

DIRECTIVE 2009-09

May 27, 2009

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Directive 2007-09 No Longer in Effect

On May 21, 2007, the Secretary of State's office issued Directive 2007-09 providing political parties with a means for ballot access in Ohio. Directive 2007-09 was issued in light of the fact that U.S. Court of Appeals for the Sixth Circuit invalidated Ohio's ballot access law on September 6, 2006¹ and that no replacement ballot access statute was enacted thereafter. However, on July 17, 2008, the U.S. District Court for the Southern District of Ohio ruled that Directive 2007-09 is unenforceable.²

Due to the court's ruling, Directive 2007-09 is no longer in effect, and the Secretary of State's office will not enforce it in the future. Consequently, boards of elections are hereby directed to no longer follow Directive 2007-09.

If you have any questions or need additional information, please contact your county's assigned elections counsel at (614) 466-2585.

Sincerely,

Jennifer Brunner

¹ *Libertarian Party of Ohio v. Blackwell*, 462 F.3d 579 (2006).

² *Libertarian Party of Ohio v. Brunner*, 567 F.Supp.2d 1006 (S.D. Ohio July 17, 2008).