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December 18, 1997

Lawrence Noble, Esq.
General Counsel
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463Re: MUR 4687: Response of Keep Ohio Working, Roger R. Geiger, Treasurer

Dear Mr. Noble:

We are providing this letter on behalf of Keep Ohio Working and Roger R. Geiger, its Treasurer, in response to the Complaint identified as MUR 4687. The Democratic Senatorial Campaign Committee filed this Complaint against Governor George Voinovich and Keep Ohio Working alleging that Keep Ohio Working made a "soft money contribution" to the Voinovich for United States Senate Campaign Committee. The Complaint does not cite to any evidence of a direct contribution or payment by Keep Ohio Working, or any individual or entity associated with Keep Ohio Working, to the Voinovich for United States Senate Campaign Committee. Instead, the Complaint references two television advertisements paid for by Keep Ohio Working in connection with State Issue 2. State Issue 2 was a referendum on State Senate Bill 45

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presented to Ohio voters on the November 4, 1997 general election ballot. Senate Bill 45 would have mandated major changes in Ohio's workers' compensation laws. Governor Voinovich appears in both advertisements urging voters to vote "YES" in support of State Issue 2 and workers' compensation reform in Ohio.

The Complainant alleges that these advertisements: (1) were created and funded with the purpose of influencing the election of Governor Voinovich for United States Senate by promoting him, in a positive light, for that position; and (2) were designed and created to influence and attract contributions to his campaign for United States Senate. Clearly, based upon a review of the text of the advertisements as provided by the Complainant (see attached Transcript Exhibit A), as well as a review of the original versions of the advertisements as they appeared on television (see attached Video Exhibit B), Complainant's allegations have no merit. The obvious intent of these ads was to promote and encourage Ohio voters to vote "YES" on State Issue 2. There is absolutely no reference made to any Federal, state, or even local elected office, nor is there any request either, implicitly or expressly, made requesting contributions to or expenditures on behalf of the Voinovich for United States Senate Campaign Committee. For these reasons this Complaint MUR 4687 should be dismissed without further investigation.

I. Background Information with Regard to Keep Ohio Working and State Issue 2.

Keep Ohio Working is an Ohio non-profit corporation which has applied for 501(c)(4) tax exempt status. It is an Ohio-registered political action committee which was formed to urge Ohio voters to vote "YES" on State Issue 2 on the November 4, 1997 general election ballot.

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State Issue 2 was a referendum on Ohio Senate Bill 45. Senate Bill 45 provided for the significant reform of Ohio's workers' compensation system, including the criteria used to determine eligibility for benefits and recognition of certain types of claims. Keep Ohio Working made expenditures on several advertisements in connection with and for the purpose of influencing the State Issue 2 referendum. The advertisements were not run in connection with or for the purpose of influencing any election for United States Senate or for any other elected office.

Complainant challenges two advertisements in which George Voinovich appeared. George Voinovich is the current Governor of the State of Ohio. As Governor for the State of Ohio, Governor Voinovich recognized the problems both injured workers and employers were encountering with Ohio's workers' compensation system and the detrimental effect it was having upon Ohio's business community and the well being of its labor force. In fact, in his 1993 State of the State address, Governor Voinovich referred to the workers' compensation system in Ohio as the "silent killer of jobs".

During his two terms Governor Voinovich has worked tirelessly to reform and improve Ohio's workers' compensation system. This effort began with the passage of House Bill 107 in 1993 and continued with the passage of House Bill 7 in 1995. Both pieces of legislation imposed dramatic changes in the structure of the Bureau of Workers' Compensation and the Ohio Industrial Commission, as well as the way they operated. For example, House Bill 107 implemented a program of managed care to help monitor and control the medical expenses and

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such as the AFL-CIO and UAW, a group of trial lawyers and injured worker support groups organized as the Committee to "Stop Corporate Attacks on Injured Workers." The opposition also sponsored advertisements which contained appearances and endorsements by prominent Federal, state and local elected officials, including United States Congressman Louis Stokes, United States Congressman Dennis Kucinich and United States Senator John Glenn. (See attached Video Exhibit B, Transcript Exhibit C and Printed Advertisement Exhibit D.) The support provided by these elected officials in opposition to State Issue 2 is no different than the endorsement provided by Governor Voinovich in the advertisements under review here.

