



Ohio Elections Commission

21 West Broad Street, Suite 600

Columbus, Ohio 43215

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July 30, 1996

Ohio Elections Commission

Advisory Opinion

96ELC-09

SYLLABUS: A candidate may use campaign committee funds to pay those certain expenses related to attending a political party's national convention as outlined in this opinion and incurred by the candidate, the spouse of the candidate and one or more prominent campaign officials, that are campaign related. The expenses payable from the campaign committee funds may include the cost for ground and/or air transportation, meal expenses, room expenses, reasonable entertainment expenses, printing for any candidate campaign literature to be distributed at the convention, reasonable admission fees to convention related events, and telephone expenses when the expense is incurred in furtherance of the interest of the campaign or the candidate. No personal expenses for any of the travelers may be paid from campaign funds.

To: Susan J. Kyte
Attorney for Officeholders & Attendees at the Republican National
Convention

You have requested an opinion on the following question:

Do [certain] expenditures constitute reasonable and necessary, ordinary and verifiable expenditures from a campaign account when the money is spent for the purpose of or while attending a political party's national convention?

Included in your request are a number of examples of potential expense items which may be incurred by a candidate or officeholder while attending a political party convention. As well, your letter requests that approval be given for the inclusion of the "spouse and one or more prominent campaign officials" as interested parties for whom reimbursement may be made.

Ohio Revised Code §3517.13(O) broadly states that the beneficiary of a campaign fund shall not convert anything of value from that campaign fund for the personal or business use of the beneficiary. The section contains exceptions which allow the beneficiary to be reimbursed for certain expenses. Included in these exceptions is R.C. §3517.13(O)(3)(d), which allows the reimbursement of legitimate and verifiable ordinary and necessary expenses incurred while attending a political party convention.

In Ohio Elections Commission Advisory Opinion 87-4, the Commission defined the terms "legitimate, verifiable, ordinary and necessary." The Commission has consistently held that an expense is legitimate if it conforms to recognized principles or accepted standards. An expense is ordinary if it is customary and usual. As it relates to attendance at a political convention, expenses are legitimate and ordinary if the purpose is primarily to engage in campaign related activities and duties such as fundraising, policy development, or sharing ideas on conducting a campaign and related activities. These would be the types of activities that would conform to recognized principles and are customary and usual expenses in the context of operating a campaign.

Therefore, as long as the purpose of the trip relates to campaign or office related duties while attending the party convention, such expenses would be legitimate and ordinary within the terms of the definitions used by the Commission. This would include the cost for ground and/or air transportation, meal expenses, room expenses, reasonable entertainment expenses, printing for any candidate campaign literature to be distributed at the convention, reasonable admission fees to convention related events, and telephone expenses.

It would also be appropriate for these same types of expenses to be paid from campaign funds for one or more campaign prominent campaign officials. Often the campaign manager or other key staff members can perform many tasks that are extremely beneficial to the campaign, and will further the purposes of the campaign, the officeholder and/or the candidate. As long as the attendance by one or more prominent campaign officials will further the candidate's campaign or any policy initiatives of the candidate, the activities of the person(s) are campaign related and may be paid from campaign funds. The number of prominent campaign officials to be included should be at the discretion of the candidate but must be a reasonable number based on the office being sought, the total expense involved in sending staff members, the budget of the campaign committee, and other pertinent facts related to attending a convention and operating a campaign committee.

Any expenses paid on behalf of the spouse of the candidate may be more problematic but should be analyzed in a similar fashion to that used in reviewing those of prominent campaign officials. In order for the payment on behalf of the spouse to be proper, the attendance by the candidate's spouse must be made in furtherance of the candidate's campaign or while pursuing policy initiatives of the candidate. Often the spouse of the candidate represents the candidate at many different functions and acts on behalf of the candidate. When this is the case, expenses on behalf of the spouse can be paid from campaign funds.

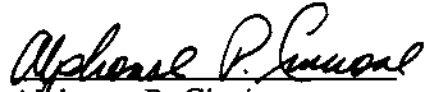
However, no personal expenses can be paid from campaign funds. As consistent as the Commission has been in allowing legitimate and ordinary expenses to be paid from campaign funds, it has also consistently upheld the prohibition of the use of campaign funds for personal reasons as stated in R.C. §3517.13(O). Any and all personal expenses, regardless of whether made by the candidate, the candidate's spouse, or one or more prominent campaign officials at a convention are inappropriate and cannot be allowed. Examples of such personal expenses would include in-room videos, side trips to amusement parks, purchasing of souvenirs or clothing for personal use, or any personal transportation that is not associated with an event at the convention.

The Commission is cognizant that some expenses may pertain to both permissible and impermissible purposes. When this is the case, the expenses must be appropriately prorated between campaign funds and the personal funds of the party that made the expense. Additionally, the Commission has issued a number of previous opinions on the use of campaign funds which are still applicable and may be relied upon as if fully rewritten herein.

Accordingly, it is the opinion of the Ohio Elections Commission and you are so advised that a candidate may use his/her campaign committee funds to pay those certain expenses related to attending a political party's national convention as outlined in this opinion and incurred by the candidate, the spouse of the candidate and one or more prominent campaign officials, that are campaign related. The expenses payable from the campaign committee funds may include the cost for ground and/or air transportation, meal expenses, room expenses, reasonable entertainment expenses, printing for any candidate campaign literature to be distributed at the convention, reasonable admission fees to

convention related events, and telephone expenses when the expense is incurred in furtherance of the interest of the campaign or the candidate. No personal expenses for any of the travelers may be paid from campaign funds.

APPROVED:


Alphonse P. Cincione
Chairman