

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

TIFFANY BOND, :

Plaintiff, :

vs. :

MATTHEW DUNLAP, in his official :
 capacity as the Secretary of the State of :
 Maine, and JANET MILLS, in her official :
 Capacity as the Governor of the State of :
 Maine, and TROY JACKSON, in his official: :
 Capacity as the President of the Maine :
 Senate, and SARA GIDEON, in her official :
 Capacity as the Speaker of the House :

Defendants. :

CIVIL COMPLAINT

Action # _____

**PLAINTIFFS’ CIVIL COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

1. Plaintiff files this action seeking prospective declaratory and injunctive relief, including issuing an emergency temporary restraining order and/or preliminary injunction prohibiting Defendants from enforcing the signature collection requirements of 21-A M.R.S. §§353, 354, and to modify Maine’s in-person signature collection and witnessing requirements as applied to independent/non party/unenrolled (hereinafter “independent”) United States Senate candidates seeking to qualify for the November 3, 2020, Maine general election ballot as a direct consequence of the current and ongoing pandemic of SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2, hereinafter “COVID-19”). The Governor’s emergency orders effectively shutting down the State of Maine renders the in-person collection of signatures on nomination petitions unlawful and functionally impossible

absent extraordinary economic and organizing resources beyond the normal means of independent candidates as a direct result of social distancing protocols employed by federal and state governments to combat the spread of COVID-19 and the long-term fear and unwillingness of individual voters to be approached by strangers requesting that they sign election petitions in violation of social distancing norms to prevent the transmission of COVID-19.

2. In support, Plaintiff needs only allege obvious and indisputable facts – that the signature collection requirement imposed by 21-A M.R.S §§353, 354 on independent United States Senate candidates must be held unconstitutional for the 2020 congressional election as a result of the ongoing pandemic which makes it unlawful and functionally impossible for independent congressional candidates to collect the required number of valid signatures to secure ballot access for the 2020 Maine general election absent the allocation of extraordinary financial and organizing resources not normally available to independent candidates.
3. By their very nature, independent congressional candidates lack the economic means and local political infrastructure available to the Republican and Democratic parties and local activists organizing and funding initiative and people’s veto referendum drives to be able to overcome the COVID-19 restrictions placed on face-to-face social interactions necessary to collect the required signatures to secure ballot access.
4. Ballot access requirements for candidates implicate “core political speech” afforded the highest level of constitutional protection under the First and Fourteenth Amendments to the United States Constitution.

5. Under the prior and current pandemic conditions and restrictions, as applied to access to the 2020 United States Senate general election ballot, the requirements imposed on independent congressional candidates by 21-A M.R.S §§353, 354 impose a temporary severe restriction on rights guaranteed under the First and Fourteenth Amendments to the United States Constitution which are not narrowly tailored to advance a compelling governmental interest during an ongoing public health emergency and its immediate aftermath and are unconstitutional and must be immediately enjoined.
6. Accordingly, the Plaintiff respectfully request this Court to modify and/or enjoin Defendant from enforcing Section 21-1 M.R.S §§353, 354 for the 2020 general election and provide relief in the form of an order requiring Defendant to place independent United States Senates candidates on Maine's 2020 general election ballot upon the timely submission of 2,000 valid signatures based on independent candidates having the same number of days not impacted by COVID-19 as party candidates during the lawful circulation period outside of the Governor's declared state of emergency on or before July 1, 2020.

JURISDICTION

7. Jurisdiction lies in this Court under 28 U.S.C. § 1331, providing that the district courts of the United States shall have original jurisdiction of all civil actions arising under the Constitution of the United States.
8. Moreover, jurisdiction lies under 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a), the jurisdictional counterpart of 42 U.S.C. § 1983 as Plaintiffs allege a violation of rights guaranteed to them under the United States Constitution.

VENUE

9. Venue is proper in the United States District Court for the District of Maine under 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to Plaintiffs' claims occurred in this District. Furthermore, Defendant exercises statutory authority within this district and maintains his principal office within the District.

PARTIES

10. Plaintiff Tiffany Bond is a resident of Portland, Maine and a bona fide¹ independent candidate for the United States Senate and resident of Maine.
11. Defendant Matthew Dunlap is the Maine Secretary of State and is empowered to enforce and administer Maine election laws, including the signature requirements to secure ballot access for independent congressional candidates for the 2020 general election.
12. Defendant Matthew Dunlap is specifically empowered by Maine statute to determine if independent congressional candidates have collected the required number of valid signatures necessary to secure access to the 2020 Maine congressional general election ballot.
13. At all relevant times, Defendant Dunlap is engaged in state action under color of state law.
14. Defendant Dunlap is being sued in his official capacity for declaratory and injunctive relief under 42 U.S.C. § 1983 and 28 U.S.C. § 2201, as well as costs and attorney's fees under 42 U.S.C. § 1988(b).

