



- Syllabus: 1. A state representative may use his campaign fund to pay the cost of a video camera to be used to influence legislation and in connection with his campaign for election.
2. The purchase of the video camera may be made directly from campaign funds, if the camera will be used exclusively for the purposes set forth in Revised Code section 3517.13(O). If the video camera will also be used for other purposes, then a percentage of the cost may be paid directly from campaign funds to the extent that if it is possible to determine with reasonable certainty the percentage of time that the camera will be used for statutory purposes. Otherwise, campaign funds may be used only to reimburse the candidate, officeholder or other person who purchased the video camera, in an amount equal to the proportionate usage of the camera for purposes specified in R.C. 3517.13(O).

TO: The Honorable Robert E. Hagan, 61st District, House of Representatives:

You have requested an opinion on the following question:

May a state representative pay for the purchase and operational costs of a video camera from campaign funds?

Division (O) of R.C. 3517.13 provides that no beneficiary of a campaign fund, i.e. the candidate or officeholder for whose benefit the fund exists, shall convert or accept for personal or business use anything of value from the campaign fund except as reimbursement for:

1. Legitimate and verifiable prior campaign expenses incurred by the beneficiary;
2. Legitimate and verifiable, ordinary, and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events where the participation of the holder of a public office would normally be expected;
3. Legitimate and verifiable, ordinary, and necessary prior expenses incurred by the beneficiary while: (A) engaged in activities in support of or opposition to a candidate other than the beneficiary, political party, or ballot issue; (B) raising funds for a political party, political action committee, campaign committee, or other candidate; (C) participating in the activities of a political party, political action committee, or campaign committee; or (D) attending a political party convention or other political meeting.

Division (R)(1) of R.C. 3517.13 provides that division (O) does not prohibit a campaign committee from making direct advance or post payments to vendors for goods and services for which reimbursement is permitted under that division. Division (R)(2) provides that when any expense that may be reimbursed under division (O) is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method.

The effect of R.C. 3517.13(O) is that campaign funds may only be used for the purposes specified in that division or as otherwise authorized in the Revised Code. See Advisory Opinion 87-3. Therefore, campaign funds may be used to pay the cost of a video camera to the extent that the camera is used for statutorily authorized purposes. These include use of the video camera in campaign work and in connection with the duties of a public officeholder. You have indicated that you intend to use the video camera to film gas and oil drilling sites in Ohio for the purpose of documenting environmental and other problems caused by such drilling. The film is intended to then be used in support of or opposition to various legislation. Such expenditures are in connection with the duties of a state representative and are legitimate, ordinary and necessary.

If the video camera will be used exclusively for the purposes specified in R.C. 3517.13(O), then campaign funds may be used to purchase it directly from a vendor or to reimburse the candidate, officeholder or other person who paid the vendor. If there is the possibility that the camera may also be used for purposes other than those specified in the statute, then campaign funds may be used only to pay for the portion of the cost which relates to statutory purposes. Campaign funds may not be used to pay expenses that are not authorized by the Revised Code, even if the campaign fund was to be subsequently reimbursed. R.C. 3517.13(O) prohibits loans or advances from campaign funds for personal or business use, even for a temporary period. If it is possible to determine in advance, with reasonable certainty, the percentage of time that the camera will be used for statutory purposes over its normal useful life, then campaign funds may be used to directly pay a vendor a percentage of the cost equal to the percentage of use that will relate to statutory purposes. In most cases, in order to use this method of payment, the useful life could not be longer than the ascertainable period of time that the camera will be used for statutory purposes; for example, the length of a campaign or the remainder of a term in office. If it not possible to fix the percentage of time that the camera will be used for statutory purposes, then the method of payment from campaign funds may only be by reimbursement.

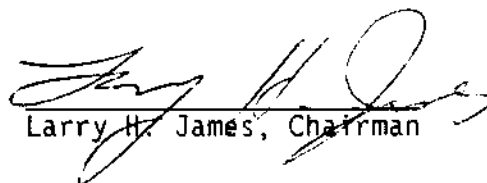
In calculating the proper amount of reimbursement, a cost which relates to use of the camera for both reimbursable and nonreimbursable purposes may be separated by any reasonable accounting method, such as prorating the cost of the camera over its normal useful life and in proportion to the hours of use for reimbursable and nonreimbursable purposes. For example, if the camera costs \$2,000 and has a useful life of ten years, the assigned cost for each year is \$200. If the camera was used 50% of the time during a particular year for reimbursable purposes, then 50% of \$200, or \$100, may be reimbursed for that year. Under this method, it is necessary to keep a record of each time the camera is used, such as a log. R.C. 3517.13(O) provides that expenses may be reimbursed only if they are verifiable. Further information on proper recordkeeping is contained in Advisory Opinion 87-3. An alternative method of calculating the amount of reimbursement is to figure the amount based on what would be the cost of renting a video camera for the same length of time that the camera is used for reimbursable purposes. Again, it would be necessary to keep a record of how long the camera was used and the purpose for which it was used.

Everything that has been stated above with respect to the purchase of a video camera applies equally to the cost of purchasing and developing video tapes.

Finally, if a video camera is purchased directly or by reimbursement from campaign funds to be used exclusively for statutory purposes for an initial period of time, the campaign committee may afterwards sell the camera to the officeholder, candidate, or other person at its fair market value at the time of such sale.

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

1. A state representative may use his campaign fund to pay the cost of a video camera to be used to influence legislation and in connection with his campaign for election.
2. The purchase of the video camera may be made directly from campaign funds, if the camera will be used exclusively for the purposes set forth in Revised Code section 3517.13(O). If the video camera will also be used for other purposes, then a percentage of the cost may be paid directly from campaign funds to the extent that if it is possible to determine with reasonable certainty, the percentage of time that the camera will be used for statutory purposes. Otherwise, campaign funds may be used only to reimburse the candidate, officeholder or other person who purchased the video camera, in an amount equal to the proportionate usage of the camera for purposes specified in R.C.3517.13(O).

  
Larry H. James, Chairman