II. The advertisements did not constitute contributions or expenditures made in connection with any election for United States Senate or any other Federal, state or local elected office.

"Soft money contributions" to candidates for United States Senate are prohibited under 2 U.S.C. 441b(a): "it is unlawful for any...corporation whatever...to make a contribution or expenditure *in connection with any election at which...a Senator...[is] to be voted for...*" (emphasis added.) For purposes of the prohibition on soft money corporate contributions, Federal election law defines "contribution" and "expenditure" as including:

any direct or indirect payment, distribution, loan, advance, deposit or gift of money, or any services, or anything of value...to any candidate...*in connection with any election* to any of the offices referred to in this section [President, Vice-President, Senator or Representative].

2 U.S.C. 441b(b)(2) (emphasis added).

Keep Ohio Working made expenditures on the advertisements questioned in the Complaint in connection with State Issue 2. These expenditures were made to expressly

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advocate on behalf of the "Yes" vote on State Issue 2. The expenditures were not made in connection with or for the purpose of influencing any election for United States Senate. Therefore, as the expenditures were not made in connection with any election for United States Senate or any other Federal, state or local elected office, they did not constitute soft money "contributions" to or "expenditures" on behalf of the Voinovich for United States Senate Campaign.

III. The advertisements did not constitute candidate advocacy, but rather issue advocacy - exempt from the prohibition on corporate contributions and expenditures.

The 2 U.S.C. 441b(a) prohibition on corporate contributions and expenditures applies to candidate advocacy only. It does not apply to issue advocacy. This Federal Election Commission ("Commission") has aptly noted that "contributions or expenditures relating only or exclusively to ballot referenda issues, and not to elections to any political office, do not fall within the purview of the [Federal Election Campaign] Act." Advisory Opinion 1989-32 (*citing* Advisory Opinions 1984-62, note 2 and 1980-95). In Advisory Opinion 1980-95, the Commission observed that where a bank¹ "was being asked to contribute money to a fund whose express purpose is to promote or influence the adoption of amendments to the Florida Constitution, as opposed to a contribution to a fund in connection with the election of candidates to any political office" such contribution did not fall within the purview of the Act as it "related only to ballot referenda issues and not to elections to any political office." A national bank had

¹ 2 U.S.C. 441b(a) similarly prohibits banks from making contributions and expenditures on behalf of candidates.

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requested an opinion as to whether it could make a contribution to a fund that was promoting adoption of amendments to the Florida state constitution in an upcoming election. The fund had been established at the request of the Governor of Florida who set a goal of raising \$500,000 for media advertising to promote adoption of the amendments. The ratification was to coincide with a primary run-off election to nominate various Federal, state, and local candidates, but not for the office of Governor. None of the funds to be raised would be applied to those election campaigns.

Similarly, the Governor of Ohio was actively involved in promoting State Issue 2. The referendum did not coincide with an election for the office of Governor or the United States Senate or any other Federal or statewide elected office. Finally, corporate funds which were raised to promote passage of State Issue 2 were not applied to any campaigns for election to Federal, state or local office. The advertisements in question constitute advocacy on behalf of State Issue 2, and therefore are exempt from the prohibition on corporate contributions and expenditures.

IV. The advertisements contained no express advocacy on behalf of candidates and thus constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures.

The challenge before this Commission, therefore, is determining what constitutes candidate advocacy, subject to the prohibition on corporate contributions and expenditures, and what constitutes issue advocacy exempt from the prohibition on corporate contributions and expenditures.

