officeholder."* Legislators in

the state are in the process of drafting a request for an updated advisory opinion for language including single parents, unmarried parents, and for situations where the non-candidate parent is not at the campaign event but is otherwise unable to care for the child.

| Nevada | | | |
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| New Hampshire | Yes. | New Hampshire House Bill 651 | In August 2019, the New Hampshire legislature passed a bill allowing for campaign funds to be used for campaign-related childcare expenses. The governor signed the bill into law on August 21, 2019. |
| New Jersey | Pending legislation introduced in 2019. | New Jersey Senate Bill 2943 | In January 2019, Senate Bill 2943, which permits use of campaign funds to pay for childcare expenses when incurred as direct result of campaign activity, was passed in the NJ Senate and sent to the Assembly. As of May 2019, the bill was passed out of Assembly committee and had its second reading on the floor. |
| New Mexico | | | |
| New York | Yes. | New York Assembly Bill 01108/Senate Bill 02680-A | In June 2019, the New York legislature passed a bill codifying an elections board ruling allowing for campaign funds to be used for campaign-related childcare expenses. The governor signed the bill into law on July 30, 2019. |

North Carolina

North Dakota

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| Ohio | Pending legislation introduced in 2019. | Ohio Senate Bill 211 | In October 2019, Senate Bill 211, which would allow candidates to use campaign funds for campaign-related expenses, was introduced and referred to the Government Oversight and Reform Ccommittee. |
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Oklahoma

Oregon

Pennsylvania

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| Rhode Island | No. Proposed legislation allowing the practice did not pass in 2019. In December 2019, the state elections board voted to put a proposal allowing this practice out for public comment. | Rhode Island Senate Bill 323 (2019) | Legislation allowing campaign funds to be used for campaign-related childcare expenses was introduced in 2019; it passed in the Senate but not in the House. The bill is expected to be re-introduced in 2020. The Rhode Island Secretary of State asked the state Elections Board to allow it by regulation; in December 2019, the board voted to put the proposal allowing this practice for out for public comment. |
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South Carolina

South Dakota

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| Tennessee | No. | Tennessee House Bill 0007/Senate Bill 0086 (failed) | In March 2019, the Tennessee House Elections and Campaign Finance Subcommittee killed a proposed bill allowing campaign funds to be used for childcare expenses. |
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| Texas | Yes. | Texas Ethics Commission | In June 2018, the Texas Ethics Commission issued an advisory opinion allowing candidates to |
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[Advisory
Opinion 547](#)

use political contributions for campaign-related childcare. This is the first time this would be allowed in the state. The advisory opinion was requested by Catie Robinson, a candidate for Wichita County commissioner, following the FEC ruling for federal candidates. However, since this is an advisory opinion on a specific case, future candidates would have to make their own request and be approved on a case-by-case basis.

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| Utah | Yes. | Utah House Bill 129 | In February 2019, a bill allowing use of campaign funds for campaign-related childcare passed in the legislature and was signed by the governor in March 2019. |
| Vermont | Pending legislation introduced in 2020. | Vermont House Bill 619 | In January 2020, a bill allowing use of campaign funds for campaign-related childcare was introduced and referred to the Committee on Government Operations. |
| Virginia | | | |
| Washington | Yes. | Washington Public Disclosure Commission Guidance on Allowable Uses of Campaign Funds | According to the Washington Public Disclosure Commission, use of campaign funds for childcare expenses is allowable as long as the expense would not have occurred but for the campaign. |
| West Virginia | No. | West Virginia Code §3-8-9 | West Virginia law states that no money may be spent from committee funds unless it is specifically allowed by W. Va. |

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| | | | Code §3-8-9 or W. VA. C.S.R.§146-3-6. Childcare is not a permissible expense on the list. |
| Wisconsin | Yes. | Wisconsin Ethics Commission Advisory Opinion 2018 ETH 01 | In June 2018, in response to a request for a formal advisory opinion, the Wisconsin Ethics Commission ruled that candidates may use campaign funds to pay for childcare directly related to campaign activity. Cynthia Kaump, a candidate for state treasurer, asked the commission to issue the opinion. |
| Wyoming | | | |