



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

May 15, 1989

ADVISORY OPINION NO. 89-2

- SYLLABUS:
1. Monies from the Ohio Political Party Fund may not be used to pay for booth space at a county fair where the space will be used to promote the party's officeholders and candidates.
 2. Monies from the Ohio Political Party Fund may be used to pay for booth space at an event for purposes of voter registration and party fund-raising when neither the space nor the funds so raised are used for any purpose prohibited by Ohio Revised Code Section 3517.18.

TO: Amelia Garrett, Treasurer, Medina County Republican Party.

You have requested an opinion on the following:

May the Medina County Republican Party use monies received from the Ohio Political Party Fund for rental of space at a county fair?

May the Medina County Republican Party use monies received from the Ohio Political Party Fund for rental of space at a Home and Flower Show?

Your letter indicates that the fair space will contain posters of elected officials and that elected officials may man the space. You also indicated that some candidates may be at the booth. You indicate no intended use other than the implied promotion of the Medina County Republican Party, its officeholders and candidates.

Your letter indicates that the space at the Home and Flower Show will be used for voter registration, sales of T-shirts and demonstration of a video tape featuring President Bush's pre-election visit to Medina County. You have confirmed by telephone that proceeds of fund-raising at the space will be used to support the party's candidates.

Division (A) of Ohio Revised Code Section 3517.18 sets forth the sole purposes for which monies from the Ohio Political Party Fund may be used. Division (B) of the same section provides that such funds may not be used "(t)o further the election or defeat of any particular candidate or to influence directly the outcome of any candidate or issue election".

General promotion of the county party is not one of the authorized purposes under O.R.C. Sec. 3517.18. Additionally, the promotion of particular candidates is a prohibited use thereunder. In Advisory Opinion No. 88-4, the Commission held that monies from the Ohio Political Party Fund may not be used to pay for the costs associated with a rally promoting a political party's candidates. The purpose of the fair booth is akin to the party rally addressed in the prior opinion. Therefore, monies from the Ohio Political Party Fund may not be used for rental of space at the fair for the purposes set forth in your request for opinion.

O.R.C. Section (A)(2) provides that monies from the Ohio Political Party Fund may be used for voter registration programs; Section (A)(3) permits the expenditure of such funds for the administration of party fund-raising drives. However, O.R.C. Section (B)(1) would preclude the use of any funds so raised in furtherance of the election or defeat of any particular candidate or to influence directly the outcome of any candidate or issue election. See, Advisory Opinion Nos. 88-3 and 88-4.

George Bush is not currently a candidate for election to a particular office; therefore, use of a video promoting him at the booth would not be prohibited by O.R.C. Section 3517.18(B). However, use of the space by current candidates or their campaigns for campaign purposes would constitute such a prohibited use. Therefore, rental of space at the Home and Flower Show may be paid from Ohio Political Party Fund monies for the uses stated in your request for opinion if neither the space nor the funds raised thereat are not used for any purpose prohibited by O.R.C. Section 3517.18(B).

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that:

1. Monies from the Ohio Political Party Fund may not be used to pay for booth space at a county fair where the space will be used to promote the party's officeholders and candidates.
2. Monies from the Ohio Political Party Fund may be used to pay for booth space at an event for purposes of voter registration and party fund-raising when neither the space nor the funds so raised are used for any purpose prohibited by Ohio Revised Code Section 3517.18.

APPROVAL:



Larry H. James, Chairman