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The United States Supreme Court in Buckley v. Valeo (1976), 424 U.S. 1, 96 S.Ct. 612, 46 L.Ed.2d 659, recognized the difficulty in distinguishing between candidate advocacy and issue advocacy and noted:

The distinction between discussion of issues and candidates and advocacy of election and defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and government actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest.

Id. at 42. Further the Court stated:

Public discussion of public issues which also are campaign issues readily and often unavoidably draws in candidates and their positions, their voting records and other official conduct. Discussion of those issues, and as well more positive efforts to influence public opinion on them, tend naturally and inexorably to exert some influence on voting at elections [on behalf of candidates].

Id. at 42, note 50 (quoting Buckley v. Valeo (D.C. Cir. 1975), 519 F.2d 821 at 875).

Nevertheless, the Court attempted to provide a bright line test for distinguishing these two types of advocacy. In doing so, the Court rejected the idea that the advocating of election or defeat of a candidate could be achieved implicitly. The Court stated that the communication must "include explicit words of advocacy of election or defeat" of a clearly identified candidate. The terms of advocacy must be "express" using words such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," or "reject." Id. at 43-44, note 52. The Court reasoned that "express" terms were necessary because otherwise the communicator would be at the mercy of the varied understanding of recipients of the communication. One recipient could infer advocacy of election or defeat of a candidate from one communication, whereas a different recipient would

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not infer such advocacy from the same communication. This uncertainty inhibits the communicator's speech and thereby infringes on his or her constitutional rights. *Id.* at 43.

The Keep Ohio Working advertisements never stated "Vote for Voinovich for Senate," or "Elect Voinovich to Senate," or "Support Voinovich for Senate," or "Cast your ballot for Voinovich for Senate." Nor did the advertisements state "Vote against 'Opponent' for Senate," or "Defeat 'Opponent' for Senate," or "Reject 'Opponent' for Senate." The advertisements contained no reference to the office or the election for United States Senate or to any other Federal, state or local office or election, and no reference to any candidate for United States Senate or any other elected office. In addition, no reference was made to Governor Voinovich's or any other person's political affiliation. The advertisements contained no express advocacy on behalf of a candidate and thus constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures.

V. The advertisements contained no solicitation, acceptance or making of contributions on behalf of candidates and thus constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures.

On several occasions this Commission has ruled consistently with the Court's holding in Buckley that express advocacy is required in order for a communication to constitute candidate advocacy. Complainant argues that Advisory Opinion 1977-54 is analogous to the advertisement

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in question². In Advisory Opinion 1977-54 Newt Gingrich served as chairman of a statewide petition drive in Georgia. The statewide petition committee was funded by corporate dollars. All advertisements which were aired pertaining to the statewide petition drive contained Mr. Gingrich's name. Concurrently with the petition drive, Mr. Gingrich was an incumbent member of the United States House of Representatives campaigning for re-election. The Commission ruled that the petition drive communications would not constitute an in-kind corporate contribution to or expenditure on behalf of the Newt Gingrich for United States House of Representatives Campaign Committee as long as (1) the advertisements do not occur in

² Complainant also argues that Advisory Opinion 1977-31 is analogous to the advertisements in question. In Advisory Opinion 1977-31 a corporation wanted to make an expenditure to air "public service messages". The public service messages would present opinions on issues of current interest and feature Leo Berman, an employee of the corporation. The messages would state Leo Berman's name twice and end with the statement "This is Leo Berman bringing to you this public service message from the ABC Corporation". Leo Berman was a candidate for the United States House of Representatives, and the messages were being aired concurrently with the election campaign. The Commission determined that such a corporate expenditure would constitute a corporate in-kind contribution to the Leo Berman for United States House of Representative Campaign Committee. The fact pattern in Advisory Opinion 1977-31 can be distinguished in that the Keep Ohio Working advertisements were aired for the purpose of influencing a state issue campaign, and the text and timing of the advertisements were clearly in reference to the state issue campaign. There was no concurrent election campaign for United States Senator. Indeed, the United States Senate election won't be held until November 3, 1998. Also, the "public service message" discussed in Advisory Opinion 1977-31 had no reference to a state issue campaign.

