



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-55

Ms. Barbara B. Kennelly
Secretary of State
Office of the Secretary of the State of Connecticut
P.O. Box 846, 30 Trinity Street
Hartford, Connecticut 06115

Dear Ms. Kennelly:

This responds to your letter of May 5, 1980, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to nonpartisan voter registration drives sponsored by the Office of the Secretary of State or local election officials and the permissible involvement and assistance of private business corporations in such registration drives.

According to your request, pursuant to §9-3 of the Connecticut General Statutes ("C.G.S."), the Secretary of the State is the "commissioner of elections" of the state. You say that "as such, all secretaries of the state in recent history have considered the active support of efforts to increase voter registration as of major importance in the performance of their office." As part of your effort in the area of voter registration you explain that occasionally you would like to solicit the assistance of private business corporations. You explain that your office prepares written materials in the form of cards, pamphlets, and posters for distribution to the public on subjects such as voter registration, party enrollment, and how and where to vote. Your first question is whether, under 114.4(c)(2) of the Commission's regulations, a corporation may use its own facilities to print and distribute those materials if the corporation adds its logo or other identification in an appropriate place, and perhaps a statement such as "Printed and distributed as a public service by the XYZ Corporation in conjunction with the Secretary of State of Connecticut"?

In response the Commission concludes that it would be permissible under 114.4(c)(2) for a corporation to use its own facilities to print and distribute the State-prepared materials and

include the corporate logo, identification, or a statement such as the one described. Neither the statute nor Commission regulations reach the manner in which official election administrators must prepare registration or voting materials. Under 114.4(c)(2) a corporation may distribute or reprint (in whole) any registration or voting information which has been produced by the official election administrators for distribution to the general public. Thus, so long as Connecticut law allows the Secretary of State's office to work with a corporation in printing (with the corporate logo or statement of cooperation included) official election materials for distribution to the general public, 114.4(c)(2) would permit the corporation to reprint and distribute those registration and voting materials.

With respect to conducting voter registration drives with corporate assistance your request provides the following information.

Section 9-19b of the C.G.S. authorizes a registrar of voters to conduct a voter registration drive at a "public place". A registrar of voters is an elected public official who, under Connecticut law, has the power to admit eligible persons as electors and who may appoint deputies and assistants to admit electors as well. There are two registrars in each municipality, one from each political party. All registrars, deputies and assistants are elected or appointed pursuant to statute and take an official oath of office. They may or may not be compensated by their municipalities.

You then ask specifically whether under 114.4(d) of the Commission's regulations a corporation:

(a) may permit its premises and facilities to be used by the registrars of voters of a municipality to conduct a voter registration drive if the drive is conducted on a completely nonpartisan basis without mention of or reference to any candidate or party (except to afford the new voter the opportunity to enroll in a party); and

(b) may permit its employees, during their normal working hours, to be officially appointed as assistant registrars so that they may assist in the conduct of such a voter registration drive on the premises of the corporation?

The Commission answers these questions in the affirmative. Section 114.4(d) of the Commission's regulations provides that a corporation may support a nonpartisan registration drive if it jointly sponsors the drive with a civic or other nonprofit organization which does not support or endorse candidates or political parties, if the activities are conducted by the other organization, and if the services are made available without regard to a voter's political preference. Moreover, a corporation may donate funds as well as use of its facilities and employees for such a drive. 11 CFR 114.4(d)(2) and (3).

Since the Secretary of State considers voter registration efforts to be a major responsibility of the Office, and since the C.G.S. attempts to facilitate voter registration of

eligible citizens, the situation presented here is analogous to a voter registration drive by a civic or other nonprofit organization. The C.G.S. authorizes a registrar of voters to conduct a voter registration drive at a "public place." As stated, each municipality has a registrar from each major political party. According to section 9-19 of the C.G.S., if one registrar intends to have a registration drive, notice must be given, in advance, to both the other registrar and the general public. The request states that the registration drive conducted on the corporate premises would be conducted on a completely nonpartisan basis. In reliance on that statement and the State statute which in encouraging registration drives also requires that notice be given, the nonpartisan character of these drives is apparent. In light of the nonpartisan nature and the public policy purposes served by such drives conducted by the state, the Commission concludes that these drives as sponsored by the state or its officials (such as municipal registrars,) may be accomplished with the assistance of corporations. In accord with Commission regulations at 114.4(d) assistance by a corporation would include the use of corporate premises and facilities as well as using corporate employees to enable the state or municipal officials to carry out the registration drive. The Commission notes that this opinion is not a determination of whether a corporation's premises constitute a "Public place" as used in the Connecticut General Statutes. Nor does the opinion's conclusion that corporate employees may be utilized by the official registrars mean that a state must allow these employees to be officially appointed as assistant registrars; those appointments are a matter of state law.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Max L. Friedersdorf
Federal Election Commission