



Ohio Elections Commission

30 East Broad Street, 14th Floor

Columbus, Ohio 43266-0418

(614) 466-3205

February 29, 1996

Ohio Elections Commission

Advisory Opinion

96ELC-01

SYLLABUS: A county elected officer, including the prosecuting attorney, its campaign committee or any person acting at its direction or with its authorization or at the direction of or with the authorization of its campaign committee is prohibited from soliciting any contribution to a political party from any of such elected officer's employees.

TO: The Honorable Maureen O'Connor
Prosecuting Attorney
Summit County

You have requested an advisory opinion on the following question:

Can an elected county officer or their campaign committee, or any person acting at the direction or with the authorization of the officer or committee, solicit a campaign contribution on behalf of a political party from county employees who work for the officer?

As recently enacted by the 121st General Assembly in Amended Substitute Senate Bill Number 8 (SB 8), Ohio Revised Code §3517.092(D), effective August 23, 1995, states as follows:

(D) No county elected officer or his campaign committee, and no person at the direction of or with the authorization of a county elected officer or his campaign committee, shall knowingly solicit a contribution from any of the following:

- (1) A county employee whose appointing authority is the county elected officer;
- (2) A county employee whose appointing authority is authorized or required by law to be appointed by the county elected officer;
- (3) A county employee who functions in or is employed in or by the same public agency, department, division, or office as the county elected officer. (emphasis added)

Also enacted therewith and effective August 23, 1995, O.R.C. §3517.092(A)(6) states as follows:

(A) As used in this section:

(6) "contribution" includes a contribution to **any political party**, campaign committee, political action committee, or legislative campaign fund.
(emphasis added)

Therefore, a county elected officer, its campaign committee or any person acting under the direction of or with the authorization of either is prohibited from soliciting contributions to a political party from employees of the county office, its agencies and subdivisions. Under §3517.092(E) of the O.R.C. as enacted by SB 8, effective August 23, 1995, candidates for that same county elected office are likewise prohibited from soliciting a "contribution" from these same employees.

Finally, with respect to soliciting contributions for a political party by persons or entities other than those described in §3517.092(D) and (E) of the O.R.C. from any county employees, your attention is directed to subpart (F) thereof which, as enacted and effective August 23, 1995 states:

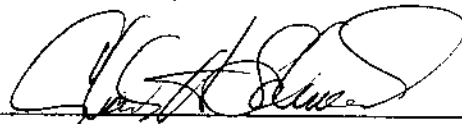
(F)(1) No public employee shall solicit a contribution from any person while the public employee is performing his official duties or in those areas of a public building where official business is transacted or conducted.

(2) No person shall solicit a contribution from any public employee while the public employee is performing his official duties or is in those areas of a public building where official business is transacted or conducted.

(3) As used in division (F) of this section. "public employee" does not include any person holding an elective office.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission, and you are so advised, that an elected county officer or its campaign committee, or any person acting at the direction of or with the authorization of either is prohibited from soliciting a campaign contribution on behalf of a political party from county employees who work for that officer.

APPROVED:



Charles A. Schneider
Chairman