



**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

August 15, 2024

Gary Simon
Treasurer
Hawaii Family Caregiver Coalition



Re: Advisory Opinion 25-02

Dear Mr. Simon:

This is in response to your request to the Campaign Spending Commission (“Commission”) for an advisory opinion dated July 24, 2024.¹ Your request sought advice on whether a candidate may use campaign funds to pay for adult dependent care expenses necessitated by the candidate’s participation in campaign activities. You described adult dependent care “as having responsibility for the direct care, supervision, development, safety, and protection of a person, such as a family member, living in the candidate’s household who is physically or mentally incapable of self-care.”

Hawaii Revised Statutes (“HRS”) §11-381(a)(1) and Hawaii Administrative Rules (“HAR”) §3-160-43(a) provide that campaign funds may be used for any purpose directly related to a candidate’s campaign for office. Although campaign funds cannot be used for personal expenses, expenses that exist primarily because of the candidate’s campaign for nomination or election for office and would not exist in the absence of the candidate’s campaign for office, are not personal expenses. HAR §3-160-42(b). In the Commission’s Advisory Opinion 25-01, the Commission determined that a candidate for state or local office may use campaign funds to pay for childcare expenses that are directly related to the candidate’s campaign activities. Based upon the same rationale discussed in that advisory opinion, the Commission determines that a candidate for state or local office may use campaign funds to pay for adult dependent care expenses that are directly related to the candidate’s campaign activities and that would not exist in the absence of the candidate’s campaign activities for office.

¹ Attachment “A” is a copy of your request for an advisory opinion.

The Commission provides this Advisory Opinion as a means of stating its current interpretation of the Hawaii campaign finance law in HRS §11-301, *et seq.*, and the Commission's rules in chapter 3-160, HAR. The Commission may adopt, revise, or revoke this Advisory Opinion if provisions of the campaign finance law or administrative rules are amended or repealed.

CAMPAIGN SPENDING COMMISSION

Neal Herbert

By: NEAL HERBERT
Its Chair



July 24, 2024

VIA EMAIL

Hawaii State Campaign Spending Commission
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 300
Honolulu, Hawaii 96813

RE: Request for an Advisory Opinion

On behalf of the Hawai'i Family Caregiver Coalition, a group of organizations concerned with the needs of family caregivers, I am writing to request an Advisory Opinion on the use of a candidates' campaign funds to pay for adult dependent care expenses necessitated by the candidate's participation in campaign activities. Adult dependent care may be defined as having responsibility for the direct care, supervision, development, safety, and protection of a person, such as a family member, living in the candidate's household who is physically or mentally incapable of self-care.

While these expenses would seem not to exist irrespective of a candidate's campaign as described in HAR Section 3-160-42 Expenditures not allowed for personal expenses, candidates are reluctant to test the eligibility of adult dependent care expenses during a campaign due to the potential fines and the negative impression of the public disclosure of improper use of campaign funds.

It is because of this reluctance that I am asking the Commission to provide an Advisory Opinion that would assist candidates who have adult dependents who are physically or mentally incapable of self-care to run for office.

Please feel free to contact me at [REDACTED] or Debbie Shimizu at [REDACTED] if you have any questions.

Mahalo for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Gary Simon".

Gary Simon
Hawai'i Family Caregiver Coalition

