



Ohio Elections Commission

21 West Broad Street, Suite 600
Columbus, Ohio 43215
614•466•3205

Mary W. Sullivan
Chairman

Alphonse Cincione
Vice-Chairman

Fred Alberini

Dale W. Bayer

William M. Connelly

Robert Duncan

Norton Webster

September 12, 1997

OHIO ELECTIONS COMMISSION

Advisory Opinion 97ELC-05

SYLLABUS: The use of a logo on an endorsement letter is considered a corporate contribution in violation of R.C. §3599.03

TO: Lisa R. May

You have requested an advisory opinion on the following questions:

Is the use of a logo on an endorsement letter considered a corporate contribution?

Ohio Revised Code §3599.03 limits the activities of a corporation in the political arena. While a corporation may actively participate in a ballot issue election, that corporation, whether for-profit or non-profit, shall not

... pay or **use**, or offer, advise, consent, or agree to pay or use, **the corporation's ... property**, ... for or in aid of or opposition to a political party, a candidate for election or nomination to public office, a political action committee, a legislative campaign fund, or any organization that supports or opposes any such candidate, or for any partisan political purpose ... (emphasis added)

Generally, the public thinks of a contribution as a monetary donation. A check submitted to a campaign committee constitutes the majority of contributions in a campaign for electoral office or in support of a ballot issue. However, a contribution is defined in Ohio Revised Code §3517.01(B)(5) as including:

a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, transfer of funds or **transfer of anything of value** ... used for the purpose of influencing the results of an election. (emphasis added)

While the definitions in R.C. §3517.01 may not be specifically applied to R.C. §3599.03, it is proper for the Commission to rely on this definition in this context. R.C. §3517.01(B)(5) contains the only definition of contribution in Title XXXV of the Revised Code. The provisions in chapter 3517 and section 3599.03 all regulate campaign activities, including campaign finance and campaign practices. Due to the close relationship between these areas of the law, the application of the provisions of R.C. §3517.01(B)(5) to the provisions of R.C. §3599.03 is quite appropriate.

The issue in this advisory opinion request is whether the use of a company's logo in an endorsement letter is prohibited by R.C. §3599.03. The word logo is a clipped form of the word logotype which is a distinctive company signature or trademark. Webster's New World Dictionary, 832 (2nd College Ed. 1984). A trademark is a symbol used by a manufacturer to distinguish a product from those of its competitors. *Id.* at 1506. In this way, a company effects a link between itself and its product, builds value in the trademark (or logo), and it becomes an asset of the company.

To give an endorsement is to give approval to; support; sanction [to *endorse* a candidate]. *Id.* at 462. In this context, an endorsement letter is disseminated on behalf of a candidate to potential voters in an effort to encourage support of the candidate.

The prohibitions in R.C. §3599.03, as emphasized above, are against the use of any of the corporation's property. The property of a corporation encompasses not only its cash on hand, but also its products, its physical property such as plant and equipment, and, in the case at issue in this opinion request, its intellectual property and goodwill such as service marks, trademarks and logos.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that the use of a logo on an endorsement letter is considered a corporate contribution in violation of R.C. §3599.03.

Sincerely,



Mary W. Sullivan
Chairman