

August 8, 2024

**VIA HAND DELIVERY AND EMAIL**

Shenna Bellows, Secretary of State  
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**Re: Challenge to Dr. Cornel West’s Nomination Petition**

Dear Secretary Bellows:

As a registered Maine voter, I bring this challenge under 21-A M.R.S § 356 to Dr. Cornel West’s petition to be added to the 2024 General Election Ballot as a non-party presidential candidate (the “*Petition*”). “For a candidate to qualify for the ballot, a nomination petition must meet all of the [statutory] requirements” set forth in 21-A M.R.S § 354.<sup>1</sup> The Petition is invalid because it violates many of those mandatory requirements. It contains 5,983 signatures—983 more than the statutory maximum—and is invalid for that reason alone. And it also contains too few valid signatures, because thousands of the submitted signatures violate the statutory requirements in one or more respects.

**I. Background**

Non-party candidates, including candidates for President, may be nominated for office by petition.<sup>2</sup> For a slate of presidential elector candidates, the petition “must be signed by . . . at least 4,000 and not more than 5,000 voters.”<sup>3</sup> For the 2024 general election, voters must have signed the petition between January 1, 2024, and 5:00 p.m. on July 25, 2024.<sup>4</sup> Circulators must verify before a notary that they personally witnessed all signatures, and that, to the best of their knowledge, the signatures are of the person whose name they purport to be.<sup>5</sup>

Candidates were required to deliver their petition sheets to municipal registrars by 5:00 p.m. on July 25, 2024, for the registrars to certify which signatories are registered voters in their jurisdictions.<sup>6</sup> Registrars can only certify voters in their jurisdiction.<sup>7</sup> Petitions must then be filed with your office by 5:00 p.m. on August 1, 2024, for your office’s certification.<sup>8</sup>

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<sup>1</sup> 21-A M.R.S. § 354(9).

<sup>2</sup> *Id.* §§ 351, 352.

<sup>3</sup> *Id.* § 354(2), (5)(A).

<sup>4</sup> *Id.* § 354(6)-(7).

<sup>5</sup> *Id.* § 354(7)(A).

<sup>6</sup> *Id.* § 354(7)(B).

<sup>7</sup> *Id.* § 354(7)(C).

<sup>8</sup> *Id.* § 354(8-A).

Maine’s petition requirements for non-party candidates are not discretionary and must be strictly followed. For example, Section 354 dictates that voters “**must** personally sign that voter’s name in such a manner as to satisfy the registrar of that voter’s municipality that the voter is a registered voter” and that petitions “**must**” include the voter’s residence address and municipality of registration.<sup>9</sup> Petitions for president “**must** be signed by . . . at least 4,000 and not more than 5,000 voters.”<sup>10</sup> Further, a circulator “**shall** verify by oath or affirmation [the petition] before a notary public.”<sup>11</sup> As part of this oath, the circulator attests that they personally witnessed all the signatures. And petitions “**must** meet all of the requirements of [Section 354]” for a candidate to qualify for the ballot.<sup>12</sup>

Maine law generally, as well as the Election Code, specify that the terms “must” and “shall” are mandatory in nature. “‘Shall’ and ‘must’ are terms of equal weight that indicate a mandatory duty, action or requirement. ‘May’ indicates authorization or permission to act.”<sup>13</sup> The Election Code uses “the words ‘shall’ and ‘must’ . . . in a mandatory sense to impose an obligation to act in the manner specified by the context.”<sup>14</sup> Case law has confirmed that “shall” “generally renders a provision mandatory”<sup>15</sup> and that “‘[s]hall’ and ‘shall be’ are legal terms of art meaning ‘required to’ or ‘has a duty to.’”<sup>16</sup> When drafting statutes, “using ‘shall’ is only appropriate if it connotes ‘required to’ or ‘has a duty to.’”<sup>17</sup>

On July 30, 2024, Dr. West submitted the Petition to your office with 5,983 signatures, seeking nomination as a non-party presidential candidate.<sup>18</sup> But as explained below, the Petition violates multiple basic, mandatory state law requirements and must be rejected for that reason.