Complainant also argues that Advisory Opinion 1992-37 is analogous to the advertisements in question. Again, this opinion revolved around the discussion of issues occurring concurrently with a campaign for election to Federal office. A candidate for the United States House of Representatives was also a conservative radio talk show host. The Committee ruled that the candidate could continue broadcasting as long as (1) he did not broadcast in the Congressional district in which he was a candidate; (2) he did not use the show to promote his candidacy; and (3) he did not use the show to attack his opponent. Although the opinion focused on the fact that the broadcasting did not air in the Congressional district in which the talk show host was a candidate, the Keep Ohio Working advertisements can be distinguished in that the discussion of State Issue 2 was in reference to the upcoming statewide referendum. The issues discussed by the talk show host were not in reference to a statewide issue election. Furthermore, the advertisements in question were not aired concurrently with a campaign for election to Federal or any other elected office. Finally, the Keep Ohio Working advertisements did not promote the candidacy of Governor Voinovich for United States Senate and did not attack Governor Voinovich's opponent.

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situations which involve the solicitation, acceptance or making of contributions to the Newt Gingrich for United States House of Representatives Campaign Committee; or (2) the advertisements do not contain any communication expressly advocating his election to Federal office.

The Keep Ohio Working advertisements in question did not contain text which solicited, accepted or made contributions to the Voinovich for United States Senate Campaign Committee. Furthermore, at no time in connection with the State Issue 2 campaign did Governor Voinovich solicit or accept contributions to the Voinovich for United States Senate Campaign Committee. In addition, as noted above, the advertisements in question did not contain any communication expressly advocating Governor Voinovich's election to United States Senate.

Finally, with regard to Advisory Opinion 1977-54, complainant argues that the fact that Mr. Gingrich minimized his petition-drive efforts within his own Congressional district "was crucial to the Commission's opinion." The Keep Ohio Working advertisements can be distinguished in that the issue campaign and candidate campaign in Advisory Opinion 1977-54 were to be decided in the same election. Here the elections were separate and distinct and occurring one year apart. The State Issue 2 referendum appeared on the general election ballot this past November 4, 1997. The election for United States Senate will appear on the general election ballot next year on November 3, 1998.

Advisory Opinions 1992-5, 1981-37, 1980-22, 1978-56, 1978-15 and 1977-42 also considered whether particular activities involving the participation of a Federal candidate, or

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communications referring to a Federal candidate, result in a contribution to or expenditure on behalf of a candidate. Again the Commission determined that corporate financing of such activities would result in a contribution to or expenditure on behalf of a candidate if the activities involve (i) the solicitation, making or acceptance of contributions, or (ii) communications expressly advocating the nomination, election or defeat of any candidate.

In Advisory Opinion 1992-5 an incumbent candidate for re-election to the United States House of Representatives planned to participate in a series of public affairs forums. The Commission noted that although the forums would mention the candidate's name, they would not mention his campaign or election to Federal office, nor display any otherwise promotional elements such as banners or campaign decorations. Furthermore, the forums would not include any message that solicited contributions, and the content of the program would be limited strictly to issues before Congress or issues of relevance to the candidate's district. The Commission concluded that the candidate's participation in the public affairs program was not prohibited and the production and broadcasting thereof would not constitute a contribution or expenditure on behalf of the candidate. The Commission ruled similarly in Advisory Opinion 1994-15 and found that an incumbent member of Congress running for re-election to the United States House of Representatives could host a monthly, half-hour public affairs cable series to inform viewers of important issues of the day, as long as the program would not contain any solicitation of money or in-kind donations for political purposes.

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VI. The advertisements constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures, as evidenced by their content, timing and other circumstances.

