

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

IN RE: REQUEST FOR )  
ADVISORY OPINION BY ) AO No. 24-06-CD  
SAVANNAH FLETCHER )

**ORDER APPROVING ADVISORY OPINION**

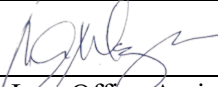
Savannah Fletcher sought an advisory opinion from the Commission asking whether campaign contributions could be used to pay for a candidate's dependent care expenses. The Commission considered staff's draft advisory opinion at its regular meeting held on January 16, 2025, and approved the opinion in its entirety.<sup>1</sup>

The approved opinion is attached to this order. This is a final Commission decision and may be appealed to the superior court under AS 44.62.560.

Dated: January 16, 2025

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION<sup>2</sup>

<b>CERTIFICATE OF SERVICE:</b> I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Savannah Fletcher P.O. Box 74467 Fairbanks, AK 99707 <a href="mailto:savannahforalaska@gmail.com">savannahforalaska@gmail.com</a>	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email

	01/27/2025
_____ Law Office Assistant	_____ Date

9489 0178 9820 3021 0070 60

<sup>1</sup> See, AS 15.13.374, 2 AAC 50.826.

<sup>2</sup> Commissioners Blodgett, Feige, LaSota, Monegan, and Stillie participated in this matter.

**Number:** AO 24-06-CD  
**Requested By:** Savannah Fletcher  
**Prepared By:** Heather Hebdon, Executive Director  
**Date Issued** November 7, 2024  
**Subject:** Use of Campaign Funds for Dependent Care Expenses  
**Commission Decision:** The Alaska Public Offices Commission heard this advisory opinion on January 16, 2025, and approved it by a vote of 5-0.

## **I. QUESTION PRESENTED**

May campaign contributions be used to pay for a candidate's dependent care expenses?<sup>1</sup>

## **II. SHORT ANSWER**

Yes, provided dependent care expenses are incurred during the course of the candidate's election campaign activities, a candidate may use campaign contributions to pay those expenses.

## **III. FACTS**

Savannah Fletcher is a candidate for state senate in District R in interior Alaska. On October 26, 2024, she traveled to Tok, Alaska for a campaign event.<sup>2</sup> The trip required she be away from home for 13 hours. For part of that time, her husband was unavailable. So, Ms. Fletcher had to hire a babysitter for four hours, for which she paid \$60 total.<sup>3</sup> Noting that Alaska's campaign financial disclosure laws and regulations do not expressly authorize or forbid paying for childcare with campaign funds, she requested an advisory opinion.

## **IV. LAW AND ANALYSIS**

Under Alaska's campaign financial disclosure laws, campaign contributions "may be used only to pay the expenses of the candidate...and the campaign expenses incurred by the candidate...that reasonably relate to election campaign activities."<sup>4</sup> Clearly, Ms.

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<sup>1</sup> Exhibit 1, Request for Advisory Opinion.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> AS 15.13.112(a).

Fletcher’s childcare expenses reasonably relate to her election campaign activities. She required childcare because she was out campaigning. Travel between communities across Senate District R to host or attend various campaign meet-and-greets and fundraising events is normal and customary campaign activity. Given the significant size and remoteness of many of Alaska’s senate districts, travel time can vary widely and, in this instance, it required the candidate to spend 13 hours away from home. This absence, in turn, necessitated she pay for childcare for a small portion of that time. In this situation, the use of campaign funds to pay for the childcare costs is reasonably related to election campaign activities.

The permissive statutory language of AS 15.13.112, however, is subject to specific exceptions. As relevant here, contributions may not be “used to give a personal benefit to the candidate or to another person” or “converted to personal income of the candidate.”<sup>5</sup> Neither the statute nor the regulations define “personal benefit” or “personal income.”

At the federal level, a contribution is considered to be converted to personal use if the contribution is used “to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign.”<sup>6</sup> Interpreting this definition, the Federal Election Commission has concluded that candidates can use campaign funds to pay childcare expenses “to the extent such expenses are incurred as a direct result of campaign activity” and “would not exist irrespective of [their] election campaign.”<sup>7</sup>

Staff finds the FEC’s approach persuasive in construing Alaska’s prohibition on the personal use of campaign funds in the context of childcare expenses. Both the Alaska and federal standards are aimed at the same target: forbidding candidates from exploiting their access to campaign funds for their own private benefit, rather than as needed by their campaign. So, looking at whether the childcare expenses exist only because of the campaign is the logical focus.

