



Ohio Elections Commission

30 East Broad Street, 14th Floor
Columbus, Ohio 43266-0418
(614) 466-2585

May 22, 1992

ADVISORY OPINION NO. 92-2

SYLLABUS: A political party may use a computer properly purchased, programmed and operated with Ohio political party funds to produce a printout or a download of data for distribution to party members, candidates or committees as long as this use is incidental to the purchase and use of the computer and the information provided is not uniquely tailored to directly aid a candidate or campaign committee.

A political party may charge a fee to members, candidates or committees for a printout or a download of data from a computer properly purchased with money from the Ohio political party fund if the information is not uniquely tailored to directly aid a candidate or campaign committee and if the fees, when received, are deposited and maintained in a separate account established for political party funds and are used only for purposes which are permissible for political party funds.

TO: Robert L. Price, Chairman of the Greene County Democratic Party

You have requested an opinion on the following questions:

1. May a political party use a computer purchased with funds from the Ohio political party fund to produce printouts or a download of databases onto floppy discs for distribution to party members or candidates?
2. May a political party charge a fee to members or candidates for printouts or a download of databases onto floppy discs from this computer?

Ohio Revised Code, Section 3517.18 (A) allows a political party receiving money from the Ohio political party fund to expend the money received for the purchase, lease or maintenance of computer hardware and software. Ohio Revised Code, Section 3517.18 (B), however, limits the scope of the permissible purposes for which money from the Ohio political party fund may be used by political parties. Specifically, it provides, among other things, that money from the Ohio political party fund shall not be used to "... influence directly the outcome of any candidate or issue election."

The word "directly" in section 3517.18 (B) demonstrates that, while virtually any use which a political party may make of funds from the Ohio political party fund will aid endorsed candidates to some extent, only expenditures which are clearly and distinctly made to aid a candidacy will be affected by this section. Expenses which indirectly benefit candidates may still be paid from political party funds.

Prior opinions of this commission have addressed this issue of what purposes funds from the Ohio political party fund may be used. In Advisory Opinion No. 89-1, this commission ruled that political party fund money may be used to defray the operating and maintenance costs associated with a permanent or temporary campaign headquarters. The basis for this ruling was the use of the word "directly" in Ohio Revised Code, Section 3517.18(B)(1). Specifically, this commission reasoned that the use of the word "directly" indicates a legislative intent to allow some costs to be paid from the Ohio political party fund.

In Advisory Opinion No. 88-4, this commission ruled that political party funds could not be used to pay for lists of persons who are registered voters if the lists are to be used solely to promote the election of candidates. In Advisory Opinion 88-5, this commission ruled that candidate slate cards containing the names of a party's candidates could not be purchased or distributed with political party funds. The basis for this opinion was that the slate cards were to be used solely to promote the election of candidates.

Therefore, whether a computer which is properly purchased and operated with political party funds may be used to produce a printout or a download of data for distribution to party members, candidates or committees depends on whether that use of the computer is incidental to the overall use of the computer and whether the information provided is uniquely tailored to directly aid a candidate or campaign committee. If the printouts or download of data are incidental to the purchase and use of the computer and are not uniquely tailored to directly aid a candidate or campaign committee, the computer may be used to produce and distribute the printouts or download of data to party members, candidates or committees.

If it is permissible to produce and distribute printouts or a download of data to party members, candidates or committees, a political party may charge a fee for this information. As stated in Advisory Opinion 89-6, however, the fees may not be used for any purpose prohibited by Ohio Revised Code, Section 3517.18(B) and may not be co-mingled with funds used by the party for supporting or opposing candidates or ballot issues. Thus, a separate bank account should be established for these fees.

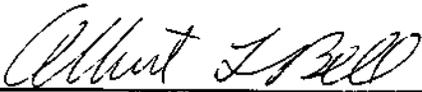
For the reasons stated herein, it is the opinion of the Ohio Elections Commission that:

A political party may use a computer properly purchased, programmed and operated with Ohio political party funds to produce a printout or a download of data for distribution to party members, candidates or committees as long as this use is incidental to the purchase and use of the computer and the information provided is not uniquely tailored to directly aid a candidate or campaign committee.

A political party may charge a fee to members, candidates or committees for a printout or a download of data from a computer properly purchased with money from the Ohio political party fund if the information is not uniquely tailored to directly aid a candidate or campaign committee and if the fees, when

received, are deposited and maintained in a separate account established for political party funds and are used only for purposes which are permissible for political party funds.

APPROVED:



Albert L. Bell, Chairman

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