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### ADVISORY OPINION 2023-1

The House Legislative Ethics Committee (HEC) received a request from a Member for an advisory opinion regarding whether it is permissible to use campaign funds for childcare services while campaigning or in the performance of duties related to the office held. Pursuant to House Rule 4.16C(5), the Committee renders the following advisory opinion.

Section 8-13-1348 of the South Carolina Code governs the use of campaign funds for personal expenses. Specifically, § 8-13-1348(A) prohibits candidates and others from using campaign funds for personal expenses unrelated to a campaign or converting the funds to personal use. S.C. Code Ann. § 8-13-1348(A)(2019). However, this prohibition "does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office." *Id.* (Emphasis added). As this Committee has observed, "Campaign funds may be used for campaign expenditures or expenditures related to the office." HEC Opinion 2021-5.

Thus, it may be permissible for a Member or a candidate of the House to use his or her campaign funds to defray the ordinary cost of childcare services provided they are related to the campaign or ordinary duties of the office held. These childcare services must not be expenses that would exist irrespective of the Member's or Candidate's campaign or their duties as an officeholder. Further, what is considered a permissible expense for childcare services will be made by the Committee on a case-by-case basis. Finally, if a family member performs the childcare services, the Member or Candidate must comply with the guidelines espoused in Committee Advisory Opinion 2018-9.

**Adopted February 9, 2023.**