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Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

FEDERAL
ELECTION COMMISSION
2000 NOV 13 PM 2:03

Identification Number: C00362145

Re: Statement of Organization

Dear Ms. Manning:

I am writing in response to your letter of October 11, 2000 to Mr. William Davies. I am legal counsel to the Franklin County Democratic Party. Your letter seeks clarification of the Statement of Organization filed by FCDP Victory 2000. First, however, allow me to apologize for not responding earlier. I did speak with you on November 1, 2000 to let you know that I would be sending a response within a few days.

The Franklin County Democratic Party Victory 2000 Committee ("FCDP Victory 2000") is a political committee established, maintained, financed and controlled solely by the Franklin County Democratic Party. FCDP Victory 2000 was established to be independent from the Ohio State Democratic Party and any political committee of the state party, and it is operated completely independently of the state party and its committees. FCDP Victory 2000 has not and will not receive funds from any other political committee established, financed, maintained, or controlled by any party unit, including the Ohio Democratic Party; and does not and will not make contributions in cooperation, consultation, or concert with, or at the request or suggestion of any other party unit or political committee established, financed, maintained, or controlled by another party unit. 11 CFR 110.3(b)(3)(i) and (ii).

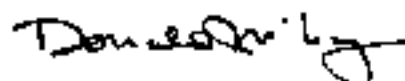
The Franklin County Democratic Party exists pursuant to Ohio law. Ohio statutes require each county party of a major political party to be governed by a central committee composed of members elected by the voters of the county. The county central committee, in turn, is required to elect an executive committee and officers. Under Ohio law, the central and executive committees of the county party are separate and independent from the state party. The state party is required to be governed by a central committee chosen by the voters of the state, which in turn is required to elect an executive committee and officers for the state party. Each county party and the state party has its own constitution and by-laws. The state party does not mandate or have any influence over expenditures of the county party's funds. Further, the state and

county parties conduct their own fundraising. In these respects, the relationship between state and county parties in Ohio appears to be the same as or similar to those in Iowa, which were addressed in Commission Advisory Opinion No. 1978-9. In that Opinion, the Commission concluded that the federal committees of the state and county parties were not affiliated and the presumption in 11 CFR 110.3(b)(3) did not apply. I have enclosed for your reference a copy of the applicable provisions of Ohio law regarding the establishment and governance of state and county parties.

In addition, FCDP Victory 2000 was not established in consultation with the Ohio Democratic Party. It was established only for purposes of supporting the county party's GOTV activities. FCDP Victory 2000 has its own segregated account for receiving contributions permitted under federal law and making expenditures. It also has its own segregated account for receiving contributions permitted under state law and making transfers to the federal account in accordance with FEC regulations. These accounts are separate from the county party's other accounts. All expenditures for specific GOTV activities are paid for with funds from these accounts and no other. The GOTV activities are limited to those defined as exempt and generic under FEC regulations. FCDP Victory 2000 has not and will not make monetary or in-kind contributions to any candidate and will not make "coordinated party expenditures," i.e. 441a(d) expenditures. All expenditures by FCDP Victory 2000 may be authorized only by the Chairman of the Franklin County Democratic Party. In addition, the Treasurer of FCDP Victory 2000, William Davies, is also the Treasurer of the Franklin County Democratic Party.

I hope that the above sufficiently answers your questions. However, if you desire any additional information, please do not hesitate to contact me.

Very truly yours,



Donald J. McTigue

cc. Dermis L. White, Chairman
William L. Davies, Treasurer

Encls.

DJM:cm

§ 3517.04**2000 Ohio Revised Code****Title 35: Elections****Chapter 3517: Political parties; Campaign finances; Ohio Political Party Fund****Section 04****Effective Date: 10/30/1989****§3517.04****Effective Date: 10-30-1989**

The members-elect of each major political party state central committee shall, except as otherwise provided in this section, meet following the declaration of the results by the boards of elections of the election of members of the state central committees, at a suitable place and time to be designated by the retiring chairman of the committee in accordance with party rules. In the case of a county central committee, the meeting shall be held not earlier than six nor later than fifteen days following the declaration of the results by the board of elections of the election of members of county central committees in that county. Notice of any meeting held pursuant to this section, giving the place and time, shall be sent to each member-elect by the retiring secretary of the committee by mail and a copy of the notice shall be posted in the office of the secretary of state or board of elections, as the case may be, at least five days prior to any such meeting. The meeting shall be called to order by the retiring chairman or secretary or if there is no such officer, or if such officer is absent, then by a member of such committee designated by the secretary of state in the case of the state committees, and by a member of the board of elections of the same political party, designated by the board, in the case of county committees. A temporary chairman and secretary shall be chosen and the committee shall proceed to organize by the election of a chairman, vice-chairman, treasurer, secretary, and such other officers as the rules provide.

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§ 3517.03**2000 Ohio Revised Code****Title 35: Elections****Chapter 3517: Political parties; Campaign finances; Ohio Political Party Fund****Section 03****Effective Date: 09/20/1999****§3517.03****Effective Date: 09-20-1999**

The controlling committees of each major political party or organization shall be a state central committee consisting of two members, one a man and one a woman, representing either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines; a county central committee consisting of one member from each election precinct in the county, or of one member from each ward in each city and from each township in the county, as the outgoing committee determines; and such district, city, township, or other committees as the rules of the party provide.

All the members of such committees shall be members of the party and shall be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year. Candidates for election as state central committee members shall be elected at primaries in the same manner as provided in sections 3513.01 to 3513.32 of the Revised Code, for the nomination of candidates for office in a county. Candidates for election as members of the county central committee shall be elected at primaries in the same manner as provided in such sections for the nomination of candidates for county offices, except as otherwise provided in section 3513.051 of the of the Revised Code.

Each major party controlling committee shall elect an executive committee which shall have such powers as are granted to it by the party controlling committee, and as are provided by law. When a judicial, senatorial, or congressional district is comprised of more than one county, the chairperson and secretary of the county central committee from each county in such district shall constitute the judicial, senatorial, or congressional committee of such district. When a judicial, senatorial, or congressional district is included within a county, the county central committee shall constitute the judicial, senatorial, or congressional committee of such district.

The controlling committee of each intermediate political party or organization shall be a state central committee consisting of two members, one a man and one a woman, from each congressional district in the state. All members of such committee shall be members of the party and shall be elected by direct vote at the primary held in the even-numbered years. Candidates for election shall be elected at the primary in the same manner as provided in sections 3513.01 to 3513.32 of the Revised Code. An intermediate political party may have such other party organization as its rules provide. Each intermediate party shall file the names and addresses of its officers with the secretary of state.

A minor political party may elect controlling committees at a primary election in the even-numbered year by filing a plan for party organization with the secretary of state on or before the ninetieth day before the day of the primary election. Such plan shall specify which offices are to be

elected and provide the procedure for qualification of candidates for such offices. Candidates to be elected pursuant to such plan shall be required to be designated and qualified on or before the ninetieth day before the day of the election. Such parties may, in lieu of electing a controlling committee or other officials, choose such committee or other officials in accordance with party rules. Each such party shall file the names and addresses of members of its controlling committee and party officers with the secretary of state.

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Federal Election Commission

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