



**Jon Husted**  
Ohio Secretary of State

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August 5, 2011

Mr. Michael Johnston  
Libertarian Party of Ohio  
2586 Tiller Lane, Suite 2k  
Columbus, Ohio 43215

Dear Mr. Johnston:

Thank you for your letter seeking clarification on ballot access for minor parties in light of the passage of Am. Sub. HB 194.

As you know, in 2006 the Sixth Circuit Court of Appeals found Ohio's system for minor party qualifications unconstitutional. Since then, the federal trial court has held that the Secretary of State cannot create laws related to minor party access through directives.

The General Assembly passed Am. Sub. HB 194, effective September 30, 2011, which included laws related to the requirements minor parties will have to satisfy in order to gain ballot access. In uncodified law in Am. Sub. HB 194, the General Assembly also declared void the 2009 and 2011 Secretary of State directives providing ballot access to certain minor parties.

As an administrative official, I can only enforce the law, I cannot make the law. Therefore I am not authorized under the law to grant minority party access outside of the requirements set forth by the General Assembly in Am. Sub. HB 194. To do so would interfere with the prerogative of the legislature.

You also asked for guidance related to the 2012 Presidential Primary election. As my legal counsel told you, if the Libertarian Party becomes a recognized minor party in Ohio in 2012, it is legally entitled to set the standards for participation in the Libertarian Party 2012 Presidential primary election, including signature collection and delegate allocation. I am not sure that there is any further guidance that my office can provide on this issue.

Sincerely,

Jon Husted

Cc: Constitutional Party, Robert Owens  
Green Party, Anita Rios  
Green Party, Robert Fittrakis  
Socialist Party USA, Dan LaBotz