

2239.

ELECTION LAW—CAMPAIGN COMMITTEE ORGANIZED PRIOR TO
PRIMARY BUT FOR PROMOTION OF A CANDIDATE AT GENERAL
ELECTION ONLY—FILING OF STATEMENT WITHIN TEN DAYS
AFTER PRIMARY UNNECESSARY.

SYLLABUS:

In the event a campaign committee is organized prior to the August primary election to promote the candidacy of a candidate for public office at the November election and contributions are received by such committee from individuals prior to the August primary election but no expenditures are made prior to such primary election and nothing is done by such committee prior to the August primary election, Section 4785-186, General Code, does not require that such committee file a statement within ten days after such August primary election.

COLUMBUS, OHIO, August 15, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“Your opinion is respectfully requested upon the following question:

In the event a campaign committee is organized prior to the August primary election to promote the candidacy of a candidate for public office at the November election, in case the candidate is nominated, and contributions are received by such committee from individuals prior to the August primary election, but no expenditures are made prior to such primary election, and nothing is done by such committee prior to the August primary election, does Section 4785-186, General Code, require that such committee file a statement within ten days after such August primary?

Your immediate consideration of this matter will be greatly appreciated, since this statement, if required, should be filed by August 22.”

Section 4785-186, General Code, upon which your question is predicated, provides insofar as pertinent as follows:

“Every candidate and campaign committee, and every person, committee, association or group of persons incorporated or unincorporated who may have contributed, promised to contribute, received or expended, directly or indirectly, any money or things of value in connection with the nomination or election of any candidate at any election held in this state shall, within ten days after such election file as hereinafter provided a full, true and itemized statement subscribed and sworn to before an officer authorized to administer oaths, setting forth in detail the moneys or things of value so contributed, promised, received or expended, and the names of the persons from whom received and to whom paid and the object or purpose for which expended; but individuals other than candidates or committees, making only contributions, the receipt of which must be accounted for by others, need not file such statement. * * * .”

It is evident from a careful reading of the foregoing section that every campaign committee that has received any money in connection with either the nomination

or the election of any candidate at either the primary or the November election, shall file the statement therein required within ten days after "such election". I have little difficulty in concluding that the requirement as to filing a statement within ten days after "such election", refers to the election for which the contributions were made or to the election in connection with which expenditures may have been made. Obviously a statement as to contributions and expenditures received and made in connection with the nomination of a candidate may not be filed under this section ten days after the November election. Such a statement would have to be filed within ten days after the August primary election. It does not follow, however, that if contributions are received by a committee such as you mention prior to the August primary election but in connection with the November election only, a statement of the receipt of such contributions must be made within ten days after the primary election when no expenditures were made prior thereto. Under such circumstances, I do not think that such campaign committee has received any money in connection with the nomination of the candidate within the meaning of Section 4785-186, *supra*. Insofar as the primary campaign is concerned, it would appear that the committee in question is for all intents and purposes non-existent. Of course, if a part of such contributions were in fact expended prior to the August primary election a different situation would probably exist.

It is, accordingly, my opinion in specific answer to your question that in the event a campaign committee is organized prior to the August primary election to promote the candidacy of a candidate for public office at the November election and contributions are received by such committee from individuals prior to the August primary election but no expenditures are made prior to such primary election and nothing is done by such committee prior to the August primary election, Section 4785-186, General Code, does not require that such committee file a statement within ten days after such August primary election.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2240.

APPROVAL, LEASE TO OFFICE ROOMS IN THE MARSHALL BUILDING,
CLEVELAND, OHIO, FOR USE OF THE STATE FIRE MARSHAL.

COLUMBUS, OHIO, August 18, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication requesting my approval of a lease between W. G. Marshall of Cleveland, Ohio, and yourself, as Superintendent of Public Works for the State of Ohio, by the terms of which lease Rooms 304, 305, 306 and 307 in the Marshall Building, Cleveland, Ohio, are let for the use of the state fire marshal for the period of one year beginning July 1, 1930, and ending June 30, 1931, at a rental of eighty dollars (\$80.00) per month.

With your leases, encumbrance estimate number 832, is enclosed, required by Section 2288-2, General Code.

After careful examination, I find that the lease is in proper legal form, and am herewith approving said lease and returning all data to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.