The substantial problems with Dr. West’s Petition should be no surprise. Dr. West’s ballot-access efforts across the country have been plagued by serious irregularities at best, and fraud at worst. For example, the North Carolina State Board of Elections refused to recognize a political party created by the West campaign (to circumvent higher candidate signature requirements) when an investigation uncovered that Republican operatives, not party leaders, were responsible for collecting a majority of the organization’s signatures, and Republican operatives had collected signatures by telling signers the purpose of the petition was to take votes away from Joe Biden, not to create a new political party.<sup>19</sup> That same investigation even uncovered instances of signers

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<sup>9</sup> 21-A M.R.S. § 354(3)-(4) (emphasis added).

<sup>10</sup> *Id.* § 354(5)(A) (emphasis added).

<sup>11</sup> *Id.* § 354(7)(A) (emphasis added).

<sup>12</sup> *Id.* § 354(9) (emphasis added).

<sup>13</sup> 1 M.R.S. § 71 (also noting that this provision applies to laws enacted or language changed by amendment after December 1, 1989).

<sup>14</sup> 21-A M.R.S. § 7. *See also McGee v. Sec’y of State*, 896 A.2d 933, 939 (Me. 2006) (indicating that strict compliance is required in the election-law context “in the absence of statutory language plainly supporting a contrary interpretation.”).

<sup>15</sup> *Portland Sand & Gravel, Inc. v. Town of Gray*, 663 A.2d 41, 43 (Me. 1995).

<sup>16</sup> *V & C Enterprises, Inc. v. City of S. Portland*, No. CIV.A. AP-05-85, 2006 WL 2960694, at \*2 (Me. Super. July 14, 2006) (citations omitted).

<sup>17</sup> *Id.*

<sup>18</sup> Cornel West, Non-Party Nomination Petitions (received July 30, 2024).

<sup>19</sup> Letter from The Justice for All Party of North Carolina to North Carolina State Board of Elections (July 9, 2024); @iarnsdorf, X (Apr. 20, 2024), <https://x.com/iarnsdorf/status/1781777434548846607>; Alex Seitz-Wald, *Operatives with GOP ties are helping Cornel West get on the ballot in a key state*, NBC NEWS (Jun. 7, 2024),



who denied signing the party’s petition altogether.<sup>20</sup> In Arizona, they used similar tactics: paid signature gatherers collected signatures for Cornel West “listing their employer as a Republican-leaning firm that recently worked for GOP...candidate[s] Blake Masters [and] Elizabeth Jean Reye.”<sup>21</sup> And in Michigan, the petition for West’s ballot access was rife with signature forgery and is currently being reviewed by the Michigan Board of State Canvassers.<sup>22</sup> In each instance, there was no financial connection between the West campaign and the entities collecting signatures on its behalf – not a single disbursement, expenditure, or in-kind contribution reported to the Federal Election Commission or to any state campaign finance regulator.<sup>23</sup> Maine should take its election integrity at least as seriously as those other States.

## II. The Petition must be invalidated for violating the mandatory requirement of only submitting 5,000 signatures.

The Petition is invalid at the threshold because Dr. West submitted 5,983 signatures, which is 983 too many. The statute is clear: presidential nomination petitions “must be signed by . . . at least 4,000 and *not more than 5,000 voters*.”<sup>24</sup> Your office’s guidance confirms that the “required” number of signatures is a 4,000 “[m]inimum” and a 5,000 “[m]aximum,” and instructs candidates to “[c]ollect between 4,000 and 5,000 signatures.”<sup>25</sup> Courts have explained that this provision imposes a “*maximum number of 5,000 raw signatures* permitted to be filed with the town clerks for validation,”<sup>26</sup> and that petitioners must “not exceed[] the maximum number” when collecting signatures.<sup>27</sup> And it is commonly understood that the 5,000 signature limit is a hard cap designed to constrain the burdens placed on town clerks. Just a few months ago, for example, the Robert F. Kennedy, Jr. campaign argued in a federal court complaint that it

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<https://www.nbcnews.com/politics/2024-election/operatives-gop-ties-are-helping-cornel-west-get-ballot-key-state-rcna153110>.

