



KENTUCKY REGISTRY OF ELECTION FINANCE

Thomas P. O'Brien, III, Chairman
Adrian M. Mendiondo, Vice-Chair
Richard Clayton Larkin, Member
H. David Wallace, Member
J. Bissell Roberts, Member
Laura Marie Bennett, Member
Jessica Burke, Member

140 Walnut Street
Frankfort, Kentucky 40601-3240
Phone: (502) 573-2226
Fax: (502) 573-5622
www.kref.ky.gov

John R. Steffen
Executive Director
Leslie M. Saunders
General Counsel

ADVISORY OPINION 2025-03

Any Advisory Opinion rendered by the Registry under subsection (1) or (2) of KRS 121.135 may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the Advisory Opinion is rendered. See KRS 121.135(4).

July 31, 2025

VIA FIRST CLASS U.S. MAIL AND EMAIL

Hon. Matthew P. Trebelhorn
General Counsel
House Democratic Caucus
702 Capitol Avenue
Frankfort KY 40601

In re: Request for Advisory Opinion: Using Campaign Funds for Candidate Security Expenses

Dear Mr. Trebelhorn:

This Advisory Opinion is sent in response to your email of July 1, 2025, requesting an advisory opinion on whether a candidate may “use campaign funds to pay for security devices or services at the candidate’s home which are necessary because of the person’s status as a candidate.” Your request was posted for public comment on the Kentucky Registry of Election Finance’s (“Registry’s”) web site for ten days, as required by statute, but no comments were received.

In asking this question, you are representing members of the House Democratic Caucus, who plan to invest in home security devices and services. These plans were prompted in part by

Using Campaign Funds for Candidate Security Expenses (AO 2025-03)

the June 14, 2025 shootings in Minnesota in which State Rep. Melissa Hortman and her husband Mark were killed in their home, while Sen. John Hoffman and his wife Yvette were seriously wounded in theirs. Your request states that the Secretary of State, as well as the leadership of Kentucky's General Assembly have condemned these acts of violence as being politically motivated. You also state that "[s]ecurity measures in and around the State Capitol have been reexamined and many political candidates and elected officials have reevaluated their own personal safety." The House Democratic Caucus members are considering purchasing both home security systems (including such items as cameras, alarms, and motion lights) and services related to home security (including such services as monitoring of alarms and recording security systems).

You believe that security devices and services should be treated as allowable expenditures under 32 KAR 2:200, which states that candidates may use campaign funds for "reasonable expenditures for services . . . primarily and directly related to the individual's candidacy," allowing for "only that use attributable to the campaign to be paid for with campaign funds." You also direct the Registry's attention to an informal opinion (2108-003) that held that childcare expenses related to campaign activity that allowed the candidate to promote his or her campaign in a reasonable way could be paid with campaign funds.

In the House Democratic Caucus members' request, the examples given make a strong case that security could be a legitimate concern of officeholders and I could foresee that such a concern could also apply to candidates. To the extent that a particular campaign could show that such expenditures were necessary as a result of the candidacy and not "expenditures made to defray the costs associated with an individual's performance of his official duties as an officeholder[.]" these expenditures could be made with campaign funds. (32 KAR 2:200, Sec. 2(2).) The burden to prove that the expense was directly and primarily related to candidacy falls upon the candidate. (32 KAR 2:200, Sec. 3.)

This would seem a relatively simple burden for new candidates/non-incumbents, but what would be needed to differentiate how a particular incumbent's requirement for security as a candidate differs from his or her need for security as an officeholder remains to be seen. Certainly one requirement would be for the incumbent to be a "candidate" as KRS 121.015(8) defines that term, at the time of the expense. Thus, the person in question would have to have "received contributions or made expenditures, []appointed a campaign treasurer, or []given his or her consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination or election to a nonfederal public office[.]" While the analogy to childcare expenses is apt, it certainly seems easier to determine that a particular childcare expense was necessary to allow a candidate to attend a campaign event, for instance, than that a particular person's candidacy more directly affects his or her security requirements than does his or her incumbency.

To the extent those facts can be shown, however, nothing in KRS Chapter 121 would disallow the purchase of security devices or services with campaign funds. The ability to pay for ongoing services with campaign funds would end with the candidacy and to the extent that

Using Campaign Funds for Candidate Security Expenses (AO 2025-03)

former candidate intended to keep any such services or devices he or she would need to pay the continuing cost of the service from personal funds and reimburse the campaign fund for the fair market value of the (now presumably used) devices. Otherwise, these devices must be sold and the funds received returned to the campaign fund.

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request and only may be applied to cover the conduct in the transaction you described. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,



LESLIE M. SAUNDERS
General Counsel

Cc: John R. Steffen, Executive Director