



Ohio Elections Commission

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April 20, 2000

OHIO ELECTIONS COMMISSION

Advisory Opinion 2000ELC-02

SYLLABUS: It is permissible for the Political Contributing Entity of a union to receive moneys from the union's general operating account, which is generated by dues money, even though the majority of the money in the account was generated by dues paid by union members who reside in Pennsylvania, rather than Ohio, as long as each contributor is properly identified as outlined in R.C. §3517.10(B)(4) and R.C. §3517.10(L).

TO: The Operating Engineers, Local No. 66, District 2

You have requested an advisory opinion on the following issues:

Is it permissible for the Political Contributing Entity of the union to receive moneys from the union's general operating account, which is generated by dues money, even though the majority of the money in the account was generated by dues paid by union members who reside in Pennsylvania, rather than Ohio?

Ohio Revised Code §3517.01(B)(21) defines a Political Contributing Entity (PCE) as an

... entity, including a ... labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund.

As with all political organizations in the state of Ohio, including a PCE, R.C. §3517.10 states the schedule for and the parameters regarding the filing of

campaign finance reports in the state of Ohio, including all of the information which must be included in a campaign finance report pertaining to contributions.

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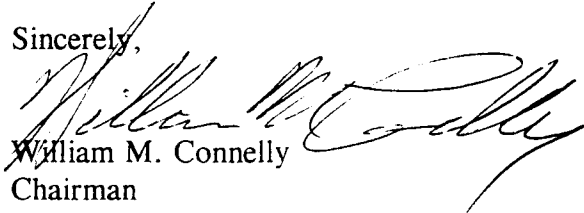
R.C. §3517.01(B)(5) defines a contribution as a

... a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, transfer of funds or transfer of anything of value including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election.

As it pertains to a PCE, R.C. §3517.10(L) states the manner in which such a PCE must list contributor information on its reports which reflect accumulated contributions "from the dues, membership fees, or other assessments of its members," as is the case here. While the definition of a PCE identifies the persons from which such a PCE may receive contributions which includes the members of a labor organization, the other definitions at issue in this situation do not limit contributors to only persons within the state of Ohio. Since there is no such limit in the statutory language, a PCE is not limited in receiving contributions when its membership crosses state lines. As long as each contributor is properly identified as outlined in R.C. §3517.10(B)(4) and R.C. §3517.10(L), there is no requirement that contributors are merely from within the boundaries of the state of Ohio

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that it is permissible for the Political Contributing Entity of a union to receive moneys from the union's general operating account, which is generated by dues money, even though the majority of the money in the account was generated by dues paid by union members who reside in Pennsylvania, rather than Ohio, as long as each contributor is properly identified as required by R.C. §3517.10(B)(4) and R.C. §3517.10(L).

Sincerely,


William M. Connelly
Chairman