



**Ohio Elections Commission**

30 East Broad Street, 14th Floor

Columbus, Ohio 43266-0418

(614) 466-3205

June 27, 1995

**ADVISORY OPINION 95-2**

**SYLLABUS:** Moneys from the Ohio Political Party Fund may be used to purchase a voter file from a local board of elections for the purpose of voter registration and get out the vote activities so long as those activities are not combined with any material or message identifying a specific candidate or issue.

**TO:** Steven M. Chaffin, Treasurer  
Marion County Democratic Party

You have requested an opinion on the following question:

May funds from the Ohio Political Party Fund be used to purchase a copy of the voter file from a local board of Elections that is copied to a computer disk and converted into a readable format for purposes of voter registration and get out the vote activities?

R.C. 3517.18(A) and (B) outline how moneys from the Ohio Political Party Fund may be used. These Sections state as follows:

(A) A political party receiving moneys from the Ohio political party fund may expend the moneys only for the following purposes:

- (1) The defraying of operating and maintenance costs associated with political party headquarters, including rental or leasing costs, staff salaries, office equipment and supplies, postage, and the purchase, lease, or maintenance of computer hardware and software;
- (2) The organization of voter registration and get-out-the-vote campaigns<sup>1</sup>;

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<sup>1</sup> Am Sub. S.B. No. 8, which was signed by the Governor on May 24, 1995 and which takes effect on August 23, 1995 amends R.C. 3517.18(A)(2) so that it reads as follows:

The organization of voter registration programs and get-out-the-vote campaigns and the costs associated with voter registration and get-out-the-vote activities, including, but not limited to, rental costs for booth spaces at fairs, festivals, or similar events if voter registration forms are available at those booths, printing costs for registration forms, mailing costs for communications soliciting voter registration, and payments for the services of persons conducting voter registration and get-out-the-vote activities;

- (3) The administration of party fund-raising drives;
- (4) Paid advertisements in the electronic or printed media, sponsored jointly by two or more qualified political parties, to publicize the Ohio political party fund and to encourage taxpayers to support the income tax checkoff program;
- (5) Direct mail campaigns or other communications with the registered voters of a party that are not related to any particular candidate or election;
- (6) The preparation of reports required by law.

(B) Moneys from the Ohio political party fund shall not be used for any of the following purposes:

- (1) To further the election or defeat of any particular candidate or to influence directly the outcome of any candidate or issue election;
- (2) To pay party debts incurred as the result of any election;
- (3) To make a payment clearly in excess of the market value of that which is received for the payment.<sup>2</sup>

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This language is even more inclusive as to the permissible uses of moneys from the Ohio Political Party Fund than the current language found in R.C. 3517.18(A). This amendment will not effect the validity of this advisory opinion, but will instead reinforce the conclusion reached by the Commission.

<sup>2</sup> Am Sub. S.B. No. 8 amends R.C. 3517.18(B) so that it will read as follows:

- (B)(1) Moneys from the Ohio political party fund shall not be used for any of the following purposes:
- (a) To further the election or defeat of any particular candidate or to influence directly the outcome of any candidate or issue election;
  - (b) To pay party debts incurred as the result of any election;
  - (c) To make a payment clearly in excess of the market value of the item or service that is received for the payment.
- (2) Moneys from the Ohio political party fund that are used as rental costs for booth spaces at fairs, festivals, or similar events, at which candidates are present or informational materials about candidates are available, are not used in violation of division (B)(1)(a) of this section if voter registration booths also are available at those booths and booth space is available for use by all candidates of the party renting the booth.

This amendment will not affect the validity of this advisory opinion.

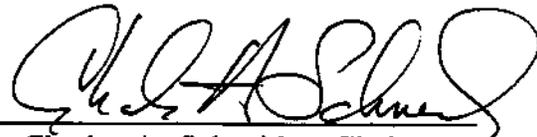
R.C. 3517.18. (Emphasis added). Your letter of June 5, 1995 states that you intend to use the voter files that you would purchase with funds from the Ohio Political Party Fund for voter registration and get out the vote activities. Pursuant to R.C. 3517.18(A)(2), this falls within the permissible uses of R.C. 3517.18.

While R.C. 3517.18(B)(1) prohibits any use of funds from the Ohio Political Party Fund in a manner that directly effects the outcome of any election, that prohibition does not apply to your intended use of funds from the Ohio Political Party Fund. This may be seen by examining Advisory Opinion No. 88-4. In Advisory Opinion No. 88-4, this commission found that a walking list of registered voters could be purchased with moneys from the Ohio Political Party Fund for the purpose of identifying those individuals who are not registered to vote and then register those individuals. This body found that such a purchase was acceptable even if those registered were likely to support a particular party's candidates. You should also note that this body then stated that the registration activity may not be combined with any material or any message identifying any specific candidate. Advisory Opinion No. 88-4 clearly reveals that your proposed expenditure is an appropriate use of moneys from the Ohio Political Party Fund.

Based on the above-stated reasons, this body is of the opinion that:

A political party may purchase a voter file from a local board of elections for the purpose of voter registration and get out the vote activities so long as those activities are not combined with any material or message identifying a specific candidate or issue.

APPROVED:



Charles A. Schneider, Chairman