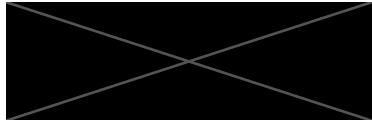




OFFICE OF CAMPAIGN FINANCE (OCF)
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 HALF STREET, SE, SUITE 775 | WASHINGTON, D.C. 20003 | (202) 671-0547

April 10, 2024

LaJoy Johnson-Law



Interpretative Opinion 2024-01

Dear Ms. Johnson-Law:

This responds to your request for an opinion concerning your question of “Are caregiver expenses – defined as direct care, protection, and supervision of a child or other person with a disability or 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 District of Columbia?”

D.C. Official Code § 1-1161.01 (21)(A) provides that:

“Expenditure” means:

(i) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of financing, directly or indirectly:

(I) The election of a candidate;

(II) Any operations of a political committee, political action committee, or independent expenditure committee; or

(III) The campaign to obtain signatures on any initiative, referendum, or recall petition, or to bring about the ratification or defeat of any initiative, referendum, or recall measure;

(ii) A transfer of funds between:

(I) Political committees;

(II) Political action committees;

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(III) A political committee and a political action committee; or

(IV) Candidates

(B) Notwithstanding subparagraph (A) of this paragraph, the term “expenditure” does not include incidental expenses (as defined by the Campaign Finance Board or the Board of Ethics and Government Accountability) made by or on behalf of a person in the course of volunteering that person's time on behalf of a candidate, political committee, or political action committee or the use of real or personal property and the cost of invitations, food, or beverages voluntarily provided by a person to a candidate in rendering voluntary personal services on the person's residential premises for candidate-related activity; provided, that the aggregate value of such activities by such person on behalf of any candidate does not exceed \$500 with respect to any election.

More specifically, D.C. Official Code Section 1-1163.33 (m) provides as it pertains to the Traditional Campaign Finance Program “A candidate may make expenditures to reimburse the candidate for the candidate's childcare expenses incurred for campaign purposes”; and D.C. Official Code Section 1-1163.32f (d) (3) prohibits a participating candidate in the Fair Elections Program from making expenditures for certain stated purposes “except for reimbursement of out of pocket expenses incurred for campaign purposes, including the participating candidate's childcare expenses;”

In addition, Title 3 of The District of Columbia Municipal Regulations (3 DCMR) provides the following in pertinent parts:

3011.5 For the purposes of the contribution limitations of this section, expenditures for candidates for office shall not be considered contributions or expenditures by or on behalf of a candidate when derived from:

- (a) Personal funds belonging to candidates; and
- (b) Funds from any person, political action committee, or independent expenditure committee advocating the election or defeat of any candidate for office; provided, that the contributions it has received and the expenditures it has made were not controlled by or coordinated with any public official or candidate, anyone acting on their behalf, or by any political committee authorized by the candidate.
- (c) A candidate may make expenditures to reimburse the candidate for the candidate's childcare expenses incurred for campaign purposes.

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3011.40 further provides that:

“For the purposes of expenditures made to reimburse the candidate for the candidate’s childcare expenses incurred for campaign related purposes, as prescribed under § 3011.5, each receipt for reimbursement shall include, but is not limited to:

- (a) A detailed invoice and/or receipt (including the name of the establishment/individual);
- (b) The address, phone number, and dates that the child was in care by the establishment or individual for which childcare services was provided; and
- (c) A copy of the cancelled check or the form of payment tendered to the establishment or individual who provided the childcare services.”

While it is apparent from the provisions noted above that “childcare expenses incurred for campaign related purposes” may be reimbursable with proper documentation, there are no provisions that accord reimbursement for any “other person with a disability or medical condition...”

Therefore, based upon the foregoing information, the only “dependent care expenses” that are permissible as campaign expenditures are properly documented “childcare expenses.”

Notwithstanding, it is also the opinion of the Office of Campaign Finance that “childcare expenses incurred for campaign related purposes” must be interpreted to include within the scope of the above-cited provisions, the childcare expenses incurred by a candidate whose child has “a disability or medical condition for which a candidate has direct caregiving responsibility,” irrespective of the age of the child.

The foregoing is an Interpretative Opinion of the Director of the Office of Campaign Finance. Pursuant to D.C. Official Code § 1-1163.06, you are entitled to request an Advisory Opinion from the Board of Elections on this transaction or activity.

Should you have any additional questions, please contact William O. SanFord, General Counsel at (202) 871-0550.