

May 15, 1989



Ohio Elections Commission
State Office Tower, 14th Floor
Columbus, Ohio 43266-0418
(614) 466-2585

ADVISORY OPINION NO. 89-1

SYLLABUS: Moneys from the Ohio Political Party Fund may be used to defray costs associated with maintaining and operating a permanent or temporary political party headquarters.

TO: James M. Ruvolo, Chairman, Ohio Democratic Party and Robert T. Bennett, Chairman, Ohio Republican Party

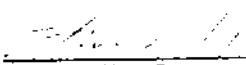
You have both requested the Commission to reconsider Advisory Opinion No. 88-3. The troublesome portion of that opinion is the language in the third paragraph on page two, which reads:

Therefore, many general party headquarters' expenses, such as for rent, utilities, equipment, and staff, will relate in part to providing support to the party's candidates. In such instances, the expense may be proportioned and Ohio Political Party Fund moneys may be used to pay for the portion of the expense that does not relate to promoting the election or defeat of particular candidates or to influencing directly the outcome of any election.

Ohio Revised Code section 3517.18(A) specifically provides that moneys from the Ohio Political Party Fund may be used for "The defraying of operating and maintenance costs associated with political party headquarters". Ohio Revised Code section 3517.18(B)(1), however, provides that moneys from the Ohio Political Party Fund may not be used "To further the election or defeat of any particular candidate or to influence directly the outcome of any candidate or issue election". (Emphasis added) These two statutory provisions are not irreconcilable, even though a primary function of a political party is to provide support for its candidates.

The general assembly included the word "directly" in R.C.3517.18(B)(1) in recognition of the fact that the operation and maintenance costs associated with a political party headquarters oftentimes indirectly benefit candidates. It appears, therefore, that the general assembly intended to allow such costs to be paid from Ohio Political Party Fund moneys. Requiring proportioning of those costs would be contrary to the legislative intent. Therefore, the above cited language in Advisory Opinion No. 88-3 is hereby overruled. However, if the sole purpose of a temporary headquarters is to serve as a joint campaign office for the party's candidates, then Ohio Political Party Fund moneys may not be used to defray the costs of the office.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that moneys from the Ohio Political Party Fund may be used to defray the operating and maintenance costs associated with a permanent or temporary political party headquarters.


Larry H. James, Chairman