



STATE OF OHIO
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May 17, 2006

Karl J. Sandstrom, Esq.
Perkins Cole
607 Fourteenth Street, NW
Washington, DC 20005-2011

Re: Project Vote

Dear Mr. Sandstrom:

I am writing in response to your letter of May 5, 2006, to Ohio Attorney General Jim Petro. While we understand and appreciate your concerns, unfortunately we are not in a position to give you any of the assurances that you seek regarding whether your client's conduct would be in conformity with Ohio Rev. Code § 3599.11(C)(3).

First, under Ohio law, the Attorney General serves as the State's chief law officer and he may represent only the State of Ohio and its various officers and departments. See Ohio Rev. Code § 109.02. The Attorney General is also statutorily authorized to advise county prosecutors and township law directors on certain issues of law when they so request. Ohio Rev. Code § 109.14. It has long been understood that the Attorney General represents all the citizens of Ohio generally, and as such, he does not have the authority to represent or advise individual Ohioans or private entities on legal issues which are unique to that individual or entity.

Second, as you know, determining whether the conduct of an individual or entity is lawful in a given situation is a very specific inquiry that involves applying the law to a particular set of facts. The questions you presented in your letter were hypothetical questions that included few specific facts and/or were incomplete factual scenarios. Without having a situation that has already taken place which can be fully investigated and the truth wholly uncovered, it is impossible to respond to your questions.

As a result, we are unable to answer your questions or to offer any opinion or advice about your client's processes. I suggest that if your client is concerned about whether it is functioning within the requirements of Ohio Rev. Code § 3599.11(C)(3), your client should contact a private attorney in Ohio who specializes in Ohio election law issues.

Very truly yours,

JIM PETRO
ATTORNEY GENERAL

D. Michael Grodhaus
First Assistant Attorney General

DMG:jf

cc: The Honorable J. Kenneth Blackwell, Ohio Secretary of State