As the Commission has ruled that a communication must contain express advocacy on behalf of a candidate in order for it to be considered a prohibited corporate contribution or expenditure, so have the courts. Federal case law is particularly relevant with regard to complainant's insistence that a determination of whether a violation of 2 U.S.C. 441b(a) occurred can only be made by examining the content, timing and other circumstances surrounding the advertisements in question.

In Federal Election Commission v. Furgatch (9th Cir. 1987), 807 F.2d 857, 863-864 (*cert. denied* Furgatch v. Federal Election Commission (1987), 484 U.S. 850, 108 S.Ct. 151, 98 L.Ed.2d 106), the court acknowledged and stressed that although certain First Amendment questions of subversive speech, fighting words and libel require a review of context and consider context to be a crucial factor, First Amendment questions of issue advocacy differ because the constitutional and statutory standard is "'express advocacy' [and therefore] the weight that we give to the context of speech declines considerably. [The court's] concern here is with the clarity of the communication rather than its harmful effects. Context remains a consideration, but an ancillary one, peripheral to the words themselves....[The court] conclude[d] that context is relevant to a determination of express advocacy. A consideration of the context in which speech is uttered may clarify ideas that are not perfectly articulated....However, context cannot supply a meaning that is incompatible with, or simply unrelated to, the clear import of the words." Id.

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The court in Federal Election Commission v. Furgatch held that a communication which was published in the New York Times several days before the 1980 presidential election constituted express advocacy on behalf of a candidate. The court ruled as such because it was not clear from the text of the communication what was being expressly advocated. Although the communication did not contain the magic words of Buckley, it referred to President Carter's campaign and stated "DON'T LET HIM DO IT." In this regard, there was "no clear import of the words." Therefore, the court looked to the context surrounding the communication to determine what was being advocated. Because the timing of the advertisement was several days before the presidential election, and the text identified the President and his opponent by name and negative'y portrayed the work of the President in office, the court found that the advertisement contained express advocacy on behalf of a candidate.

The clear import of the words in the Keep Ohio Working advertisements was "Vote 'YES' on State Issue 2." Therefore, it is not necessary for the Commission to look at the context surrounding the advertisements to determine if they contain express advocacy on behalf of a candidate. Nevertheless, a review of the context of the Keep Ohio Working advertisements only bolsters the fact that they constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures. The content of the advertisements was favorable to State Issue 2, and the advertisements stated simply "Vote 'Yes' on Issue 2." The advertisements were aired during September, October and until November 4, 1997 - the two months prior to the November 4, 1997 general election at which the State Issue 2 referendum was presented to Ohio voters. The

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election for United States Senate does not take place for one year - on November 3, 1998. The advertisements were in clear and obvious reference to the State Issue 2 referendum. The State Issue 2 referendum was highly publicized and controversial. Voters throughout the State of Ohio recognized references to State Issue 2 as the workers' compensation reform referendum presented on the November 4, 1997 general election ballot. No Ohio voter would confuse a reference to State Issue 2 with a reference to a campaign for United States Senate or any other Federal, state or local elected office. Furthermore, the November 4, 1997 general election ballot presented to Ohio voters two statewide issues and to the voters of Ohio municipalities, townships and school districts several local issues and candidates for local office. The November 4, 1997 general election ballot did not present to Ohio voters any candidates for statewide office nor any candidates for Federal office. The advertisements constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures, as evidenced by their content, timing and other circumstances.

VII. Conclusion.

Clearly, based upon a review of the Keep Ohio Working advertisements, Complainant's allegations have no merit. The advertisements were run in connection with and for the purpose of influencing the State Issue 2 referendum. They were not run in connection with or for the purpose of influencing any election for United States Senate or any other elected office.

