



Ohio Elections Commission

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March 10, 2016

Ohio Elections Commission Advisory Opinion 2016ELC-01

SYLLABUS: The Ohio Department of Transportation (ODOT) is an agency of State government in Ohio and qualifies as a charitable organization pursuant to Ohio Revised Code §3517.08(G), as determined by the Ohio Elections Commission, pursuant to the authority granted to it, to receive contributions from any ballot issue committee, a campaign committee, Political Action Committee, or any other organization which is subject to Ohio's campaign finance reporting laws.

To: John E. Becker

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

Is it permissible to expend campaign funds to make a contribution to the Ohio Department of Transportation (ODOT) to be directed towards the costs of manufacturing, erecting, and maintaining the markers for a specific memorial highway?

In Ohio Elections Commission Advisory Opinion 2004ELC-02, the Commission established the first 'legitimate charitable organization' pursuant to Ohio Revised Code §3517.08(G). In that opinion, the Commission declared that the Alcohol, Drug and Mental Health Service Board of Lake County (ADAMHS Board) fit within the terms of R.C. §3517.08(G) and was an appropriate recipient for contributions from entities subject to Ohio's campaign finance laws.

In that opinion the Commission stated its intent that "this advisory opinion will apply to any government office, board, agency, commission or other entity which is granted authority to receive tax funding for its ongoing operations." As the Ohio Department of Transportation (ODOT) is an agency of State government in Ohio it certainly fits within the parameters of that opinion. Thus, an expenditure of campaign funds to ODOT comport with Ohio Revised Code §3517.08(G) and the previous holding of the Commission.

In your letter, you identify some additional hypothetical factors and express concern as to whether the Commission's opinion would change based on these

factors. The factors you identify include whether the office holder\candidate happens to be a sponsor of the bill creating the memorial highway or if the memorial highway is named after a constituent of the office holder\candidate. These factors are irrelevant to the Commission's approval of ODOT as a recipient of such contributions. Regardless of whether there is a relationship that may be the basis for the contribution, even to the extent that the memorial highway may be named after the candidate or a close relative of the candidate, none of these factors have an impact on the fact that ODOT is an agency of state government that receives 'tax funding for its ongoing operations' and is thus an appropriate recipient for contributions from entities subject to Ohio's campaign finance laws.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that the Ohio Department of Transportation (ODOT) is an agency of State government in Ohio and qualifies as a charitable organization pursuant to Ohio Revised Code §3517.08(G), as determined by the Ohio Elections Commission, pursuant to the authority granted to it, to receive contributions from any ballot issue committee, a campaign committee, Political Action Committee, or any other organization which is subject to Ohio's campaign finance reporting laws.

Sincerely,



Helen Balcolm
Chair