

ADVISORY 2010-02

February 17, 2010

TO: All County Boards of Elections

RE: Minor Political Party Candidates for Central Committee

Directive 2009-21 (issued December 31, 2009) provided guidance to the boards of elections regarding the currently recognized minor political parties (Constitution, Green, Libertarian, and Socialist Parties) and the laws that apply to their candidates seeking nomination for a public office or election to a political party central committee at the May 4, 2010 primary election. Section E.1. of Directive 2009-21 included the instruction that these minor political parties may elect their party central committee members at the primary election if the parties file a plan for party organization pursuant to R.C. 3517.03 with the Secretary of State's office no later than February 3, 2010.

This advisory provides additional guidance to the boards of elections regarding central committee candidates of the minor political parties that filed plans for party organization by the deadline.

Qualifications for Minor Political Party Central Committee Candidates

R.C. 3517.03 specifically gives minor political parties the right to set qualifications for their candidates for central committee in the plan for party organization. Consequently, the provisions of R.C. 3513.191(A) that prohibit an elector who voted in a different political party's primary election in the current year or the immediately preceding two calendar years from being a candidate for election to a political party central committee **do not apply to minor political party candidates for central committee**. Stated differently, a board of elections **may not disqualify a candidate** for minor political party central committee based upon the candidate's vote in a different political party's primary election in 2008 or 2009.¹

As explained in Directive 2009-21, section E.5., there is **no filing fee** for any political party central committee candidate under R.C. 3513.10(C).

¹ R.C. 3513.191(A) disqualifies a candidate from running for political party central committee person if the candidate voted in the primary election of a different political party in the current year (2010) or the preceding two calendar years (2009 and 2008). Charter municipalities and counties may hold primary elections on dates other than May 4, 2010, and R.C. 3513.32 provides for a primary election for special elections to fill vacancies in the U.S. House of Representatives. However, as is obvious, no primary elections have been held in Ohio in 2010 to date.

Minor Political Party Petitions

Additionally, questions have been raised regarding who may **sign** the petitions of minor political party candidates for public office and the petitions of minor political party candidates for party central committee.

- Section C.2. of Directive 2009-21 explained that pursuant to R.C. 3517.015 **any qualified elector** (regardless of his/her vote in any primary election in 2008 or 2009) may sign the petition of a minor political party candidate seeking **nomination for public office at a primary election** for the first primary election held by that political party.
- However, section E.3. of Directive 2009-21 explained that the petitions of minor political party candidates **for central committee** may only be signed by qualified electors who are affiliated with that minor political party or by **qualified electors who are unaffiliated with any political party**² (electors who did not vote in any political party's primary election in 2008 Or 2009) pursuant to the sixth and seventh paragraph of R.C. 3513.05.

Thus, Ohio law imposes a different standard for the signers of minor political party candidate petitions for **public office** than for signers of minor political party candidate petitions for **party central committee**.

The petition filing deadline for all minor political party central committee candidates is 4:00 pm on February 18, 2010.

Overview of Minor Political Party Central Committee

Listed below are each of the currently recognized minor political parties (Constitution, Green, Libertarian, and Socialist Parties) and the requirements for their candidates seeking election to a state and/or local political party central committee at the May 4, 2010 primary election.

1. Constitution Party

The Constitution Party filed a plan for party organization providing for the election of **state** central committee members at the May 4, 2010 primary election:

- One state central committee member shall be elected from each of the current eleven (11) Ohio State Board of Education districts for a two-year term.
- Candidates seeking election to the Constitution Party state central committee shall use Ohio Secretary of State Form 2-K (prescribed 01-10) and must specifically list the district number and district name in the declaration of candidacy portion of the petition.
- Candidates must obtain the signatures of at least five (5) qualified electors who are unaffiliated with any political party (did not vote in any political party's primary election in 2008 or 2009) and may file no more than fifteen signatures.

Under the plan for party organization, **county** central committee members will **not** be elected by the Constitution Party at the May 4, 2010 primary election.

² No Ohio electors are currently affiliated with the minor political parties because no primary elections were held for the minor political parties in Ohio in 2008 or 2009. Consequently, only unaffiliated electors may sign the petition of a candidate for minor political party central committee.

2. Green Party

The Green Party filed a plan for party organization providing for the election of **state** central committee members at the May 4, 2010 primary election:

- Four state central committee members shall be elected from each of the current eleven (11) Ohio State Board of Education districts for a two-year term. At least one man and one woman shall be elected from each district.
- Candidates seeking election to the Green Party state central committee shall use Ohio Secretary of State Form 2-K (prescribed 01-10) and must specifically list the district number and district name in the declaration of candidacy portion of the petition.
- Candidates must obtain the signatures of at least five (5) qualified electors who are unaffiliated with any political party (did not vote in any political party's primary election in 2008 or 2009) and may file no more than fifteen signatures.

Under the plan for party organization, **county** central committee members will also be elected by the Green Party at the May 4, 2010 primary election:

- Seven (7) county central committee members shall be elected from each county at large for a two-year term. At least one man and one woman shall be elected from the county at large.
- Candidates seeking election to the Green Party county central committee shall use Ohio Secretary of State Form 2-M (prescribed 01-10), which is a declaration of candidacy only and does not require any petition signatures, and must specifically list the county on the form.

3. Libertarian Party

The Libertarian Party filed a plan for party organization providing for the election of **state** central committee members at the May 4, 2010 primary election:

- Two (2) state central committee members shall be elected from each of the current eighteen (18) Ohio congressional districts for a two-year term.
- Candidates seeking election to the Libertarian Party state central committee shall use Ohio Secretary of State Form 2-K (prescribed 01-10) and must specifically list the congressional district number and district name in the declaration of candidacy portion of the petition.
- Candidates must obtain the signatures of at least five (5) qualified electors who are unaffiliated with any political party (did not vote in any political party's primary election in 2008 or 2009) and may file no more than fifteen signatures.

Under the plan for party organization, **county** central committee members will be elected by the Libertarian Party at the May 4, 2010 primary election in **Cuyahoga, Franklin, and Lorain Counties only**:

- One county central committee member shall be elected from each precinct in the county for a two-year term.
- Candidates seeking election to the Libertarian Party county central committee shall use Ohio Secretary of State Form 2-M (prescribed 01-10), which is a declaration of candidacy only and does not require any petition signatures, and must specifically list precinct name and number on the form.

4. Socialist Party

The Socialist Party did not file a plan for party organization, so the Socialist Party **will not be electing state or county** central committee members at the May 4, 2010 primary election.

If you have any questions concerning this advisory, please contact your county's assigned elections counsel.

Sincerely,

Jennifer Brunner