



JON HUSTED
OHIO SECRETARY OF STATE

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DIRECTIVE 2011-28

September 1, 2011

TO: MIAMI AND SUMMIT COUNTY BOARDS OF ELECTIONS
Members, Directors, and Deputy Directors

Summary

This directive prohibits the Miami and Summit County Boards of Elections from removing the candidate name or party designation of the Libertarian Party candidates appearing on the ballot in those counties for the September 13, 2011 primary election and the November 8, 2011 general election.

Direction

Am. Sub. HB 194, enacted by the General Assembly, includes a change to ballot access for minor parties and invalidates Directives 2009-21 and 2011-01. Am. Sub. HB 194 will be effective on September 30, 2011 unless a referendum petition is filed to stay its effective date.

Regardless of whether Am. Sub. HB 194 takes effect on September 30, 2011, or is stayed, the two Libertarian Party candidates were nominated, or will be nominated, to the general election ballot through a process recognized as legal and legitimate at the time of their nomination. There is no statutory process by which otherwise valid party nominees or their party's designation can or should be removed from the general election ballot absent withdrawal or death.

Therefore, I prohibit the Miami and Summit County Boards of Election from removing the Libertarian Party candidates and from removing the Libertarian Party candidates' party designations from either the September 13, 2011 primary election ballot or the November 8, 2011 general election ballot. Further, the Libertarian Party is also permitted to appoint observers as a political party that is supporting candidates to be voted upon at those elections consistent with Ohio law.

Sincerely,

A handwritten signature in black ink that reads "Jon Husted".
Jon Husted