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October 5, 2007

VIA E-MAIL (johnplauche@yahoo.com) & U.S. MAIL

John Plauche
John McCain 2008 Campaign
P.O. Box 16118
Arlington, VA 22215

RE: Interpretation of R.C. 3513.121

Dear Mr. Plauche:

I am writing in response to our telephone conversation of September 17, 2007, and in response to an e-mail request from Evelyn McCafferty on September 10, 2007. Senator McCain's campaign has requested a formal interpretation of R.C. 3513.121 from the Ohio Secretary of State's office. Specifically, the campaign seeks to know whether a presidential candidate who is eligible to receive federal matching funds must actually receive federal matching funds to utilize the ballot access provisions of Ohio Revised Code Section 3513.121.

This office does not provide official interpretations of the Ohio Revised Code, nor can this office give anyone specific legal advice. Nevertheless, I may answer general questions about Ohio elections law.

Because R.C. 3513.121(A) refers to a candidate for president who is "eligible to receive" federal matching funds payments, it appears that the statute does not require that a presidential candidate actually receive federal matching funds payments in order to utilize the ballot access method provided in the statute. Therefore, any presidential candidate who receives formal notice from the Federal Elections Commission that he or she is eligible to receive federal matching funds may utilize the ballot access method in R.C. 3513.121.

You may contact me if you have any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Brian E. Shinn".

Brian E. Shinn
Assistant General Counsel/Elections Counsel