<sup>20</sup> Aaron Pellish, *North Carolina elections board finds some voters didn’t know purpose of RFK Jr. and Cornel West petitions when they signed*, CNN (Jul. 9, 2024), <https://www.cnn.com/2024/07/09/politics/rfk-cornel-west-ballot-north-carolina/index.html>.

<sup>21</sup> Alex Seitz-Wald, *Paid Operatives linked to a GOP Firm are Helping Cornel West in Arizona*, NBC NEWS (Jun. 30, 2024), <https://www.nbcnews.com/politics/2024-election/paid-operatives-gop-firm-helping-cornel-west-arizona-ballot-rcna159675>; Brian Slodysko, *Kennedy and West third-party ballot drives are pushed by secretive groups and Republican donors*, AP NEWS (Jul. 16, 2024), <https://apnews.com/article/kennedy-west-third-party-2024-election-10c4c166ad4d41cab73660c33a69a58a>.

<sup>22</sup> Swon Complaint Challenging Qualifying Petitions Filed by Cornel West, State of Michigan Board of State Canvassers (July 25, 2024), [https://drive.google.com/file/d/1IfkZSovcQ\\_Knlff7HtIW-NuqoXPrDv1q/view](https://drive.google.com/file/d/1IfkZSovcQ_Knlff7HtIW-NuqoXPrDv1q/view); Colin Jackson, *Cornel West’s presidential candidacy faces signature challenge in Michigan*, WCMU (July 30, 2024), <https://radio.wcmu.org/local-regional-news/2024-07-30/cornel-wests-presidential-candidacy-faces-signature-challenge-in-michigan>.

<sup>23</sup> End Citizens United FEC Complaint, <https://endcitizensunited.org/wp-content/uploads/2024/08/Cornel-West-FEC-Complaint.pdf>.

<sup>24</sup> 21-A M.R.S. § 354(5)(A) (emphasis added).

<sup>25</sup> Maine Sec’y of State, *Ballot Access for Non-Party Presidential Candidates in Maine* (Dec. 2023) at 2, <https://www.maine.gov/sos/cec/elec/candidate/FINAL%20-%20Candidate's%20Guide%20-%20Non-Party%20Presidential%20Candidates.pdf> [hereinafter “Ballot Access for Non-Party Presidential Candidates”].

<sup>26</sup> *Team Kennedy v. Bellows*, No. 1:24-cv-52-JAW, 2024 WL 1697921, at \*3 (D. Me. Mar. 4, 2024) (emphasis added).

<sup>27</sup> *Hammer v. Sec’y of State*, 2010 ME 109, ¶ 5, 8 A.3d 700, 705 (Me. 2010).

was “only permitted to file 5,000 petition signatures with the town clerks for validation,”<sup>28</sup> and that a campaign “may only file 5,000 raw petition signatures to secure the 4,000 valid signatures to necessary to guarantee ballot access.”<sup>29</sup> In a filing responding to the RFK Jr. complaint, your office confirmed that “Non-party presidential candidates wishing to appear on the general election ballot must obtain between 4,000 and 5,000 signatures from any Maine voters.”<sup>30</sup>

This 5,000 signature maximum is necessary given the short turnaround time for registrars to certify signatures, for your office to verify petitions, and for voters to file challenges like this one. That process is the only safeguard against petition fraud, and registrars and your office are already under immense pressure to quickly and accurately review signatures in a compressed timeframe. Registrars and your office each have a minimum of just seven days to complete their signature review.<sup>31</sup> And voters then have just 5 business days after the deadline for filing a petition with your office to bring a validity challenge.<sup>32</sup> Because of this very tight timeline, your office’s guidance “strongly encourages” candidates to file petitions in advance of this deadline to allow time for review and potential correction of any deficiencies.<sup>33</sup> And the maximum number of submitted signatures was recently lowered by the Maine legislature to the present 5,000 figure.<sup>34</sup>

Dr. West, however, violated the clear, mandatory 5,000 signature maximum by submitting the Petition with 5,983 signatures—983 too many. And he then submitted the too-long Petition to your office on July 30, 2024, just two days before the submission deadline.<sup>35</sup> In doing so, he improperly increased the work he imposed on registrars and your office to verify signatures and certify the Petition—precisely what the 5,000 signature maximum was intended to avoid.

