

ADVISORY 2008-17

August 14, 2008

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Federal court order granting ballot access and party designation to Libertarian Party of Ohio candidates

On September 6, 2006, the U.S. Court of Appeals for the Sixth Circuit found unconstitutional the provisions of R.C. 3517.01(A)(1) requiring persons who seek to form a political party in Ohio to file a petition to form a political party more than 120 days before the next primary election. *Libertarian Party of Ohio v. Blackwell*, 462 F.3d 579 (2006). The effect of this decision is that there is no law in Ohio to form a political party or to achieve ballot access for candidates with a political party designation.

On May 21, 2007, the Secretary of State issued Directive 2007-09 to provide a mechanism for persons in Ohio to form a political party and to gain ballot access for candidates with a political party designation. The directive was intended to fill the void in Ohio law until the Ohio General Assembly acted. However, the General Assembly never acted to create a new ballot access law for political parties.

Subsequently, the Libertarian Party of Ohio and several of its candidates filed an action in the U.S. District Court for the Southern District of Ohio seeking ballot access with a political party designation for its candidates. On July 17, 2008, the court issued an opinion and order finding that Directive 2007-09 is invalid and that the General Assembly had failed to create constitutional ballot access requirements. *Libertarian Party of Ohio v. Brunner*, S.D. Ohio Case No. 2:08-cv-00555. Consequently, the court ordered that the Libertarian Party of Ohio's candidates be placed on the November 4, 2008 general election ballot with the political party designation of "Libertarian Party of Ohio." *Id.*

As a result of the court's order, the following candidates shall appear on the general election ballot in Ohio with the party designation "Libertarian Party of Ohio":

Bobb Barr and Wayne Root President and Vice-President

Paul Conroy Representative to Congress 10th District
1328 Bonnieview Ave. (Cuyahoga County)
Lakewood, OH 44107

Steven R. Linnabary
2728 Christine Blvd.
Columbus, OH 43231

Representative to Congress 12th District
(Franklin most populous county)

David Macko
28810 Cannon Rd.
Solon, OH 44139

Representative to Congress 14th District
(Lake most populous county)

Mark Michael Noble
723 Springs Dr.
Columbus, OH 43214

Representative to Congress 15th District
(Franklin most populous county)

Margaret A. Leech
415 Pinebluff Dr.
Loveland, OH 45140

State Senator 14th District
(Clermont most populous county)

Michael Johnston
5956 McJessy Dr.
Westerville, OH 43081

State Representative 19th District
(Franklin County)

Jeremiah Arn
2786 Wildwood Rd.
Columbus, OH 43231

State Representative 21st District
(Franklin County)

Timothy J. McNeil
1374 Church St.
Mineral Ridge, OH 44440

State Representative 65th District
(Trumbull County)

More information will be provided in the forthcoming Prescribed Ballot Directive. If you have any questions about this advisory, you may contact the elections attorney assigned to your board.

Sincerely,

Jennifer Brunner