Libertarians tossed off state ballot

By Joe Vardon
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Libertarians are 2-for-2 against Secretary of State Jon Husted in federal court in this election cycle. They'll need another win to keep their candidates for governor and attorney general on the ballot this fall.

Husted accepted the recommendations of a hearing officer who said that professional signature-gatherers hired by the Libertarian Party should have listed the party as their employer on the petition forms to get the candidates on the ballot. The signatures thus were gathered in violation of state law, the officer said. That means that Libertarian Charles R. Earl and running mate Sherry L. Clark are off the ballot. So is attorney-general candidate Steven R. Linnabary.

Mark Brown, attorney for the Libertarian Party, said he planned to file an appeal in federal court last night or today. Brown said the party will amend its original complaint already on file in federal court that has produced two preliminary injunctions: one preventing Husted from enforcing residency requirements for petition circulators, and the other preventing him from enforcing a law that would have it made difficult for minor-party candidates to make the ballot.

"We're going to argue under the First Amendment that the employer statute is unconstitutional, and we'll also argue under the 14th Amendment of equal access," Brown said. "Secretary Husted changed the rules in the midst of the game once again, and you can't do that, either."

Both of the laws Libertarians have fought in court during the 2014 election cycle were passed by the Republican-controlled state legislature and signed by GOP Gov. John Kasich. Some Republicans were worried that Earl would draw votes in the general election that otherwise would go to Kasich.

Husted, like Kasich a Republican, based his ruling on the recommendation of former Federal Election Commission member Brad Smith, a Republican who presided over a protest hearing this week. The protest was filed by Cleveland-area Libertarian Greg Felsoci, but it was argued in court by a team of attorneys led by John Zeiger of Columbus.

The Libertarians issued a statement yesterday evening saying, "We fully expected Husted's decision, as he, John Kasich, and the rest of the Ohio GOP mafia have been working hard for months to violate voting rights..."
and thwart democratic participation." The party chided the GOP's "transparently desperate attempts to survive by a party that stands for nothing but crony capitalism, corruption and more-intrusive government in every area of life."

The Ohio Supreme Court upheld a 2011 ruling by Husted that circulators should list on the petition who paid them to collect signatures.

"The statute is clear, the secretary of state has been clear, and they (Liberarians) chose to ignore it," Zeiger said.

Earl, who is in Columbus to give the keynote address today at his party's state convention, said: "On the face of it, the way the law is written, I can't disagree" with Husted's ruling. But Earl said he will let attorneys challenge the ruling in court, and "I'll know in a week or so if I'm going to go back and plant a garden this spring."

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