

Lisa J. Stevenson, Acting General Counsel
Office of the General Counsel
Federal Election Commission
1050 First Street NE
Washington, DC 20463

April 13, 2018

RE: Advisory Opinion Request 2018-06 (Shirley)

Dear Ms. Stevenson,

We write in support of the request of Liuba Grechen Shirley and her campaign committee that campaign funds may be used for childcare expenses so that she may engage in campaign activities as part of her campaign for Congress.¹ In the circumstances described in Ms. Shirley's letter, and assuming that she maintains accurate records, the childcare that she obtains in order to engage in campaign activities would not constitute "personal use" under 11 C.F.R. § 113.1(g) because it would not "exist irrespective of the candidate's campaign." This follows almost inexorably from AO 1995-42 (McCrery).

But there are larger considerations at stake. The struggle for political equality for women did not end in 1920 with the passage of the Nineteenth Amendment. Women face many structural barriers in running for elective office.² Many of these barriers are particularly acute for women of color.³ These barriers include difficulty reconciling work and family obligations with a political career, including child care while running for office.⁴ The child

¹ See 11 C.F.R. § 112.3.

² Janie Boschma, *Why Women Don't Run for Office*, <https://politi.co/2v2EPpR> (June 12, 2017); Jennifer L. Lawless & Richard L. Fox, Brookings Inst., *Why are Women Still Not Running for Public Office?*, <https://brook.gs/2v5yU3r> (May 2008).

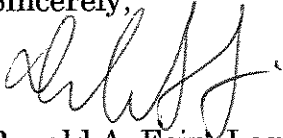
³ Adam Lioz, Demos, *Stacked Deck: How the Racial Bias in our Big Money Political System Undermines our Democracy and our Economy*, <http://www.demos.org/publication/stacked-deck-how-racial-bias-our-big-money-political-system-undermines-our-democracy-a-0> (July 23, 2015); Donovan X. Ramsey, Demos, *Race, Gender, and Money In Politics*, <http://longform.demos.org/race-gender-and-money-in-politics>.

⁴ Lawless & Fox, *supra*, at 2; Denise L. Baer & Heidi I. Hartmann, Inst. for Women's Policy Research, *Building Women's Political Careers: Strengthening the Pipeline to Higher Office* v, <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/I926.pdf> (May 2014); Rachel Silbermann, *Encouraging More Female Candidacies by Subsidizing Childcare*, Yale Inst. for Social & Poly Studies, <https://isps.yale.edu/news/blog/2013/11/encouraging-more-female-candidacies-by-subsidizing-childcare>.

care obligations of many women candidates today are at least as substantial as, and often more extensive than, those presented by then-Congressman Jim McCrery in 1995.

Much progress has been made over the past century towards achieving political and workplace equality for women. Yet much still remains to be done. Allowing Ms. Shirley and others like her to use campaign funds for child care where necessary for the candidate to run for office is a small step that the Commission should be proud to take.

Sincerely,



Ronald A. Fein, Legal Director
Free Speech For People
1340 Centre St. #209
Newton, MA 02459
617-244-0234
rfein@freespeechforpeople.org

Chiraag Bains, Director of Legal Strategies
Dēmos
740 6th St. NW, 2nd Floor
Washington, DC 20001
(202) 864-2746
cbains@demos.org

*Admitted to practice law in Massachusetts; not admitted in the District of Columbia.
Practice limited pursuant to D.C. App. R. 49(c)(3).*

Zephyr Teachout, Associate Professor of Law
Fordham University School of Law
150 West 62nd St.
New York, NY 10023