Recently, in Federal Election Commission v. Maine Right to Life Committee the court explained that the United States Supreme Court "has explicitly limited the scope of [the]

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statutory prohibition [on corporate contributions found in 2 U.S.C. 441b(a)] – on First Amendment grounds – to 'express advocacy' of the election or defeat of a clearly identified candidate or candidates." Federal Election Commission v. Maine Right to Life Committee³ (D. Maine 1996), 914 F.Supp. 8, (*affirmed* Federal Election Commission v. Maine Right to Life Committee (1st Cir. 1996), 98 F.3d 1; *cert. denied* Federal Election Commission v. Maine Right to Life Committee (1997), 118 S.Ct. 52) (*citing* Buckley v. Valeo (1976), 424 U.S. 1, 96 S.Ct. 612, 46 L.Ed.2d 659; and Federal Election Commission v. Massachusetts Citizens for Life (1986), 479 U. S. 238, 107 S.Ct. 616, 93 L.Ed.2d 539). The court held that the United States Supreme Court's concern with not permitting an "intrusion upon 'issue' advocacy-discussion of the issues on the public's mind from time to time or of the candidate's positions on such issues" ... requires erring "on the side of permitting things that affect the election process, but at all costs avoids restricting, in any way, discussion of public issues." *Id.* at 12.

Governor Voinovich, as well as other elected public officials, should be encouraged to openly discuss and express their positions on issues of public concern. The general public benefits immensely from such discussion and expression by both sides of public issues. The Commission should avoid restricting such discussion and expression and determine that the Keep

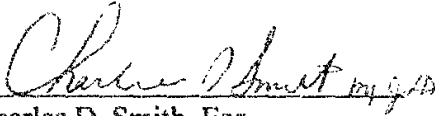
³ The court in Federal Election Commission v. Maine Right to Life Committee invalidated an administrative rule which included within the definition of "express advocacy" communications that "(b) When taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because – (1) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (2) reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action. 11 C.F.R. 100.22(b). The court found that there "is sufficient evidence of First Amendment 'chill' to entitle the plaintiffs to [declaratory] relief."

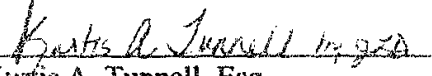
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Ohio Working advertisements constituted issue advocacy, exempt from the prohibition on corporate contributions and expenditures. To determine otherwise would chill speech in a manner which violates the First Amendment because elected public officials would hesitate to voice opinions or make communications concerning important issues of interest to the general public. This result was not the intent of our nations founders in drafting the Bill of Rights, nor of the United States Supreme Court in interpreting the Federal Election Campaign Act, nor of this Commission in interpreting the 2 U.S.C. 441b(a) prohibition on corporate contributions and expenditures. For these reasons, Complaint MUR 4687 should be dismissed without further investigation.

Respectfully submitted.

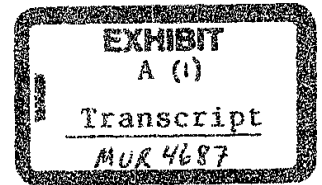

Charles D. Smith, Esq.
Counsel for Keep Ohio Working
and Roger R. Geiger


Kurtis A. Tunnell, Esq.
Counsel for Keep Ohio Working
and Roger R. Geiger

Attachments.

Cc: Jennifer Boyd, Office of General Counsel
F. Andrew Turley, Supervisory Attorney, Central Enforcement Docket

**TRANSCRIPT OF ADVERTISEMENT (1) FOR
KEEP OHIO WORKING
VOTE "YES" ON STATE ISSUE 2**



DEC 13 3 12 PM '87

Narrator: **"Yes on Issue 2"**

Visual: **Yes on Issue 2 - Fix Workers' Comp.**

**Paid for by Keep Ohio Working, Roger R. Geiger, Treas, 236 E. Town St, Suite
110, Columbus, Ohio, 43215**

Narrator: **"Issue 2 stops cheaters who fake injuries, punishes businesses that don't pay,
and limits lawyers who made 200 million off injured workers last year alone."**

Visual: **Cheaters/Fraud/Lawyers**

Narrator: **"Workers' Comp is broken"**

"Voting yes on Issue 2 will fix it"