Dr. West’s violation of the 5,000 signature maximum also leaves it unclear how your office should have, and did, conduct its Petition review. Certainly, your office should not have reviewed more than the 5,000 statutory maximum number of signatures. But it is unclear whether your office did limit its review to 5,000 signatures, and if so, how your office selected which 5,000 signatures to review. That ambiguity has itself made this third-party challenge to the Petition unreasonably difficult. “The process of challenge to nomination petitions is designed to prevent circumvention of the petition requirements . . . and is the only screening of third-party candidates comparable to the nomination/primary/convention testing of major party candidacies. It is thus an important procedure that cannot be said unfairly to burden political opportunity.”<sup>36</sup> Without knowing which signatures were considered by your office, however, it is impossible for challengers to conduct a review of the Petition that parallels your office’s own review.

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<sup>28</sup> Complaint ¶ 28, *Team Kennedy*, No. 1:24-cv-52-JAW, (D. Me. Feb. 21, 2024), ECF No. 1; *see also id.* ¶ 22 (“Team Kennedy must collect and file 4,000 valid petition signatures, out of a maximum number of 5,000 signatures *permitted to be filed . . .*” (emphasis added)).

<sup>29</sup> *Id.* ¶ 31.

<sup>30</sup> Secretary of State’s Opposition to Motion for Preliminary Injunction at 4, *Team Kennedy*, No. 1:24-cv-52-JAW, (D. Me. Feb. 29, 2024).

<sup>31</sup> *See* 21-A M.R.S. § 354.

<sup>32</sup> *Id.* § 356(2)(A).

<sup>33</sup> Ballot Access for Non-Party Presidential Candidates at 3.

<sup>34</sup> 2021 Me. Legis. Serv. Ch. 273 (S.P. 450) (L.D. 1363).

<sup>35</sup> Cornel West, Non-Party Nomination Petitions (received July 30, 2024).

<sup>36</sup> *Crafts v. Quinn*, 482 A.2d 825, 831 (Me. 1984).

By submitting 5,983 signatures, Dr. West violated the mandatory requirements of Maine law. That alone requires your office to reject the Petition as invalid for failing to “meet all of the requirements” of Title 21-A, Section 354.

### III. A line-by-line review confirms that the Petition is invalid

A line-by-line review of the Petition provides a separate reason it must be rejected: despite containing 983 raw signatures too many, the Petition is rife with legal violations that leave far fewer *valid* signatures than the 4,000-signature minimum. Exhibit A sets forth the Petition deficiencies associated with each signer.<sup>37</sup> It is organized as follows:

- **Cols. N-R** set forth the deficiencies associated with the Petition circulator. Those deficiencies are discussed in more detail on pages 6 through 7 of this challenge.
- **Cols. S-AG** set forth the deficiencies associated with the Petition notary. Those deficiencies are discussed in more detail on pages 7 through 8 of this challenge.
- **Cols. AH-BC** set forth the deficiencies associated with individual signatures. Those deficiencies are discussed in more detail on pages 8 through 12 of this challenge.

The Exhibit is formatted as follows:

- If a particular deficiency was identified for a particular signer, a “1” is placed in the column associated with the deficiency on that signer’s row.
- If no such deficiency was found, a “0” is in the Column.
- Column BD is a “summary column,” indicating whether *any* deficiency was identified for signer (“1” or more) or whether no deficiency was identified for the signer (“0”).

