

of kin, in the absence of a rule providing for such a transfer duly enacted by the board of township trustees.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

2055.

ELECTION LAW—CONTRIBUTIONS BY CORPORATIONS TO COMMITTEE RESEARCHING ON TAXATION LEGISLATION FOR GOVERNOR AUTHORIZED.

SYLLABUS:

The rendition of financial assistance by corporations to a committee appointed by the Governor for the purpose of conducting research work to report to the Governor the result of its findings and suggestions as to possible tax legislation, is not a violation of Section 4785-192, General Code.

COLUMBUS, OHIO, July 3, 1930.

HON. MYERS Y. COOPER, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—This acknowledges your letter of June 23, in which you request my opinion as to the legality of contributions for corporations to assist in the financing of the research activities of the Taxation Committee which you appointed some time ago.

Section 4785-192, General Code, provides as follows:

“Any corporation engaged in business in this state which directly or indirectly pays, uses, offers, advises, consents or agrees to pay or use the corporation’s money or property for or in aid of a political party, committee or organization, or for or in aid of a candidate for political office, or for a nomination thereto; or uses such money or property for any other partisan political purpose, or violates any of the provisions of the law requiring the filing of an affidavit respecting such use of such funds; shall, upon conviction thereof, be fined not less than five hundred nor more than five thousand dollars. Whoever, being an officer, stockholder, attorney or agent of such corporation violates this section, participates in, aids or advises such violation of such section, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.”

This section is part of the group of sections contained in the Election Laws relating to corrupt practices. It prohibits corporations engaged in business in this state from using their money or property for or in aid of a political committee. Your question requires a consideration of whether or not the committee to which you refer is a political committee within the meaning of this section. If it is, your question must be answered in the negative.

The word “political” or “politics” is subject to a number of definitions. In my opinion No. 544, rendered under date of June 19, 1929, to the Bureau of Inspection and Supervision of Public Offices, the following comment and definition of “politics” is given:

“There appears in the General Code no definition of the word ‘politics’. It may be defined in three different ways, depending upon the angle of approach: First, it is the interplay in public affairs, of diverse purposes and

diverse opinions upon men and measures; second, it is the arena through which all must travel who would participate in government in a democracy; third, it is the science and art of government and as such is the super-profession."

There is no question, as I see it, but that this committee is, under the broad or academic definition of the word "political", a political committee. It is solely concerned with the science and art of one of the branches of government—the legislative. There are, however, several other pertinent considerations not to be overlooked before it may be said that this committee is a political committee within the meaning of this penal section.

At the present time at least, this committee is apparently engaged in purely preliminary academic and fact finding work, with a view of subsequently giving the Governor the benefit of their research work rather than advocating the adoption of any specific legislative measures. While this work is, as above indicated, political in the broad sense of the term, I have serious doubt as to its being, at the present time at least, political within the meaning of this penal section. Section 4785-192 is a part of the "Election Laws of the State of Ohio" and the very title of the act is worthy of some consideration. The sections relate primarily to elections. It is well recognized that legislation relating to corrupt practices has primarily to do with the submission of questions to the electors. There are entirely distinct laws relating to the advocacy of measures before the legislature. These last mentioned laws have to do with lobbying.

Under these circumstances and having in mind the present status of the committee in question, there is serious doubt that a court would construe this committee as a political committee within the meaning of Section 4785-192. Although erroneous, the general and popular conception of the word "political" is that it denotes something relating only to a campaign and an election. As said in Lewis Sutherland on Statutory Construction, Vol. 2 (Second Edition), at p. 961, 962:

"The penal law is intended to regulate the conduct of people of all grades of intelligence within the scope of responsibility. It is therefore essential to its justice and humanity that it be expressed in language which they can easily comprehend; that it be held obligatory only in the sense in which all can and will understand it. And this consideration presses with increasing weight according to the severity of the penalty. Hence every provision affecting any element of a criminal offense involving life or liberty is subject to the strictest interpretation; and every provision intended for the benefit of the accused, for the same humane reason, receives the most favorable construction."

Though the question is not entirely free from doubt, I am inclined to the opinion that the rendition of financial assistance by corporations to the committee appointed by the Governor for the purpose of conducting research work to report to the Governor the result of its findings and suggestions as to possible tax legislation, does not at the present time at least constitute a violation of Section 4785-192, General Code.

Your inquiry, of course, is confined to the application of Section 4785-192 to the situation here under consideration, and, therefore, I deem it unnecessary to consider the applicability of the sections of the Code relating to lobbying.

Respectfully,

GILBERT BETTMAN,

Attorney General.