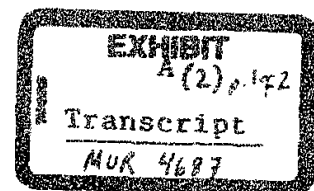
Visual: **Vote Yes on Issue 2**

Narrator: **"That's why there is so much support to vote yes on Issue 2"**

Visual: **The Vindicator
The Cincinnati Enquirer
The Plain Dealer
The Columbus Dispatch**

Narrator: **"Ohio's leading newspapers"
"Ohio's doctors"
"The Ohio Farm Bureau"
"Ohio's manufacturers"
"The Ohio Chamber"
"Ohio's small businesses and Governor George Voinovich"**

Governor Voinovich: **"Vote yes on Issue 2"**



**TRANSCRIPT OF ADVERTISEMENT (2) FOR
KEEP OHIO WORKING
VOTE "YES" ON STATE ISSUE 2
Page 1 of 2**

Governor George Voinovich:

"The Plain Dealer said the opponents of Issue 2 would use scare tactics. Have they ever."

Visual: Holds up a Plain Dealer

Governor George Voinovich:

"Here's what Issue 2 really does. Voting Yes on Issue 2 helps injured workers."

Visual: Helps Injured Workers

Governor George Voinovich:

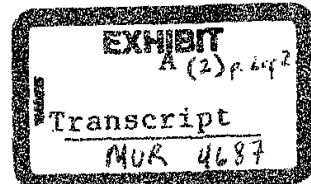
"Medical and lost time benefits are not cut as the lawyers would have you believe"

Visual: Medical Benefits are NOT Cut - Senate Bill 45, 4/22/98

Governor George Voinovich:

"Full benefits will be paid faster"

Visual: Benefits Paid Faster - S.B. 45, 4123.56(B)(1)



TRANSCRIPT OF ADVERTISEMENT (2) FOR
KEEP OHIO WORKING
VOTE "YES" ON STATE ISSUE 2
Page 2 of 2

Governor George Voinovich:

"Carpal tunnel is still covered"

Visual: Carpal Tunnel IS covered - S.B. 45, 4123.01 (F)

Governor George Voinovich:

"And you keep the choice of doctors that take care of you"

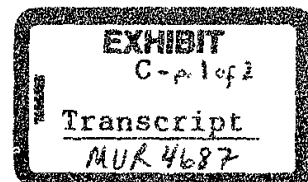
Visual: Keep Choice of Doctors - Ohio Administrative Code 4123.6.062

Governor George Voinovich:

"So let's take the money from the workers' comp lawyers and put it in the pockets of the injured workers where it belongs. Fix workers' comp. Vote Yes on Issue 2."

Visual: Vote Yes on Issue 2.

Paid for by Keep Ohio Working, Roger R. Geiger, Treas. 236 E. Town St.,
Suite 110, Columbus, Ohio 43215



TRANSCRIPT OF ADVERTISEMENT FOR
COMMITTEE TO STOP CORPORATE ATTACKS ON INJURED WORKERS
VOTE "NO" ON STATE ISSUE 2
Page 1 of 2

United States Congressman Louis Stokes:

"The corporations behind Issue 2 are putting profit before people"

Visual: The Facts About Issue 2...

United States Congressman Louis Stokes:

"And their misleading ads can't hide the fact that Issue 2 cuts workers' compensation benefits"

Visual: Issue 2 Cuts Workers' Compensation Benefits

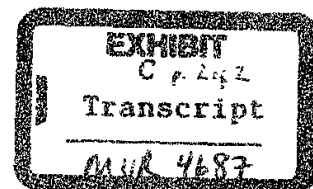
United States Congressman Louis Stokes:

"Issue 2 cuts wage loss benefits to just 26 weeks"

Visual: And Cuts Wage Loss Benefits From 200 to 26 Weeks - Senate Bill 45
41.23.56(c)(2)

United States Congressman Dennis Kucinich:

"Would you vote to cut your wages. Of course not. Then don't vote for Issue 2 which cuts benefits for injured workers."



