

decided to do so and requested an invoice from RMB in order to establish a beginning date and amount. The Party's treasurer then promptly amended the Party's reports beginning with the 2009 post-general election report. The payments referenced in the article were simply a continuation of payments that had been made for work performed relating to the 2007 and 2009 coordinated campaigns and amending the reports will hopefully correct the partisan inferences made by the Party's opposition in the newspaper article. Indeed, the payments began in early 2011, long before the 2012 election cycle. Further, the amount of the April 11, 2012 invoice provided by RMB is consistent with the amount on an excel spreadsheet that RMB had provided in December, 2010 to the former President of Columbus City Council and others, recapping the funds raised and calculating an amount due. The Chairman of the Party at that time and the current Chairman, and the Treasurer of the Party had not seen this spreadsheet until last month.

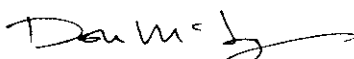
As a matter of law, there is not a binding obligation by the Party to RMB. As such there would be no legal requirement to list it on the Party's reports. However, even more fundamental is that, although there is a form for reporting outstanding debts, there is actually no legal requirement for doing so. The required contents of campaign finance reports is set forth in Ohio Revised Code 3517.10 and in Secretary of State regulations. The only mention of outstanding obligations (debts) in the statute is the following:

"If a campaign committee or political action committee has no balance on hand and no outstanding obligations and desires to terminate itself, it shall file a statement to that effect, on a form prescribed under this section made under penalty of election falsification, with the official with whom it files a statement under division (A) of this section after filing a final statement of contributions and a final statement of expenditures, if contributions have been received or expenditures made since the period reflected in its last previously filed statement."

While the statute is specific about itemizing contributions received and expenditures made by reporting entities, it contains no language about itemizing outstanding debts or obligations. Likewise, the Secretary of State has not promulgated an administrative rule for itemizing outstanding debts or obligations. The Ohio Campaign Finance Handbook does discuss reporting outstanding debts in providing instructions for Form 31-N; however, these instructions by themselves lack the force of law. Furthermore, as is evident from the provision quoted above, the issue of outstanding obligations is statutorily relevant only in connection when a campaign committee or political action committee desires to terminate. Interestingly and appropriately, there is no provision in the campaign finance law for a political party desiring to terminate.

As stated above, the Party filed Form 31-N only to correct information that was being incorrectly portrayed in a news article. However, it had no legal obligation to do so. If you have any further questions, please do not hesitate to contact me.

Respectfully,


Donald J. McTigue