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<sup>5</sup> AS 15.13.112(b).

<sup>6</sup> 52 U.S.C. § 30114(b)(2).

<sup>7</sup> Exhibit 2, Advisory Opinion 2018-06 (FEC May 10, 2018).

Whether or not a candidate can use campaign funds to pay for childcare expenses depends on whether or not it is an expense of the campaign; whether the expense reasonably relates to election campaign activities; and whether the expense would exist if the candidate were not running for office. Staff believes, in this instance, childcare expenses are an expense of the campaign and that the expense reasonably relates to election campaign activities. Ms. Fletcher incurred relatively modest<sup>8</sup> childcare expenses while she was engaged in reasonable and customary campaign activities. The expenses are not a personal benefit to the candidate because if not for the campaign event, the expense would not have been incurred.

## **V. CONCLUSION**

Candidates who incur dependent care expenses during the course of the candidate's election campaign activities may use campaign contributions to pay those expenses.

## **VI. COMMISSION DECISION**

**The Alaska Public Offices Commission heard this advisory opinion on January 16, 2025, and approved it by a vote of 5-0.<sup>9</sup>**

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<sup>8</sup> She incurred expenses for only 4 of the 13 hours she was out campaigning.

<sup>9</sup> Commissioners Blodgett, Feige, LaSota, Monegan, and Stillie participated in this matter.

## **APPLICABLE LAW**

### **UNITED STATES CODE**

#### **§30114. Use of contributed amounts for certain purposes**

##### **(b) Prohibited use**

###### **(1) In general**

A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

###### **(2) Conversion**

For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including-

- (A) a home mortgage, rent, or utility payment;
- (B) a clothing purchase;
- (C) a noncampaign-related automobile expense;
- (D) a country club membership;
- (E) a vacation or other noncampaign-related trip;
- (F) a household food item;
- (G) a tuition payment;
- (H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and
- (I) dues, fees, and other payments to a health club or recreational facility.

### **ALASKA STATUTE**

#### **Sec. 15.13.112. Uses of campaign contributions held by candidate or group.**

(a) Except as otherwise provided, campaign contributions held by a candidate or group may be used only to pay the expenses of the candidate or group, and the campaign expenses incurred by the candidate or group, that reasonably relate to election campaign activities, and in those cases only as authorized by this chapter.

(b) Campaign contributions held by a candidate or group may not be

- (1) used to give a personal benefit to the candidate or to another person;
- (2) converted to personal income of the candidate;
- (3) loaned to a person;

(4) knowingly used to pay more than the fair market value for goods or services purchased for the campaign;

(5) used to pay a criminal fine;

(6) used to pay civil penalties; however, campaign contributions held by a candidate or group may be used to pay a civil penalty assessed under this chapter if authorized by the commission or a court after it first determines that

(A) the candidate, campaign treasurer, and deputy campaign treasurer did not cause or participate in the violation for which the civil penalty is imposed and exercised a reasonable level of oversight over the campaign; and

(B) the candidate, campaign treasurer, and deputy campaign treasurer cooperated in the revelation of the violation and in its immediate correction; or

(7) used to make contributions to another candidate or to a group; however, it is not a violation of this paragraph if, in circumstances in which a candidate or group participates in a shared campaign activity, the candidate or group participating in the activity

(A) uses campaign contributions of the candidate or group for payment of

(i) all of the shared campaign activity expense; or

(ii) more than the candidate's or group's pro rata share of the activity expense; and

(B) receives, within seven days after payment of the expense, complete reimbursement of the amount of campaign contributions used for payments made on behalf of another candidate or group participating in the activity.



10/30/2024

To:  
Heather Hebdon, Executive Director  
Alaska Public Offices Commission  
By Email to Heather.Hebdon@alaska.gov

Re: Advisory Opinion Request

Dear Ms. Hebdon,

I am writing to formally request an advisory opinion on the use of campaign funds to pay for dependent care expenses directly related to campaign activity in my race for Senate District R.

