

**No. 11-23-OR**

**ORDINANCE**

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 220, entitled "Campaign Finance Regulations," in order to clarify the permissible uses of campaign funds by candidates for County elected office.

**Whereas**, the right of candidates to campaign necessarily entails the need to finance such campaigns; and

**Whereas**, while the Allegheny County Code of Ordinances, Chapter 220, as amended, contains substantive regulation of campaign finances, in part based upon Federal Election Commission (FEC) campaign finance limitations; and

**Whereas**, although the FEC also promulgates regulations governing permissible expenditures of campaign funds, the ability of candidates to utilize such campaign funds to pay for certain childcare expenses incurred in the course of seeking office is not clearly established by the FEC; and

**Whereas**, it is the desire of Council to establish clear rules regarding permissible campaign fund expenditures, including childcare expenditures, for individuals seeking County elected office;

***The Council of the County of Allegheny hereby enacts as follows:***

***SECTION 1. Incorporation of the Preamble***

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

## ***SECTION 2. Amendment of the Allegheny County Code of Ordinances.***

The Allegheny County Code of Ordinances is hereby amended and supplemented by the establishment of a new Chapter 220, entitled “Campaign Finance Regulations,” is hereby amended and supplemented through the creation of a new §220.2.1, entitled “Expenditures” and comprised as follows:

### **Chapter 220 Campaign Finance Regulations**

#### **§220.2.1. Expenditures.**

- A. Candidates for County Elected Office and Candidate Committees for such Candidates may expend campaign funds for any purpose authorized under rules and/or regulations that are in effect and published by the Federal Election Commission as of the first day of the calendar year in which the funds are expended.
- B. In addition to the expenditures permissible under the terms of Subsection A, a Candidate Committee may make use of funds to pay for ~~childcare~~ family care expenses incurred by a Candidate for County Elected Office or to reimburse a candidate for County Elected Office during an election cycle if said funds are used to pay for reasonable and necessary ~~childcare~~ family care for the time the candidate is engaging in campaign activity such that the ~~childcare~~ family care expenses would not otherwise be incurred but for or in absence of a campaign for County Elected Office.
  1. The funds eligible for use pursuant to the terms this Subsection shall be those received and held by a candidate committee as contributions authorized by and in line with the regulations and requirements established pursuant to the terms of §220.2.
  2. For the purposes of this Subsection, ~~“childcare”~~ “family care” shall ~~be considered~~ include care provided to a candidate's child or dependent, including, but not limited to, professional or casual baby-sitting services, non-profit or for-profit organizations that provide such services, and any other costs directly related to such services that occur as a result of campaign activity for County Elected Office, but not including pre-primary, primary, or secondary education. In addition, for the purposes of this section, the term “family care” shall also include supervision of and/or any costs incurred in campaign activity for County Elected Office and which are directly related to supervision of any of the following:

- a. A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the Candidate stands in *loco parentis*;
  - b. A biological, foster, adoptive, or step-parent, or legal guardian of a Candidate or a Candidate's spouse or domestic partner or a person who stood in *loco parentis* to a Candidate when the Candidate was a minor child;
  - c. A person to whom the Candidate is legally married under the laws of any state;
  - d. A biological, foster, or adopted sibling;
  5. A domestic partner.
3. Family Care expenses shall not include payments to a member of the candidate's household or family. For the purposes of this Subsection, "family" shall be considered a candidate's parent, step-parent, child, step-child, sibling, step-sibling, grandparent, grandchild, parent-in-law, sibling-in-law, aunt, uncle, first cousin, or persons otherwise related by consanguinity or affinity.
  4. The candidate committee shall disclose and report these expenditures in the same manner as all other expenditures that the candidate committee is required to disclose and report under all applicable law.

### ***SECTION 3. Effective Date and Implementation.***

This Chapter shall take effect on November 8, 2023. This shall mark the beginning of a new election cycle for all candidates. No donations received prior to the effective date shall count towards the new contribution limits.

***SECTION 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

***SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***

***PRIMARY SPONSOR: COUNCIL MEMBER DUERR***

***CO-SPONSORS:***

Enacted in Council, this 23<sup>rd</sup> day of May, 2023,

Council Agenda No. 12608-23

  
\_\_\_\_\_  
**Patrick Catena**  
**President of Council**

Attest:   
\_\_\_\_\_  
**Jared E. Barker, Chief Clerk**  
**Allegheny County Council**

Chief Executive Office \_\_\_\_\_, 2023

Approved: \_\_\_\_\_  
**Rich Fitzgerald**  
**Chief Executive**

Attest: \_\_\_\_\_  
**Jennifer Liptak**  
**Chief of Staff**