Because a signer may have multiple deficiencies, the total deficiencies identified will exceed the total number of signers with at least one deficiency. In total, there are 4,805 signers with at least one deficiency – at the circulator, notary, and/or signature level – that render their signature invalid. That leaves only 1,178 valid signatures on the petition, as the following table shows:

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<sup>37</sup> Exhibit A is provided in electronic format on a USB drive included with this letter. This electronic format is being used for ease of use by the Secretary’s office, and because its size and formatting are unwieldy when printed on letter-sized paper. In case your office prefers a printed exhibit, however, a version that has been reformatted and condensed for printing is provided along with this letter, as well.

Both forms of Exhibit A refer to individual signature lines by specifying the PDF file in which the signature appears, the page of that PDF file containing the signature, and the line number of the signature on that page. The PDF files are “LOT 1” to “LOT 7,” which refer to the seven separate PDF files bearing those names that were produced by your office in response to a public records request.



Total signatures submitted	<u>5,983</u>
Total signatures with at least one deficiency – circulator, notary, or signature-level	<u>4,805</u>
Total valid signatures	<u>1,178</u>

As noted above, this analysis is complicated somewhat by Dr. West’s improper submission of 5,983 signatures. Certainly, Dr. West should not benefit from his violation of the 5,000 signature maximum: he should be entitled to review of only 5,000 signatures at most. But there is no way for third-party challengers to know “which” 5,000 signatures were reviewed by your office. In addition to providing raw numbers of deficient signatures, this challenge therefore includes information about what percentage of signatures are invalidated by each identified issue. That percentage can be applied to the 5,000 signature maximum to demonstrate that, had Dr. West submitted only the maximum allowable number of signatures, he would have been left with fewer than the required number of valid signatures. For example, as explained below, there are 1,459 signatures from individuals who are not registered Maine voters: 24.38% of the 5,983 signatures submitted. Applying that 24.38% invalidity rate to the 5,000-signature maximum would leave just 3,780 valid signatures: fewer than the 4,000 minimum, based on that one problem alone.

A. Circulator deficiencies

686 unique signatures on the Petition must be rejected due to circulator deficiencies. “The circulator of a nomination petition shall verify by oath or affirmation before a notary public . . . that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator’s knowledge and belief each signature is the signature of the person whose name it purports to be . . . ; and each person is a resident of the electoral division named in the petition.”<sup>38</sup> Your office’s guidance requires both the “signature of circulator” and the “printed name of circulator”<sup>39</sup> “The circulator must take the oath for each petition form circulated. Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.”<sup>40</sup>

Failure to comply with these standards renders the entire petition sheet invalid.<sup>41</sup>

i. *Circulator Signature Printed (Column N)*

14 accepted signatures must be rejected because the circulator’s signature is printed, rather than signed. Under Maine law and your office’s guidance, the circulator must “verify by oath or affirmation” the Petition,<sup>42</sup> and the circulator must include a signature.<sup>43</sup> The circulator’s printed name is not a signature.

<sup>38</sup> 21-A M.R.S. § 354(7)(A).

<sup>39</sup> Ballot Access for Non-Party Presidential Candidates at 6.

<sup>40</sup> *Id.* at 7 (emphasis in original).

<sup>41</sup> See 21-A M.R.S. § 354(7)(A); Ballot Access for Non-Party Presidential Candidates at 6-7.

<sup>42</sup> 21-A M.R.S. § 354(7)(A).

<sup>43</sup> Ballot Access for Non-Party Presidential Candidates at 6.

*ii. Circulator Signature Initialed (Column O)*

672 accepted signatures must be rejected because the circulator initialed rather than fully signing the petition sheets. Under Maine law and your office’s guidance, the circulator must “verify by oath or affirmation” the Petition,<sup>44</sup> and the circulator must include a signature.<sup>45</sup> A signature is the most important safeguard against fraud as other information about the circulator could be ascertained via public information. A circulator who provides only their initials has not fully signed the petition sheet, and has provided too little information to verify that the circulator is who they purport to be.

