



Ohio Elections Commission
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May 29, 1987

ADVISORY OPINION NO. 87-7

Syllabus: An individual may, subject to the standards set forth herein, establish a separate campaign committee for each public office for which he or she is or may be a candidate.

TO: Eric C. Okerson, Treasurer, Taft of Ohio Committee:

You have requested an opinion on the following question:

May an individual have two campaign committees, one in support of each public office for which he is or may be a candidate?

Ohio Revised Code section 3517.081 provides in pertinent part that: "Each candidate shall have no more than one campaign committee for purposes of receiving contributions and making expenditures."

For purposes of campaign finance law, Ohio Revised Code section 3517.01(B)(3) defines candidate as having:

[T]he same meaning as in division (H) of section 3501.01 of the Revised Code and also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about his nomination or election to public office.

Ohio Revised Code section 3501.01(H) defines candidate as:

[A]ny qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who represents himself to be a write-in candidate, or who knowingly assents to such representation by another at either a primary, general, or special election to be held in this state.

Essentially then, "candidate" is defined as an individual who is officially certified to receive votes for a public office or who receives contributions or makes expenditures to bring about his or her nomination and/or election to a public office. Given this broad definition, it is apparent that an individual may be a "candidate" for more than one public office at the same time, and, in furtherance thereof, may be soliciting contributions and making expenditures in connection with seeking or exploring seeking different offices. This situation most frequently arises in the case of an incumbent officeholder considering running for a different office. An individual, who is a "candidate" for more than one office, has more than one candidacy. In such instance, the law does not preclude a separate committee for each candidacy.

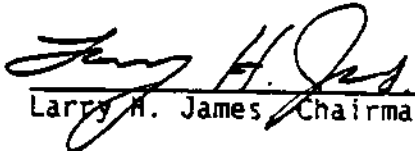
The legislative purpose of limiting a candidacy to a single campaign committee is so that all contributions and expenditures in behalf of a candidacy are organized and disclosed to the public under one committee name. This purpose is not harmed, in fact it is served, when an individual establishes separate committees for separate candidacies.

If an individual establishes separate campaign committees for different candidacies, each committee must be distinctly related to a particular candidacy. There must also be absolute good faith by the candidate and other persons assisting in the organization and operation of the campaign committees from the outset of their establishment. The actual purpose of each committee must be to raise funds for the candidacy for which it is purportedly formed, not to act as a secondary fundraising apparatus for another candidacy. No funds may be transferred between the respective committees while both are active. Nor may one campaign committee pay expenses related to a candidacy for which a different campaign committee has been established. Such actions would constitute commingling of funds and result in having more than one committee for a candidacy. If a candidate would decide to end one of his or her candidacies, the affected campaign committee should be terminated and any balance of funds distributed in a manner permitted by law.

As stated in the preceding paragraph, if an individual has more than one campaign committee, each must be distinctly related to a particular candidacy. Therefore, the name of each committee should include the title of the office being sought; each committee should have a different treasurer and deputy treasurers; and solicitations of contributions should clearly indicate the candidacy to which they relate.

In the alternative to establishing separate campaign committees, an individual may utilize a single campaign committee for multiple candidacies. The applicable sections of the Revised Code do not prohibit using the same committee for different candidacies. The law only prohibits having more than one committee per candidacy.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that an individual may, subject to the standards set forth herein, establish a separate campaign committee for each public office for which he or she is or may be a candidate.


Larry H. James, Chairman