

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Malcolm L. Funn
Kelley Howells



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

MARYLAND STATE BOARD OF ELECTIONS

CHILD CARE EXPENSES

Issue Date: May 16, 2019

The State Board of Elections issues this guidance for publication and inclusion as a section in the Summary Guide reaffirming its legal understanding of the permissible expenditures. The Assistant Attorney General assigned as counsel to this agency has reviewed this guidance and agrees with it.

Certain child care expenses can be personal or have an electoral purpose. The determination of the purpose for the expense will decide whether campaign funds are permissible.

Maryland law requires campaign funds to be used solely for the purpose of supporting or opposing a candidate, question, or political committee. See Election Law Article §1-101(aa). Moreover, there must exist a nexus between the expenditure and the candidacy for which the expenditure relates. In other words, the expenditure is permissible if it would not have occurred but for the fact a candidacy is being promoted, supported or opposed. Therefore, child care expenses would have to have an electoral purpose in order for them to be permissible. For example, a candidate hires a babysitter to care for the candidate's children while the candidate attends a fundraiser event. This expenditure would not have occurred but for the candidacy and the event has a nexus to enhancing the success of the candidacy. As result of this analysis, the expenditure for the babysitter in this scenario would be a permissible expenditure.

Furthermore, it is important to keep in mind that contributors give to campaign committees for one important reason – they want to support the committee's candidate, question, or political party. When campaign funds are spent for a non-campaign related purpose, it frustrates the intent of the contributor. There are instances when child care expenses would not be permissible because they are incurred for a personal or non-electoral purpose. For example, a candidate goes to see a movie or attend a school function. In these cases, the nexus to being a candidate is tenuous at best or nonexistent. The attendance at the school function occurred because the candidate is a parent; not because he or she is a candidate. Additionally, going to the movies is personal in nature. In both cases, the need to hire a babysitter would have been present regardless of whether the individual was a candidate or not. Therefore, campaign funds may not be used in circumstances like these.

