



CHAIR ELLEN L. WEINTRAUB
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The State of Connecticut State Elections Enforcement Commission
20 Trinity Street
Hartford, CT 06106

via e-mail only to Joshua Foley
Joshua.foley@ct.gov

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Commissioners:

I write to you today to urge you to reconsider some of the conclusions reached in Proposed Declaratory Ruling 2019-02 that would bar participants in your Citizens' Election Program ("CEP") from using campaign funds for reasonable childcare costs.

As you are aware, in May 2018, the Federal Election Commission unanimously, on a bipartisan basis, allowed campaign funds in federal campaigns to be put to such use in Advisory Opinion 2018-06 (Liuba for Congress). The Commission concluded that such expenses did not constitute personal use and thus "the childcare expenses described in [the] request, to the extent such expenses are incurred as a direct result of campaign activity, would not exist irrespective of [the] election campaign, and thus may be permissibly paid with campaign funds." I have a long track record as a fierce opponent of any personal use of campaign funds, and I am comfortable with this result. It is fair to candidates who are parents, and will expand – and diversify – the pool of people who will be able to run for federal office.

Proposed Declaratory Ruling 2019-02 also finds that childcare expenses do not constitute personal use as defined by Connecticut General Statutes § 9-607(g)(4) and would allow those expenses to be paid for with private contributions for those candidates not receiving grants from the Citizens' Election Fund ("CEF"). But it then tackles the stricter standard in your regulations (including Regs. Conn. State Agencies § 9-706-1 (a)) that require the use of CEF funds to "directly further" the candidate's campaign for office. It concludes that childcare expenses fail to meet this standard.

I disagree. It is a truism that the most valuable and scarce asset of any campaign is the candidate's time. Campaigns go to great lengths to maximize the efficiency of the candidate's use of her time, and to free up as much of a candidate's time as possible to directly further the campaign. Drivers race candidates from event to event. Meals are skipped. Sleep is forgone. Jobs are neglected. Spouses and significant others are virtually abandoned for months on end. All in the name of freeing up the candidate's time for the campaign. But if candidates are parents to one

or more small children, they must provide care for those children, a time-intensive obligation that they may not ignore.

All manner of campaign expenses that free up candidates' time pass muster, because they so obviously directly further candidates' campaigns for office. Is it permissible for a campaign to pay for a car, rather than having a candidate *walk* 20 miles to an event? Of course. Is it permissible for a campaign to pay for a phone line for campaign headquarters so the candidate can call voters, rather than having to walk around the district to see them in person? Of course. Likewise, it must be permissible for a campaign to pay childcare expenses that free up the candidate to campaign.

As I said when the FEC was issuing AO 2018-06, "You still can't use campaign funds for babysitting on date night." But if those funds are spent on childcare to expand the time that candidates are available to campaign, those childcare expenses directly further the candidate's campaign for office. In fact, dollar for dollar, childcare may be among the most efficacious expenses any campaign can incur.

Connecticut's pathbreaking Citizens' Election Program has served as a model for the nation. The country would be well-served if the federal government followed Connecticut's lead on public financing of elections. The citizens of Connecticut and the nation would benefit if you led on the childcare issue as well.

Sincerely,



Ellen L. Weintraub
Chair, Federal Election Commission

cc:

Governor Ned Lamont
210 Capitol Avenue
Hartford, CT 06106
Governor.lamont@ct.gov

Secretary of State Denise Merrill
210 Capitol Avenue, Suite 104
Hartford, CT 06106
denise.merrill@ct.gov

Lt. Governor Susan Bysiewicz
210 Capitol Avenue
Hartford, CT 06016
Ltgovernor.bysiewicz@ct.gov

Caitlin Clarkson Pereira
1375 South Pine Creek Road
Fairfield, CT 06824
Caitlinclarksonpereira@gmail.com