### 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, deemed a permissible campaign expenditure in the state of Alaska?

Specifically, on Saturday, October 26, 2024, I traveled to Tok for a campaign event. That trip required I be gone from my house for 13 hours that day, and I had to hire childcare to watch my son that evening as my husband was unavailable. I paid the babysitter \$60 for 4 hours of work. Am I permitted to pay this babysitter using campaign funds, or is this personal use?

### Background

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 Alaska state law, it is unclear if childcare costs incurred as a direct result of my candidacy are considered a necessary and permissible expenditure. According to the [AS 15.13.390](#) (Revised in 2021) in Sec. 15.13.400, permissible expenditures can be defined as follows:

(7) “expenditure”

(A) means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party;

(iv) influencing the outcome of a ballot proposition or question; or

(v) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(C) includes an express communication and an electioneering communication, but does not include an issues communication;

In addition, in Sec. 15.13.112, uses of campaign contributions held by candidate or group are defined as the following:

(a) Except as otherwise provided, campaign contributions held by a candidate or group may be used only to pay the expenses of the candidate or group, and the campaign expenses incurred by the candidate or group, that reasonably relate to election campaign activities, and in those cases only as authorized by this chapter.

(b) Campaign contributions held by a candidate or group may not be

(1) used to give a personal benefit to the candidate or to another person;

(2) converted to personal income of the candidate;

(3) loaned to a person;

(4) knowingly used to pay more than the fair market value for goods or services purchased for the campaign;

(5) used to pay a criminal fine;

(6) used to pay civil penalties; however, campaign contributions held by a candidate or group may be used to pay a civil penalty assessed under this chapter if authorized by the commission or a court after it first determines that

(A) the candidate, campaign treasurer, and deputy campaign treasurer did not cause or participate in the violation for which the civil penalty is imposed and exercised a reasonable level of oversight over the campaign; and

(B) the candidate, campaign treasurer, and deputy campaign treasurer cooperated in the revelation of the violation and in its immediate correction; or

(7) used to make contributions to another candidate or to a group; however, it is not a violation of this paragraph if, in circumstances in which a candidate or group



participates in a shared campaign activity, the candidate or group participating in the activity

(A) uses campaign contributions of the candidate or group for payment of

(i) all of the shared campaign activity expense; or

(ii) more than the candidate's or group's pro rata share of the activity expense; and

(B) receives, within seven days after payment of the expense, complete reimbursement of the amount of campaign contributions used for payments made on behalf of another candidate or group participating in the activity.

(c) A candidate may use up to a total of \$1,000 in campaign contributions in a year to pay the cost of

(1) attending, or paying the cost for guests of the candidate to attend, an event or other function sponsored by a political party or subordinate unit of a political party;

(2) membership in a political party, subordinate unit of a political party, or other entity within a political party, or subscription to a publication from a political party; and

(3) co-sponsorship of an event or other function sponsored by a political party or by a subordinate unit of a political party.

I am requesting that the Alaska Public Offices Commission determine whether dependent care expenses incurred in connection with running for office or holding public office in Alaska 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 me at SavannahForAlaska@gmail.com,

Sincerely,  
s/Savannah Fletcher

Savannah Fletcher  
Candidate for Senate District R



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 10, 2018

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 2018-06

Ms. Liuba Grechen Shirley  
Liuba for Congress  
P.O. Box 69  
Amityville, NY 11701

Dear Ms. Shirley:

We are responding to your advisory opinion request concerning the application of the Federal Election Campaign Act, 52 U.S.C. §§ 30101-45 (the "Act"), and Commission regulations to your proposed use of campaign funds to pay for childcare expenses incurred during your candidacy for federal office. The Commission concludes that your authorized campaign committee may use campaign funds to pay for the childcare expenses described in your request because such expenses would not exist irrespective of your candidacy.

**Background**

The facts presented in this advisory opinion are based on your letter received on April 3, 2018 ("the request" or "AOR").