**B. Notary deficiencies**

A total of 2,598 unique signatures on the Petition must be rejected due to notary deficiencies.<sup>46</sup> “The circulator of a nomination petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations.”<sup>47</sup> The oath must be on “each petition form circulated. Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.”<sup>48</sup> Your office’s guidance confirms that the notary must print and sign their name, and include the date of the oath and date their notary commission expires.<sup>49</sup>

Failure to comply with these standards should render the entire petition sheet invalid.<sup>50</sup>

*i. Notary Signature Missing (Column V)*

35 accepted signatures must be rejected because the notary’s signature is missing. Circulators must verify by oath before a notary public – without a signature of a notary public, this requirement has not been met.<sup>51</sup>

*ii. Notary Signature Initialed (Column T)*

2,499 accepted signatures must be rejected because the notary’s signature is initialed rather than fully signed.<sup>52</sup> A notary who provides only their initials provides too little information to verify that the notary is who they purport to be.

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<sup>44</sup> 21-A M.R.S. § 354(7)(A).

<sup>45</sup> Ballot Access for Non-Party Presidential Candidates at 6.

<sup>46</sup> This number is less than the sum of the signature counts in the subsections that follow because some signatures suffer from multiple circulator deficiencies.

<sup>47</sup> 21-A M.R.S. § 354(7)(A).

<sup>48</sup> Ballot Access for Non-Party Presidential Candidates at 7 (emphasis in original).

<sup>49</sup> *See id.* at 6.

<sup>50</sup> *See* 21-A M.R.S. § 354(7)(A); Ballot Access for Non-Party Presidential Candidates at 6-7.

<sup>51</sup> *See* 21-A M.R.S. § 354(7)(A). *See also* Ballot Access for Non-Party Presidential Candidates at 6-7.

<sup>52</sup> *See* 21-A M.R.S. § 354(7)(A). *See also* Ballot Access for Non-Party Presidential Candidates at 6-7.

*iii. Notary Expiration Date Incomplete (Column Y)*

35 accepted signatures must be rejected because the expiration date for the notary’s commission is incomplete, and therefore the full expiration date is not included, in violation of your office’s guidance.<sup>53</sup>

*iv. Notary Stamp Missing (Column AB)*

29 accepted signatures must be rejected because the notary’s stamp is missing.<sup>54</sup> Circulators must verify by oath before a notary public, and in the absence of a notary stamp it is difficult or impossible to verify that the notary is who they claim to be, and in fact a lawful notary.

C. Signature deficiencies

A total of 3,718 unique signatures on the Petition must be rejected due to signature deficiencies.<sup>55</sup> The Petition must include the signature of at least 4,000 registered Maine voters, who signed the Petition between January 1, 2024, and July 25, 2024.<sup>56</sup> “The voter or the circulator of the petition must write or print the voter’s residence address and municipality of registration.”<sup>57</sup> “The voter must personally sign that voter’s name in such a manner as to satisfy the registrar of that voter’s municipality that the voter is a registered voter.”<sup>58</sup>

The reason for the signature requirement is three-fold: (1) it provides strong evidence that the signer is the person they purport to be; (2) it provides registrars with crucial information needed to perform their duties; and (3) it is the most prominent safeguard against fraud. In fact, signature verification is the only real safeguard against petition fraud—the other information on the Petition can be ascertained via publicly available information and added to the Petition by third parties without the purported signer’s knowledge.

Any petition line missing a signature cannot be counted, as it fails to comply with the plain requirements of state law.

*i. Date-of-Signature Deficiencies*

Maine law provides that signatures may not be collected before January 1, 2024, or after July 25, 2024, at 5:00 p.m.<sup>59</sup> If a signature date is missing or illegible, there is no way to verify whether it was collected within the permissible window, so it cannot be counted. The Petition has numerous date-of-signature deficiencies, as explained below.

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<sup>53</sup> Ballot Access for Non-Party Presidential Candidates at 6.

<sup>54</sup> *See id.* *See also* 21-A M.R.S. § 354(7)(A).

<sup>55</sup> This number is less than the sum of the signature counts in the subsections that follow because some signatures suffer from multiple circulator deficiencies.

