

July 20, 2006

**Ohio Elections Commission  
Advisory Opinion  
2006ELC-04**

**SYLLABUS:** A political party may not use monies from the Ohio Political Party Fund to pay costs associated with a recognition program for poll workers that included a luncheon.

To: Margaret Dillow  
Treasurer  
Miami County Democratic Party

You have requested an advisory opinion on a question concerning Ohio campaign finance law. The essential question posed to the Commission is as follows:

May a political party use monies received from the Ohio Political Party Fund to pay costs associated with a recognition program for poll workers that included a luncheon?

In advisory opinion 91-2, the Ohio Elections Commission stated that money from the Ohio Political Party Fund (the Fund), established in Ohio Revised Code §3517.16, could not be used to pay for expenses associated with a dinner to honor persons who have made a “significant contribution” to the political party. The Commission declared that the statutory language contained in R.C. §3517.18(A) was to be considered inclusive of all of the reasons for using the Fund, and that the only applicable subdivision from this inclusive list that could be considered was R.C. §3517.18(A)(3), which states that Fund monies may only be expended for “(t)he administration of party fund-raising drives.”

The rationale expressed by the Commission relied on two elements that the Commission could not balance with the provisions of the statute. First, the Commission could not strictly establish that the contributors or volunteers did so for a statutorily acceptable purpose, i.e. a non-partisan purpose. Secondly, the Commission determined that the proposed expenditure could not fit the definition of “administration” as that term was defined in Advisory Opinion No. 89-6.

In Advisory Opinion No. 91-2, the Commission considered the beneficial aspects of such a luncheon, but had to acknowledge the statutory limitations. In concluding this opinion, the Commission was recognized that

this expenditure does not relate in any direct way to the management or direction of a fund-raising drive. This would be the case even if all of the persons to be honored had made their contribution of cash or talents entirely for statutorily approved purposes.

In this situation, unlike that of the circumstances in opinion 91-2, the question as to whether the persons attending the luncheon were doing so for a non-partisan purpose can be answered in the affirmative. This luncheon was to honor poll workers of both parties for their service to the voters of the county. Certainly no event would appear to more clearly meet the parameters of the provision in the statute. Nevertheless, there is no statutory basis for allowing an expenditure such as this, as this expenditure does not relate “to the management or direction of a fund-raising drive” as required by R.C. §3517.18(A)(3).

In Advisory Opinion No. 89-6, the Commission held that an expense for “administration” for the purposes of the Fund was one that is

related to the management of the event, and include compensation paid for planning and coordinating the event, office supplies and equipment and food, entertainment, decorations, invitations and rental of the facility.

While the situation in this request would appear to be an expense for which the Fund was created, the fact that an administrative expense can only be reimbursed from the Fund when it is related to a “party fund-raising drive”, as stated in the statute, controls the ability to use the Fund. As with the previous factor, because the Commission must analyze any such expenditure in light of the provisions of R.C. §3517.18(A)(3), the Commission can find no basis for approving such an expenditure until and unless the General Assembly amends the provisions of R.C. §3517.18(A) to allow a broader range of activities to fit within the approved bases for such expenditures.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that a political party may not use monies from the Ohio Political Party Fund to pay costs associated with a recognition program for poll workers that included a luncheon.

Sincerely,

William Booth  
Chair