



Ohio Elections Commission  
State Office Tower, 14th Floor  
Columbus, Ohio 43266-0418  
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February 29, 1988

Advisory Opinion No. 88-1

SYLLABUS: A person, who desire to be a candidate for public office, may use campaign funds to pay for legal representation to determine his right to appear on the ballot.

TO: John A. Connor, II, counsel to Dan Dixon.

You have requested an opinion on the following:

May a person, who desires to be a candidate for public office, use campaign funds to pay for legal representation to determine his right to appear on the ballot?

Division (O) of R.C.3517.13 provides in part that no beneficiary of a campaign fund, i.e. the candidate for whose benefit the fund exists, shall convert or accept for personal or business use anything of value from the campaign fund except as reimbursement for "legitimate and verifiable prior campaign expenses incurred by the beneficiary". Ohio Revised Code section 3517.13(R)(1) provides that campaign funds may be used to pay directly for any expenses that may be reimbursed under R.C.3517.13(O).

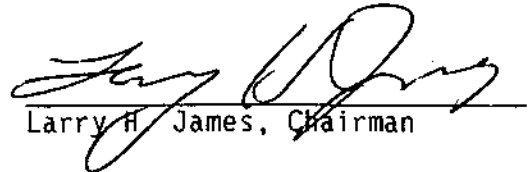
In Advisory Opinion No. 87-3, this commission stated that, "The effect of R.C.3517.13(O) is that campaign funds may only be used for the purposes specified in that division or as otherwise authorized in the Revised Code." R.C.3517.13(O) clearly restricts those purposes to certain specific categories.

A campaign expense must first be "legitimate". Although this term is not defined in the Revised Code, its meaning has been previously considered by the commission. See Advisory Opinion Nos. 87-3, 87-4 and 87-9. The commission has stated that legitimate expenses are those that are truly or validly related to a purpose set forth in R.C.3517.13 according to recognized or accepted standards.

In order to be a candidate for public office, an individual must have his name certified to the ballot by a county board of elections pursuant to R.C. section 3513.05 or 3513.263. The certification process involves a determination of compliance with statutory provisions. Thus, use of campaign funds to pay for legal representation to determine the right to appear on the ballot directly relates to obtaining status as a candidate in the first instance, and, therefore, is a legitimate campaign expense. Such expenses would be verifiable so long as the attorneys' fees were properly documented. See Advisory Opinion No. 87-15.

The question presented in this opinion is similar to the question presented in an earlier commission opinion, specifically Advisory Opinion No. 87-15. Therein, the commission held that "a candidate may use campaign funds to pay for legal fees incurred in defending himself or herself against charges brought before the Ohio Elections Commission" since legal fees incurred in defending a certain campaign activity are truly related to campaign activity and are therefore legitimate.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that a person, who desires to be a candidate for public office may use campaign funds to pay for legal representation to determine his right to appear on the ballot.



Larry H. James, Chairman