

# Oklahoma State Senate



**Jessica Garvin**  
DISTRICT 43

07/20/2023

Dear Chair Johnson,

My name is Jessica Garvin, current State Senator in the 43rd District of Oklahoma. I am writing to request an ethics ruling on the use of campaign funds to pay for dependent care expenses directly related to campaign activity and legislative duties.

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 and holding public office deemed a permissible expenditure in the state of Oklahoma?

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 Oklahoma state law, it is unclear if dependent care costs incurred as a direct result of candidacy is considered a necessary and permissible expenditure. According to the [Annotated Ethics Rules](#), effective November 1, 2022, candidates for public office have to abide by the following guidelines:

**Rule 2.43. Candidate Committee Expenditures**

*“Contributions to a candidate committee may be used to make expenditures for ordinary and necessary campaign expenses, for contributions to another candidate committee, for operating expenses of the committee or for other purposes not otherwise prohibited by law or these Rules. “Ordinary and necessary campaign expenses” as used in this section are those that would not exist but for the candidate’s campaign, including but not limited to staff salaries, campaign consulting fees, rent (other than for the candidate’s residence or part of a residence), travel, advertising, telephones, office supplies and equipment, fundraising, individual memberships in political organizations, individual memberships in civic or charitable organizations, legal fees for the campaign, payment for campaign accounting or bookkeeping services or campaign finance reporting services and repayment of the principal and interest on a loan as permitted by these Rules. Expenditures made to a family member of the candidate for services provided to the campaign shall be no more than customary compensation for those services. Expenditures made to reimburse a candidate for personal expenditures made on behalf of the candidate committee must be made within ninety (90) days of the original expenditure and must be reported in detail as required by Rule 2.106.”*

I am requesting that the Oklahoma Commission on Ethics determine whether dependent care expenses incurred in connection with running for office or holding public office in Oklahoma 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 [Jessica.Garvin@oksenate.gov](mailto:Jessica.Garvin@oksenate.gov).

Sincerely,

Senator Jessica Garvin  
District 43

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