



Ohio Elections Commission
State Office Tower, 14th Floor
Columbus, Ohio 43266-0418
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November 23, 1987

ADVISORY OPINION NO. 87-14

SYLLABUS: A state representative may use his campaign committee funds to pay his own expenses incurred on a bona fide fact-finding trip out of the country, undertaken for the purpose of obtaining information about issues which are or may become the subject of legislative proposals.

TO: The Honorable John P. Stozich, 82nd District, House of Representatives:

You have requested an opinion on the following question:

May a state representative use campaign committee funds to pay the expenses incurred on a fact-finding trip out of the country?

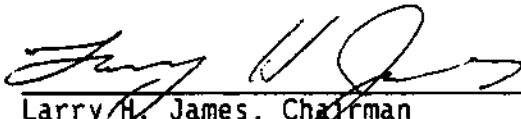
Ohio Revised Code section 3517.13(O)(2) provides in part that, "No beneficiary of a campaign fund shall convert or accept for personal or business use . . . anything of value from the beneficiary's campaign fund . . . except as reimbursement for . . . legitimate and verifiable, ordinary and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office." An expense is legitimate if it truly relates to its purported purpose and this purpose is truly related to the duties of the public officeholder according to recognized or accepted standards. See Advisory Opinion No. 87-13. An expense is ordinary if it is customary and usual. See Advisory Opinion No. 87-3.

As this commission stated in Advisory Opinion No. 87-4, "The role of a state representative is to represent the interests of his or her constituents in matters before the Ohio General Assembly." Thus, any legitimate, verifiable, ordinary and necessary expenses incurred in connection with that role may be paid from campaign committee funds.

In representing the interests of his constituents, a legislator must often research and become informed about issues which are or may become the subject of legislative proposals affecting his or her constituents. Depending on the issue, this may involve travel, including travel out of the country. The expenses incurred are legitimate if the purpose of the trip in fact reasonably relates to pending or possible future legislative action. In the latter case, there must be a reasonable basis for believing that the issue may be subject to future legislative action.

If the purpose of the trip relates solely to duties as a public officeholder, the trip's expenses may be paid directly or by reimbursement. However, if the trip is also for personal or business purposes, then campaign funds may not be used to pay any of the personal expenses. If a particular expense, such as the air transportation, pertains to both permissible and non-permissible purposes, then the expenses must be prorated. In most cases, the permissible part of the expenses can not be paid directly from campaign funds, but must be reimbursed. See, Advisory Opinion Nos. 87-3 and 87-12 for more information on separation of expenses and proper record keeping.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that a state representative may use his campaign committee funds to pay his own expenses incurred on a bona fide fact-finding trip out of the country, undertaken for the purpose of obtaining information about issues which are or may become the subject of legislative proposals.



Larry H. James, Chairman