


Elections Commission

20 East Broad Street, 14th Floor
 Columbus, Ohio 43266-0418
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ADVISORY OPINION NO. 91-2

SYLLABUS: Ohio Political Party Fund monies may not be used to pay for costs associated with giving a dinner in honor of persons who have made a significant contribution to a political party of either financial support or volunteer work.

TO: Jeffrey A. Burkam, Treasurer, Delaware County Republican Party

You have requested an opinion on the following question:

May a political party use monies received from the Ohio Political Party Fund to pay costs associated with a dinner given to recognize persons who have made a significant contribution to the party either through financial support or volunteer work.

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. In the first paragraph of this division, the statutory language shows clearly that the list of permissible expenditures is meant to be inclusive. It follows that any expenditure which does not come under one of the enumerated categories cannot be paid from these monies. The pertinent part reads, ". . . may expend monies only for the following purposes:". R.C. 3517.18(A)(3) permits the expenditures of such funds for "The administration of party fund-raising drives." For the present question, the issue which must be addressed is whether the proposed activity falls within the meaning of the term "administration" as it is used in the statute.

In Webster's New World Dictionary (3d College Edition, 1988) "Administrate" is defined as "to manage or direct". This definition was utilized in Advisory Opinion No. 89-6 in which this Commission stated that monies from the Ohio Political Party Funds could be used to pay administrative expenses associated with a party fund-raising event, provided that none of the funds received were used to further the election or defeat of a candidate or to directly influence the outcome of an election. In defining "Administrative expenses" Advisory Opinion No. 89-6 provides as follows:

Administrative expenses therefore, are those related to the management of the event, and include compensation paid for planning and coordinating the event, office supplies and equipment and food, entertainment, decorations, invitations and rental of the facility."

While this list does not claim to be exhaustive, all of the expenses listed as ". . . relating to the management of the event . . ." have at least one property in common; they all relate directly to the operation of the fund-raising itself. This is consistent with the definition of "administration".

Applying this analysis to the facts presented, there are two difficulties with the proposed expenditure. First, it is not specified that the contributions of those persons honored at such a dinner would have been

entirely used for statutorily acceptable purposes. If any of their contributions or volunteer work were used to further the election or defeat of any candidates, no Ohio Political Party Fund could be used to encourage their future support or record their past contributions.

Second and more fundamentally, the proposed expenditure does not fit the definition of "administration" given above, which was used in our previous opinion. That is, this expenditure does not relate in any direct way to the management or direction of a fund raising drive. This would be the case even if all of the persons to be honored had made their contribution of cash or talents entirely for statutorily approved purposes. Since, as noted, those expenditures limited in the statute are intended to be exclusionary, any expense not included in that listing must be presumed to be not payable with political party funds.

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

Ohio Political Party Fund monies may not be used to pay for costs associated with giving a dinner in honor of persons who have made a significant contribution to a political party of either financial support or volunteer work.

APPROVED:


Albert L. Bell, Chairman