<sup>56</sup> 21-A M.R.S. § 354.

<sup>57</sup> *Id.* § 354(4).

<sup>58</sup> *Id.* § 354(3).

<sup>59</sup> *Id.* § 354(6)-(7).



○ *Signature Date Missing (Column AO)*

13 signatures must be rejected due to a missing signature date. Signatures with missing dates cannot be counted, as they cannot be verified as occurring during the statutorily prescribed collection window. Signatures must be collected between January 1, 2024, and July 25, 2024, at 5:00 p.m.<sup>60</sup>

○ *Signature Date Outside Collection Window (Column AQ)*

24 signatures must be rejected due to a signature date falling outside of the collection window. Signatures must be collected between January 1, 2024, and July 25, 2024, at 5:00 p.m.<sup>61</sup>

○ *Signature Date After Subscribed to Date (Column AR)*

9 signatures must be rejected due to a signature date after the notary's subscribed-to date. No signatures are allowed after a circulator's oath before a notary public.<sup>62</sup>

○ *Signature Date Incomplete (Column AP)*

1,790 signatures must be rejected due to incomplete dates. Signatures must be collected between January 1, 2024, and July 25, 2024, at 5:00 p.m.<sup>63</sup> Signatures with incomplete dates could have been collected outside of that mandatory window and therefore cannot be counted.

○ *Ditto Marks in Signature Dates (Column AU)*

18 signatures must be rejected due to ditto marks on the signature date column. Maine law specifically provides that “[d]itto marks are permitted for residence address and municipality of registration *only*.”<sup>64</sup> Ditto marks for the signature date are therefore expressly disallowed by statute.

ii. *Voter Registration Deficiencies (Column BA and Column BB)*

1,459 signatures must be rejected because the signer is not a registered Maine voter and 3 signatures from individuals who were not registered voters when they signed the Petition. Petitions must be signed “by any Maine voter. Other signatures are void.”<sup>65</sup> Thus, a signer must (1) have a voter registration record on file with the local registrar; and (2) have signed the Petition on a date after they were registered to vote. Signers without such record cannot be counted, as they do not comply with the statutory requirements.

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *See id.* § 354(7)(A). *See also* Ballot Access for Non-Party Presidential Candidates at 7.

<sup>63</sup> *See* 21-A M.R.S. § 354(6)-(7).

<sup>64</sup> *See* 21-A M.R.S. § 354(4) (emphasis added).

<sup>65</sup> *See id.* § 354(2)-(3).

*iii. Address Deficiencies*

“The voter or the circulator of the petition must write or print the voter’s residence address and municipality of registration.”<sup>66</sup> Where the address provided does not match the voter registration record, that requirement has not been met, and there is substantial reason to believe that the signer may be someone other than the voter.

○ *City Mismatch (Column AH)*

33 signatures must be rejected because the signer wrote a municipality that does not match their voter registration. Signers are required to include their address and municipality of registration.<sup>67</sup> The address and municipality are two separate requirements; when interpreting the plain meaning of a statute “[a]ll words in a statute are to be given meaning, and none are to be treated as surplusage if they can be reasonably construed.”<sup>68</sup> Where signers did not write a municipality that matches the voter’s registration, there is no way for the registrar and your office to confirm that the signer included their true address or that voter even lives in the jurisdiction.

○ *Address Mismatch (Column AJ)*

905 signatures must be rejected because the signer wrote an address that does not match voter registration records.<sup>69</sup> The voter is required to include their address and municipality of registration.<sup>70</sup> Where the signer’s written address does not match the voter’s registration, there is no way for the registrar and your office to confirm that the signer is who they claim to be.

○ *Illegible Address (Column AX)*

1 signature must be rejected because the signer’s address is illegible. The signer is required to include their address and municipality of registration.<sup>71</sup> Where the address is illegible, there is no way for the registrar and your office to confirm whether the signer complied with this requirement, whether they are who they say they are, and whether they live in the jurisdiction.