You are a candidate for the 2nd Congressional District of New York, and Liuba for Congress serves as your principal campaign committee.<sup>1</sup> Prior to becoming a candidate for federal office, you worked from home as a consultant, and cared for your young children full time. Your husband works full time. Since you started campaigning, you have forgone your income and hired a part-time caregiver for your children so that you are able to fulfill your

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<sup>1</sup> Commission records indicate that you filed your current Statement of Candidacy on April 3, 2018, and that Liuba for Congress filed its current Statement of Organization on February 7, 2018. See Liubov "Liuba" Grechen Shirley, Statement of Candidacy, FEC Form 2 (Apr. 3, 2018), <http://docquery.fec.gov/pdf/070/201804039097939070/201804039097939070.pdf>; Liuba for Congress, Statement of Organization, FEC Form 1 (Feb. 7, 2018), <http://docquery.fec.gov/pdf/954/201802079094263954/201802079094263954.pdf>.

responsibilities as a federal candidate. You anticipate that as the primary election approaches, you will require full-time care for your children, as well as additional childcare support on evenings and weekends, so that you can devote the time necessary to run your campaign.

### **Question Presented**

*May Liuba for Congress use campaign funds to pay for the childcare expenses described in the request?*

### **Legal Analysis and Conclusions**

Yes, Liuba for Congress may use campaign funds to pay for the childcare expenses described in the request during the pendency of your campaign.

Under the Act and Commission regulations, an authorized committee may use its funds for several specific purposes, including “ordinary and necessary expenses incurred in connection with duties of the individual as a holder of [f]ederal office,” and “any other lawful purpose” that does not otherwise constitute conversion of campaign funds to “personal use.” *See* 52 U.S.C. § 30114(a), (b); 11 C.F.R. §§ 113.1, 113.2. The Act and Commission regulations define “personal use” as the use of campaign funds “to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign” or duties as a federal officeholder. 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g).

The Act and Commission regulations provide a non-exhaustive list of uses of campaign funds that are *per se* personal use. 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g)(1)(i). For uses of campaign funds not included on this list, the Commission determines, on a case-by-case basis, whether the use is a prohibited “personal use,” *i.e.*, whether the expense would exist irrespective of the candidate’s campaign or federal officeholder duties. 11 C.F.R. § 113.1(g)(1)(ii).

The Act and Commission regulations do not expressly address childcare expenses. The Commission accordingly must determine whether the proposed use of campaign funds for certain childcare expenses would exist irrespective of the candidate’s campaign for federal office. *Id.*

The Commission has previously considered the permissibility of using campaign funds to pay for certain childcare expenses in more limited circumstances. In Advisory Opinion 1995-42 (McCrery), a federal candidate and his wife, who was “an integral part” of the candidate’s campaign team, traveled extensively within the candidate’s congressional district for campaign purposes, resulting in the need for “occasional” childcare for the couple’s young child. Advisory Opinion 1995-42 (McCrery) at 1. The Commission concluded that it was permissible to use

campaign funds to pay for such occasional childcare because such expenses, in that case, would be “incurred only as a direct result of campaign activity and would not otherwise exist.” Advisory Opinion 1995-42 (McCrery) at 2; *see* 11 C.F.R. § 113.1(g).<sup>2</sup>

The Commission’s analysis and conclusion in Advisory Opinion 1995-42 (McCrery) apply equally here. The request explains that you are the full-time caregiver for your young children, and, because of your campaign activity, you will incur expenses for part-time or full-time childcare. The fact that you seek to use campaign funds to pay for more than the “occasional” childcare expenses approved of in Advisory Opinion 1995-42 (McCrery) does not change the relevant question, which is whether such expenses would exist irrespective of the candidate’s campaign or officeholder duties. The Commission concludes that the childcare expenses described in your request, to the extent such expenses are incurred as a direct result of campaign activity, would not exist irrespective of your election campaign, and thus may be permissibly paid with campaign funds. *See* 52 U.S.C. § 30114(a)(1), (b); 11 C.F.R. § 113.1(g).

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request. *See* 52 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion. *See* 52 U.S.C. § 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes, regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission’s website.

On behalf of the Commission,



Caroline C. Hunter  
Chair

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<sup>2</sup> The Commission was also asked about the permissibility of using campaign funds to pay for childcare expenses in 2008, however, the Commission lacked a quorum at that time to render any opinion. *See* Letter from Rosemary C. Smith to Todd Goldup, Advisory Opinion Request 2008-02 (Goldup) (Apr. 17, 2008) (advising requestor of Commission’s lack of quorum).