



**Ohio Elections Commission**

30 East Broad Street, 14th Floor

Columbus, Ohio 43266-0418

(614) 466-2585

June 10, 1991

ADVISORY OPINION NO. 91-1

**SYLLABUS:** A holder of public office may not use campaign funds to pay administrative and travel expenses relating to participation in an exchange program when the purposes of the that program are not truly related to the performance of their public duties.

**TO:** Hugh Dorrian, Columbus City Auditor

You have requested an opinion on the following question:

May a holder of public office use campaign funds to pay expenses related to an exchange program when the purpose of that program is to provide assistance and information to the officials of other governmental bodies related to the performance of their official duties?

Division (O)(2) of Revised Code section 3517.13 provides that no beneficiary of a campaign fund except for reimbursement for "Legitimate and verifiable, ordinary, and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events where the participation of the holder of a public office would normally be expected." (emphasis added)

The effect of R.C. 3517.13(O) is that campaign funds may only be used for the purposes specified in the division or elsewhere in the Revised Code. See Advisory Opinion No. 87-3.

In Advisory Opinion No. 87-14, this commission stated that campaign funds could be used to pay the expenses of a legislator related to a fact-finding trip undertaken for the purpose of determining information related to proposed legislation. In that opinion, it was stated that "An expense is legitimate if it truly relates to its purported purpose and this purpose is truly related to the duties of the public officeholder according to recognized or accepted standards." and, later in the same opinion, "Thus, any legitimate, verifiable, ordinary and necessary expenses incurred in connection with that role may be paid from campaign committee funds."

The present inquiry can be distinguished from the type of situation covered in Advisory Opinion No. 87-14. In that instance, the relationship between the purpose of the trip and the performance of the officeholder's duties was clear and immediate. Here, not only are none of the activities associated with the proposed travel part of the duties of a city official, but more importantly, there is no indication that any of the activities would enable the participants to perform their normal job duties more efficiently or comprehensibly or otherwise apply anything which may be observed to their official duties. In sum, the vital nexus between the purposes of the trip and the duties of the officeholder, which this commission found in the situation underlying in Advisory Opinion No. 87-14, cannot be found in the present situation.

In order for this proposed travel to fit within the ambit of R.C. 3517.13(O)(2), it would be necessary to demonstrate that at least some of the agenda would be applicable to Columbus city government, helping to make it more effective, operate more efficiently or the like, or to the participants performance of their duties as a member of city government.

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

A holder of public office may not use campaign funds to pay administrative and travel expenses relating to participation in an exchange program when the purposes of the that program are not truly related to the performance of their public duties.

APPROVED:



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Albert L. Bell, Chairman

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