

Office of the General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort KY 40601

Dear Ms. Saunders:

I am writing on behalf of the Kentucky House Democratic Caucus to request an Advisory Opinion as contemplated by 32 KAR 2:060 and KRS 121.135.

We request an advisory opinion on the following question:

May a candidate 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?

On June 14th, two Minnesota state legislators and their spouses were shot in their homes near the Twin Cities. State Rep. Melissa Hortman (Speaker Emerita) and her husband Mark were killed, while Sen. John Hoffman and his wife Yvette were seriously wounded.

Elected officials in Kentucky have condemned the attacks as political violence. Senate President Stivers said that "[t]hese heinous murders in Minnesota are unforgivable. The blatant disregard for human life and the taking up of arms for political gain is inexcusable."

Speaker Osborne wrote that the victims "were targeted due to their public service and the political positions they held. The assassination of a Minnesota state legislator and the attempted assassination of another must serve as a wakeup call."

Security measures in and around the State Capitol have been reexamined, and many political candidates and elected officials have reevaluated their own personal safety.

Secretary of State Michael Adams wrote on Twitter "[b]eing an elected official today means scoping out the place every time you enter somewhere new. Apparently we have to add our homes now."

When the safety of a person, their loved ones, and of their home is placed at risk by their political candidacy, security measures taken in response to that risk should be an allowable campaign expense. Members of the House Democratic Caucus plan to invest in home security devices and services in response to this political violence.

Candidates who invest in home security systems (including cameras, alarms, motion lights, and similar items), or in services related to home security (such as monitoring of alarms and recording of security systems), as a result of their status as a candidate should be able to pay those expenses from campaign funds.

Allowable expenditures under 32 KAR 2:200 include “[r]easonable expenditures for services...primarily and directly related to the individual’s candidacy” and the purchase or rental of items, with the caveat that “[o]nly that use attributable to the campaign may be paid for with campaign funds.”

In an informal opinion (2018-003), the Kentucky Registry of Election Finance held that childcare expenses “incurred as a direct result of campaign activity ... may permissibly be paid with campaign funds.”

Under that same standard, security services or devices should be allowable campaign expenditures.

Thank you for your attention to this request. Please contact me if you need additional information.

Sincerely,

/s/ Matthew P. Trebelhorn

Matthew P. Trebelhorn
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House Democratic Caucus
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