



Ohio Elections Commission
State Office Tower, 14th Floor
Columbus, Ohio 43266-0418
(614) 466-2585

October 24, 1988

ADVISORY OPINION NO. 88-4

- SYLLABUS:
1. Moneys from the Ohio Political Party Fund may not be used to pay for walking lists of registered voters if those lists will be used by the political party or its candidates solely to promote the election of the party's candidates.
 2. Moneys from the Ohio Political Party Fund may be used to pay for partisan voter registration activities conducted by a political party so long as they are not conducted in conjunction with promoting one or more particular candidates by name.
 3. Moneys from the Ohio Political Party Fund may not be used to pay for the costs associated with a rally promoting the political party's candidates.

TO: Amelia N. Garrett, Treasurer, Medina County Republican Party

You have requested an opinion on the following question:

May the Erie County Republican Party use moneys received from the Ohio Political Party Fund to pay for a walking list of registered voters and for costs associated with holding a rally for candidates?

You have indicated that the party intends to use the walking lists of registered voters in order to identify persons who are not registered and to attempt to register them. In addition, the party intends to allow its candidates to use the walking lists to contact voters. The rally would be for the purpose of spotlighting the party's candidates.

Division (A) of R.C.3517.18 sets forth the sole purposes for which moneys from the Ohio Political Party Fund may be used. R.C.3517.18(A)(2) provides that such funds may be used for, "The organization of voter registration programs and get out the vote campaigns."

Division (B) of R.C.3517.18 sets forth several general limitations upon the use of such funds, including that such funds may not be used, "To further the election or defeat of any particular candidate or to influence directly the outcome of any candidate or issue election." In a prior opinion, this commission stated that voter registration and get out the vote campaigns must be conducted in a manner so as not to affect the outcome of particular candidate or issue elections. See, Advisory Opinion No. 88-3. Therefore, it is clear that if the party intends to use walking lists of registered voters for the purpose of doing walk and talks, literature drops, or literature mailings, promoting the election of one or more particular candidates, the lists may not be paid for with moneys received from the Ohio Political Party Fund. Likewise, such moneys may not be used to pay for voter lists which the party intends to give to its candidates. However, the question also arises

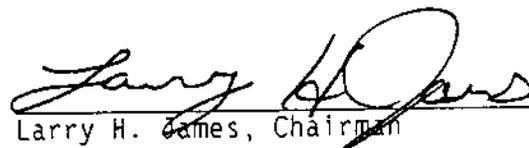
as to whether such lists may be used to conduct partisan registration.

Partisan registration drives attempt to identify unregistered persons who are likely to vote for candidates of a particular party. In resolving this question, it is important to note that the General Assembly recognized that almost every activity of a political party is related to directly or indirectly influencing the results of elections in favor of the party's candidates. The general prohibition in R.C.3517.18(B)(1) by its own language applies only to furthering the election or defeat of any particular candidate or to influencing directly the outcome of any election. Registration activities aimed at registering only individuals likely to support a particular party's candidates does not directly affect the outcome of an election. Its effect is only indirect. Furthermore, so long as the registration activity is not combined with material or a message identifying a candidate, it does not further the election or defeat of any particular candidate. Under these circumstances, moneys from the Ohio Political Party Fund may be used to pay for lists of registered voters. If such lists are used for both discussed purposes, then only the prorated portion of their cost related to registration activity may be paid from the Ohio Political Party Fund.

With respect to the second part of your question, it is clear from what has been stated above that the costs associated with holding a rally promoting the election of the party's candidates may not be paid for with moneys received from the Ohio Political Party Fund.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that:

1. Moneys from the Ohio Political Party Fund may not be used to pay for walking lists of registered voters if those lists will be used by the political party or its candidates solely to promote the election of the party's candidates.
2. Moneys from the Ohio Political Fund may be used to pay for partisan voter registration activities conducted by a political party so long as they are not conducted in conjunction with promoting one or more particular candidates by name.
3. Moneys from the Ohio Political Party Fund may not be used to pay for the costs associated with a rally promoting the political party's candidates.


Larry H. James, Chairman