○ *Illegible City Name (Column AY)*

1 signature must be rejected because the signer’s municipality is illegible. The signer is required to include their address and municipality of registration.<sup>72</sup> Where the city name is illegible, there is no way for the registrar and your office to confirm that the signer complied with this requirement, whether they are who they say they are, and whether they live in the jurisdiction.

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<sup>66</sup> *Id.* § 354(4).

<sup>67</sup> *See id.*; Ballot Access for Non-Party Presidential Candidates at 6.

<sup>68</sup> *State v. Santerre*, 301 A.3d 1244, 1247, as revised (Me. Nov. 7, 2023) (internal citations omitted).

<sup>69</sup> This number is less than the sum of the signature counts in the subsections that follow because some signatures suffer from multiple circulator deficiencies.

<sup>70</sup> *See* 21-A M.R.S. § 354(4); Ballot Access for Non-Party Presidential Candidates at 6.

<sup>71</sup> *See* 21-A M.R.S. § 354(4); Ballot Access for Non-Party Presidential Candidates at 6.

<sup>72</sup> *See* 21-A M.R.S. § 354(4); Ballot Access for Non-Party Presidential Candidates at 6.

*iv. Voter Signature Printed (Column AK)*

67 signatures must be rejected because the signer printed, rather than signing, their name. “Signatures” are expressly required on the petition.<sup>73</sup> Printed signatures thus violate Section 354 and Secretary of State guidance.<sup>74</sup>

*v. Voter Signature Initialed (Column AL)*

166 signatures must be rejected because the signer initialed rather than fully signing their name. “Signatures” are expressly required on the petition.<sup>75</sup> A signer who simply initials the signature line does not comply with this requirement and provides too little information to verify that the signer is who they purport to be.

*vi. Voter Signed Different Name (Column AM)*

2 signatures must be rejected because the signer’s signature does not match their printed name. There is simply no way to verify that a signer is who they claim to be if their signature and printed name do not match. This is a direct violation of Section 354 and Secretary of State guidance.<sup>76</sup>

*vii. Same Handwriting Across Rows (Column AT)*

25 signatures must be rejected due to the presence of identical handwriting across multiple rows of the petition sheet. The presence of the same handwriting across multiple signature rows is a strong indication that the same person improperly completed multiple lines of the petition sheet.

*viii. Uninitialed Cross Outs (Column AV)*

90 signatures must be rejected because they appear on a signature line that is crossed out, in whole or in part. When a signature line is crossed out, that suggests the signer changed their mind after signing and attempted to withdraw their signature from the Petition. These signatures should be rejected, as they include indicia that signers did not intend to have their names included in the final signature count.

*ix. Imperfect Name Match (Column AI)*

292 signatures must be rejected because the signer’s written name does not exactly match the voter file. Such signatures cannot be counted, because it is unclear whether the individual is a registered voter in the jurisdiction.

*x. Illegible Name (Column AW)*

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<sup>73</sup> 21-A M.R.S. § 354(5); Ballot Access for Non-Party Presidential Candidates at 6.

<sup>74</sup> 21-A M.R.S. § 354(5); Ballot Access for Non-Party Presidential Candidates at 6.

<sup>75</sup> 21-A M.R.S. § 354(5); Ballot Access for Non-Party Presidential Candidates at 6.

<sup>76</sup> 21-A M.R.S. § 354(5); Ballot Access for Non-Party Presidential Candidates at 6.



8 signatures must be rejected because the signer's name is illegible. Registrars and your office cannot verify whether a signer is a registered Maine voter if their name is illegible. Since these signers are unable to be verified, each signature with an illegible name must be rejected.

*xi. Duplicate (Column BC)*

54 signatures must be rejected because they are duplicates—the signer signed more than once. A voter may only sign each petition once.<sup>77</sup> Each subsequent signature must be rejected.

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For the forgoing reasons, Dr. West's Petition does not comply with the mandatory requirements of Maine law and must be rejected.

Sincerely,

  
Nathan Berger

315 Capisic Street

Portland, Maine, 04102

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<sup>77</sup> Ballot Access for Non-Party Presidential Candidates at 8.