**TRANSCRIPT OF ADVERTISEMENT FOR
COMMITTEE TO STOP CORPORATE ATTACKS ON INJURED WORKERS
VOTE "NO" ON STATE ISSUE 2**

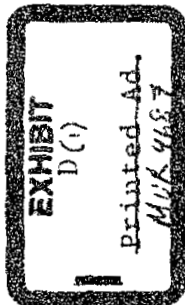
Page 2 of 2

Narrator: "That's why the National Council of Senior Citizens, The Ohio Consumer League and Church Health & Safety Groups all urge you to vote no on Issue 2"

Visual: Vote No On Issue 2
 National Council of Senior Citizens
 Ralph Nader
 Ohio AFL-CIO
 Parma City Council
 Commission of the Church and of the Interchurch Council of Greater Cleveland
 United Auto Workers
 Ohioans Helping Injured Ohioans
 Amvets Post 1928
 Ohio Nurses Council
 Ohio Firefighters
 Lucas County Board of Commissioners
 Fraternal Order of Police

Paid for by the Committee to Stop Corporate Attacks on Injured Workers,
Steve Mindzak, Treasurer, 51 North High Street, Suite 401, 43215

Why Ohio's No Democrats say VOTE NO on Issue 2:



Protect workers with carpal tunnel syndrome:

"Issue 2 will deny benefits to workers who suffer from injuries like carpal tunnel syndrome, the most common form of workplace injury. Every Ohioan who uses a computer at work could be denied the assistance they need and deserve. Protect Ohio's workers from drastic benefit cuts – Vote NO on Issue 2."

Mary Ellen Withrow, Treasurer of the United States



Protect working families:

"Working families, the backbone of Ohio's economy, should be cherished, not punished. But Issue 2 would drastically reduce or eliminate the benefits working families need. A NO vote on Issue 2 ensures the safety, health and financial well-being of Ohio's working families."

Congressman Louis Stokes



"The Ohio Democratic Party is proud to join with consumer

groups, small businesses and labor organizations across Ohio in the effort to defeat Issue 2. Democrats must stand united against this attack on working families - Vote NO on Issue 2."

*David J. Leland, Chair
Ohio Democratic Party*



"Workplace injuries are devastating to families, and they deserve

compensation to get them back on their feet. Issue 2 will drastically cut the length of time that injured workers can receive benefits from 200 weeks to just 26 weeks. A NO vote will protect Ohio's working families' right to reasonable support."

*Senator Ben Espy
Senate Democratic Leader*



"Issue 2 is a destructive attack on Ohio's injured workers. If it

passes, benefits to injured workers will be drastically reduced while large corporations will receive a \$200 million profit. If Issue 2 passes, big business wins and working families lose – Vote NO on Issue 2."

*Representative Ross Boggs
House Democratic Leader*

**Say NO to the Taft-Voinovich
Attack on Working Families
VOTE NO on ISSUE 2**

**Democrats
are United
to**

**Vote NO
on Issue 2**

• Protect your family

• Protect your benefits

• Protect yourself

The Ohio Democratic Party
37 West Broad Street, Suite 430
Columbus, Ohio 43215

Non-Profit Org
U.S. POSTAGE
PAID
Ohio Democratic
Party

EXHIBIT
D (2)

Printed Ad.
MUR 4687

|||||

Printed by the Ohio Democratic Party, David J. Leland, Ohio, 37 West Broad Street, Suite 430, Columbus, Ohio 43215

Democrats are United

Stop Workers' Compensation Rip-offs

• Protect your family

• Protect your benefits

• Protect yourself



"Issue 2 would cut workers' compensation benefits for Ohioans — benefits that working men and women have earned and deserve if they are injured on the job. We must protect the working families' safety net by voting NO on Issue 2."

John Glenn, U.S. Senator

Vote NO on Issue 2