

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES**

Case No: 16-3537

Case Name: Libertarian Party of Ohio v. Husted

Is this case a cross appeal? ☐ Yes ☒ No

Has this case or a related one been before this court previously? ☒ Yes ☐ No

If yes, state:

Case Name: Libertarian Party v. Husted Citation: 14-3030 (2014); 751 F.3d 403 (2014); 808 F.3d 279 (2015)

Was that case mediated through the court's program? ☐ Yes ☒ No

**Please Identify the Parties Against Whom this Appeal is Being Taken and the Specific Issues You Propose to Raise:**

**The Appellees are Jon Husted, Ohio's Secretary of State (in his official capacity), the State of Ohio, and Gregory Felsoci.**

**The issues to be raised in this appeal are:**

- (1) Whether Ohio's new ballot access law, S.B. 193, violates the federal Equal Protection Clause?**
- (2) Whether Felsoci as an agent of the Ohio Republican Party engaged in state action in having the Libertarian Party of Ohio's gubernatorial candidate removed from the primary ballot and thereby violated the First and Fourteenth Amendments?**
- (3) Whether Defendant-Secretary violated federal Due Process by using as his hearing officer a private lawyer who was presently representing one of the interested parties and therefore had an undisclosed conflict of interest?**
- (4) Whether Ohio's employer-statement rule for circulators of candidates' petitions violates the First Amendment to the United States Constitution?**
- (5) Whether the State of Ohio waived its Eleventh Amendment immunity by voluntarily intervening in this action and voluntarily defending S.B. 193?**
- (6) Whether application of Ohio's employer-statement rule to Appellant-Earl's circulators without prior notice that the employer-statement rule applied to independent contractors violates the First and Fourteenth Amendments.**

**This is to certify that a copy of this statement was served on opposing counsel of record this 23d day of**

**May, 2016 .**

**Mark R. Brown**

**Name of Counsel for Appellant**