



Ohio Elections Commission

77 South High Street, Suite 1850
Columbus, Ohio 43215
614•466•3205
www.elc.ohio.gov

Christina M. Hagan,
Chair

Shayla L. Davis
Vice Chair

Karl C. Kerschner

Ernest C. Knight

John A. Lyall

Charleta B. Tavares

Philip C. Richter
Executive Director

A. Scott Norman
Alternate

Peter Stautberg
Alternate

Chris Hughes
Commission Assistant

Fax: (614) 728-9408

October 9, 2025

OHIO ELECTIONS COMMISSION

Advisory Opinion 2025ELC-02

- SYLLABUS: 1. A holder of a public office, or a candidate for such an office, can use campaign funds for additional or enhanced security measures when a situation occurs which causes the officeholder, or candidate, to reasonably believe that their safety, or the safety of their family, is at risk, and that such risk arises from the public office at issue;
2. The only restriction that may apply to the use of campaign funds is that the expenditure must be in a reasonable amount, must be reasonably related to the identified situation and will not limit the type, form or duration of the security measures that may include security systems, personnel or any form of cybersecurity during their term as a holder of a public office;
3. The security measures may be extended to cover, not only the officeholder or candidate, but also the immediate family members and the personal residence, as such is confirmed.

TO: Stacey N. Hauff, Esq.
McTigue & Colombo, LLC

You have requested an advisory opinion on the following issue:

1. May an officeholder use funds from their campaign committee to pay for additional or enhanced security measures when the occurrence of an act, communication, or other situation directly involving the officeholder causes the officeholder to reasonably believe their safety is at risk, when this risk to their safety would not have occurred but for their position in public office?
2. Do any restrictions apply to the type, form, or duration of the security measures, including measures such as security systems, security personnel, and cybersecurity?
3. May these security measures be extended to cover more than the officeholder, such as the officeholder's immediate family members or personal residence?

You have submitted three questions to the Ohio Elections Commission (OEC) requesting that the OEC issue an advisory opinion concerning the use of campaign funds for security purposes. The OEC is in accord with each of these requests. Regardless of whether there is a concrete threat against an officeholder, a candidate for public office, or the officeholder's or candidate's family due to the candidate seeking a public office, and considering some of the circumstances that continue to occur around the country at the time of this writing, it must be acknowledged, that the general, current environment is that the officeholder, candidate and their families face certain security issues

simply because of the individual's position as the holder of, or candidate for, a public office.

In your advisory opinion request, you refer to a specific advisory opinion issued by the Federal Elections Commission, FEC Advisory Opinion 2022-25. That opinion is the most recent opinion issued by the FEC that provides an approval for the use of campaign funds for security purposes. Yet it is merely the latest opinion in a series of opinions that have approved such expenditures dating back as far as 2009. While the OEC does not always rely on or base its opinions on the holdings in FEC opinions, in this situation, the OEC is relying on some of the holdings in those opinions as it confirms its holding to this request.

Similar to the FEC opinion, which is based on the Federal standing that such expenses are "ordinary and necessary expenses incurred in connection with the duties of the individual as a holder of Federal office" (FEC 2022-02), the OEC hereby holds that such an expenditure, fits within the established language in Ohio Revised Code §3517.13(O) that an expenditure must be a "legitimate and verifiable, ordinary and necessary prior expense" as the Commission first defined those terms in Advisory Opinion 87-04, and but for the candidate seeking an electoral office, the need for any type of additional security would not be present.

It is quite apparent that situations continue to arise that have increased concerns regarding this subject. In recent years, for that matter in recent days at the time of this writing, it is safe to assert that perceptions have changed on questions such as those poised in this request. The recent incidents in the states of Utah and Minnesota, as well as the most recent Presidential campaign, in addition to the situation that involved former United States Representative Gabrielle Gifford that are outlined in FEC Advisory Opinion 2011-17, are just samples of the serious circumstances that have amplified the need for additional security for the holders of public offices. While Ohio has not directly experienced situations such as those mentioned herein, that does not lessen the fact that such situations must be addressed.

Even though no specific situation is identified in your advisory opinion request, the need to do so is not critical to this request. In the advisory opinions issued by the FEC, there was reliance on information provided by the Congressional Sergeant at Arms, the United States Capital Police or certain local Sheriff's offices that confirmed the threats faced by the federal officeholders that lead to the request and encouraged some type of response. From these events the FEC concluded that "in the face of ongoing threats and the continuing heightened threat environment stemming from Members' [of Congress] duties as federal officeholders, it would not be personal use for Members ... to use campaign funds to pay the costs of bona fide legitimate, professional security ..." (FEC 2022-25). Considering many of the relatively recent events that have occurred, the Commission believes that reliance on the essential holding in this FEC opinion is sufficient to establish that such potential expenditures are proper from campaign accounts in the state of Ohio.

Hereto, the OEC recognizes, as required by the provisions of R.C. §3517.13(O), that because of the fact that a person holds a public office, or is a candidate therefore, the use campaign funds for certain security expenses is proper. Under these circumstances, the OEC recognizes that a holder of a public office, or a candidate for such an office, who can reasonably show

that the expense is directly related to the public office at issue, then such an expense will be considered to comply with the terms of R.C. §3517.13(O) as a proper campaign expense.

In response to the specific questions posed, the OEC recognizes that a holder of a public office, or a candidate for such an office, can use campaign funds for additional or enhanced security measures when a situation occurs which causes the officeholder, or candidate, to reasonably believe that their safety, or the safety of their family, is at risk, and that such risk arises from the public office at issue. Further, the only restriction that may apply to the use of campaign funds is that the expenditure must be in a reasonable amount, reasonably related to the identified situation and will not limit the type, form or duration of the security measures that may include security systems, personnel or any form of cybersecurity during the individual's term as a holder of a public office. Lastly, the security measures may be extended to cover, not only the officeholder or candidate, but also the immediate family members and the personal residence, as such is confirmed.

With all of the events that can be brought to mind that have occurred, including those to which reference was previously made, the OEC recognizes the implications of the heightened threat environment potentially faced by the holder of a Public Office in Ohio that necessitates increased residential security measures and acknowledges that a candidate has a right to be protected. Further, based on these scenarios, the OEC concludes that the security concerns would not have arisen as a potential issue for these individuals but for the fact that a person was the holder of a public office, or a candidate therefore. Also, understanding that campaign funds are primarily accumulated for the purpose of running for an elected office, The OEC acknowledges that security issues are becoming more of a critical element for possible usage of campaign funds.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that:

1. A holder of a public office, or a candidate for such an office, can use campaign funds for additional or enhanced security measures when a situation occurs which causes the officeholder, or candidate, to reasonably believe that their safety, or the safety of their family, is at risk, and that such risk arises from the holding of that public office; and
2. The only restriction that may apply to the use of campaign funds is that the expenditure must be in a reasonable amount, must be reasonably related to the identified situation and will not limit the type, form or duration of the security measures that may include security systems, personnel or any form of cybersecurity during their term as a holder of a public office; and
3. The security measures may be extended to cover, not only the officeholder or candidate, but also the immediate family members and the personal residence, as such is confirmed.

Sincerely,


Christina Hagan
Chair