



Ohio Elections Commission

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Columbus, Ohio 43266-0418
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January 27, 1992

ADVISORY OPINION NO. 92-1

SYLLABUS: Monies from the Ohio Political Party Fund may not be used to pay for the publication and distribution of a yearbook featuring the members of that party who are candidates for public office or distributed to other than registered voters of that party.

TO: Thomas W. Wilson, Chairman, Clark County Democratic Party

You have requested an advisory opinion on the following question:

May a political party use Ohio Political Party Fund monies to pay for the publication and distribution of a yearbook of the members of that party who are serving in county government?

The pertinent statute; R.C. 3517.18, provides as follows:

- "(A) A political party receiving monies from the Ohio Political Party Fund may expend the monies only for the following purposes: . . .
- (5) Direct mail campaigns or other communications with the registered voters of a party that are not related to any particular candidate or election . . ." (emphasis added)

The use of the term "only" demonstrates that the list of enumerated expenses is meant to be inclusive. The focus of our inquiry then must be whether a yearbook such as described would be sufficiently unrelated to, ". . . any particular candidate or election", as to allow it to be produced and distributed with Political Party Funds.

In Advisory Opinion No. 89-2, this Commission ruled that Political Party Funds may not be used to pay for a fair booth which would, ". . . contain posters of elected officials . . .", when these officials were current candidates. That opinion also stated that office holders who were not currently candidates for election to a particular office could be featured at such a booth and utilizing Political Party Funds; a distinction based on Division (B)(1) of Ohio Revised Code section 3517.18, which provides that such funds may not be used, "to further the election or defeat of any candidate or to influence directly the outcome of any candidate or issue election." (emphasis added)

The analysis used in Advisory Opinion No. 89-2 can be applied here. Since some percentage of elected office would, in any given year, be expected prospective candidates for re-election, a yearbook featuring all officeholders affiliated with a particular party would be directly supporting those officeholders who are seeking re-election. It follows that Political Party monies spent on such a yearbook would, in part, be used to further these candidates, which is obviously prohibited by R.C. 3517.18.

Of course, in the event that none of the featured office holders were candidates in the year the publication was distributed, this analysis would not apply. If that were the case, then the question becomes whether expenses related to general promotion of a county party is an authorized purpose under R.C. 3517.18. In this situation, the answer is dependant on whether the yearbook is to be distributed exclusively to registered voters of the party or whether it will have a more general distribution. As R.C. 3517.18(A)(5) states, political party funds may be expended for ". . . communications with the registered voters of a party that are not related to any particular candidate or election;" (emphasis added). A yearbook such as discussed here would obviously qualify as such a communication.

To sum up, a yearbook of the members of a county party who are serving in county government may be published and distributed with Political Party Funds only if two conditions apply:

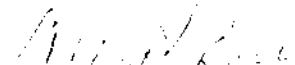
(1) None of the office holders featured may be candidates for public office at the time the yearbook is issued; and

(2) The yearbook may be distributed only to registered voters of the party.

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

Monies from the Ohio Political Party Fund may not be used to pay for the publication and distribution of a yearbook featuring the members of that party who are candidates for public office or distributed to other than registered voters of that party.

APPROVED:



Albert L. Bell, Chairman