



Ohio Elections Commission  
State Office Tower, 14th Floor  
Columbus, Ohio 43266-0418  
(614) 466-2585

December 19, 1986

ADVISORY OPINION NO. 86-4

Syllabus: Division (I) of Revised Code section 3517.13 prohibits the award of a contract to a partnership, where one partner has contributed during the previous two calendar years in excess of \$1,000 to the officeholder ultimately responsible for the award of the contract, even if the officeholder's campaign committee refunds the amount of the contribution in excess of \$1,000 prior to the award of the contract.

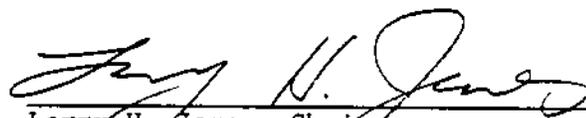
TO: Robert E. Wetzel, Partner, Touche Ross & Co.:

You have requested an opinion on the following question:

Does division (I) of Revised Code section 3517.13 prohibit the award of a contract to a partnership where one partner has contributed in excess of \$1,000 to the officeholder ultimately responsible for the award of the contract, if the officeholder's campaign committee refunds the amount of the contribution in excess of \$1,000?

Division (I) of R.C. 3517.13 provides that no agency or department of the state or any political subdivision shall award a contract costing more than \$500 to a partnership if any partner or the spouse of any partner individually made during the previous two calendar years one or more contributions totalling in excess of \$1,000 to the holder of the public office ultimately responsible for the award of the contract. Candidates' campaign committees are required by R.C. 3517.10 to report all contributions received. A later refund of a contribution does not change the fact that a contribution was made and received. There is no authority in division (I) of R.C. 3517.13 for excluding such contributions from total contributions that may bar the award of a contract.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that division (I) of Revised Code section 3517.13 prohibits the award of a contract to a partnership, where one partner has contributed during the prior two calendar years in excess of \$1,000 to the officeholder ultimately responsible for the award of the contract, even if the officeholder's campaign committee refunds the amount of the contribution in excess of \$1,000 prior to the award of the contract.

  
Larry H. James, Chairman