¹ See Plaintiff's Affidavit

15. Defendant Janet Mills is the Governor of Maine and is empowered to enforce and administer Maine laws, including election laws regarding the signature requirements to secure ballot access for independent congressional candidates for the 2020 general election, by Executive Order during a State of Emergency.
16. At all relevant times, Defendant Mills is engaged in state action under color of state law.
17. Defendant Mills is being sued in her official capacity for declaratory and injunctive relief under 42 U.S.C. § 1983 and 28 U.S.C. § 2201, as well as costs and attorney's fees under 42 U.S.C. § 1988(b).
18. Defendant Troy Jackson is the President of the Maine State Senate and is tasked with creating Maine laws, including election laws regarding the signature requirements to secure ballot access for independent and third-party congressional candidates for the 2020 general election. Defendant Jackson had the authority to adjust statutes in response to the pandemic and the State's Legislature was still in session at the beginning of the impact of COVID-19 in Maine.
19. At all relevant times, Defendant Jackson is engaged in state action under color of state law.
20. Defendant Jackson is being sued in his official capacity for declaratory and injunctive relief under 42 U.S.C. § 1983 and 28 U.S.C. § 2201, as well as costs and attorney's fees under 42 U.S.C. § 1988(b).
21. Defendant Sara Gideon is the Speaker of the Maine State House of Representatives and is tasked with creating Maine laws, including election laws regarding the signature requirements to secure ballot access for independent and third-party

congressional candidates for the 2020 general election. Defendant Gideon had the authority to adjust statutes in response to the pandemic and the State's Legislature was still in session at the beginning of the impact of COVID-19 in Maine.

22. At all relevant times, Defendant Gideon is engaged in state action under color of state law.
23. Defendant Gideon is being sued in her official capacity for declaratory and injunctive relief under 42 U.S.C. § 1983 and 28 U.S.C. § 2201, as well as costs and attorney's fees under 42 U.S.C. § 1988(b).

FACTS

24. Maine classifies general election candidates into two groups: Primary (Party) Candidates and Non-Party Candidates.²
25. A political party meeting the qualifications of 21-A M.R.S. c.5 is eligible to participate in the primary election with the winning candidate from each qualified party automatically placed on the general election ballot.³
26. All other candidates, including independent United States Senate candidates, must collect a certain number of valid signatures from registered Maine voters on nomination petitions, called Nomination by Petition (Non-Party), in order to secure access to the 2020 Maine general election ballot.⁴
27. Independent candidates seeking to qualify for Maine's 2020 general election ballot must also file a Consent of Petition (Non-Party) Candidate.⁵

² STATE OF MAINE 2020 CANDIDATE'S GUIDE TO BALLOT ACCESS at pp. 8-22.

³ STATE OF MAINE 2020 CANDIDATE'S GUIDE TO BALLOT ACCESS at p. 8. 25.

⁴ See, 21-A M.R.S. §§353, 354.

⁵ See, 21-A M.R.S. §355.

28. Nomination petitions for independent United States Senate candidates may only be circulated starting on January 1st of the year of the election.⁶
29. Nomination petitions may only be signed by registered Maine voters.⁷
30. Each voter signing a nomination petition “must personally sign their name in such a manner as to satisfy the register of his municipality that he is a registered voter.” Additionally, either the voter or the circulator of the petition must print the voter’s name.⁸
31. In Maine, access to the general election ballot through Nomination by Petition (Non-Party) requires independent United States Senate candidates to collect a minimum of 4,000 and a maximum of 6,000 valid signatures to secure ballot access.⁹
32. Collecting signatures by hand, on paper nomination petitions, is inherently burdensome, labor-intensive and inefficient as a means of demonstrating voter support. Many signatures are often invalidated due to illegibility, missing information and other mere technical defects. This obligates candidates and political parties to collect at least 25% to 50% more signatures than required, in order to account for those signatures that might be later invalidated. In fact, the Maine statute recognizes that at least 50% additional signatures above the minimum required should be collected by permitting the collection and filing of up to 6,000 signatures to meet the minimum 4,000 valid signature threshold necessary to secure ballot access for candidates for the United States Senate.¹⁰

⁶ See, 21-A M.R.S. §354(6).

⁷ See, 21-A M.R.S. §354(2).

⁸ See, 21-A M.R.S. §354(3).

⁹ See, 21-A M.R.S. §354(5)(A).

¹⁰ See, 21-A M.R.S. §354(5)(A).

33. Unlike other states, Maine does not permit nomination petition signatures to be collected online.¹¹
34. After signatures are collected the circulator of a nomination petition must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed¹² 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.¹³
35. Nomination petitions for independent congressional candidates must be submitted to the registrar (or clerk at the request or upon the absence of the registrar), for certification by 5 p.m. on May 25 of the election year.¹⁴
36. Once nomination petition signatures are certified, the nomination petition must then be filed with Defendant no later than 5 p.m. on June 1st of the election year.¹⁵
37. For a candidate to qualify for the ballot, a nomination petition must meet all of the requirements set forth in 21-A M.R.S. §354.¹⁶
38. In December 2019, an outbreak of a novel coronavirus emerged in Wuhan, China. The scientific name is SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2, known as "COVID-19"). It is a highly infectious disease that is spread by person-to-person contact and, as of June 18, 2020, has resulted in over 118,435 deaths in the United States and 454,522 deaths worldwide.¹⁷

¹¹ In the same manner as voter registrations are signed and executed through online forms by many in many states.

¹² Though many other documents were permitted to be notarized contactless by video with Defendant Mills' Executive Order 37, Nomination petitions were explicitly excluded from this possibility.

¹³ See, 21-A M.R.S. §354 (7)(A).

¹⁴ See, 21-A M.R.S. §354(7)(B)&(C).

¹⁵ See, 21-A M.R.S. §354(8)(A).

¹⁶ See, 21-A M.R.S. §354(9).

¹⁷ <https://coronavirus.jhu.edu/map.html>

39. On January 1, 2020, the Plaintiff began signature collection as permitted by statute.¹⁸

Signature collection continued actively in good faith by the Plaintiff¹⁹ and volunteers²⁰ until the Plaintiff suspended in-person collection in March.²¹

40. On January 30, 2020, long after COVID-19, the World Health Organization (“WHO”) classified that COVID-19 constitutes a Public Health Emergency of International Concern.

41. Immediately after the WHO declared COVID-10 a Public Health Emergency of International Concern, and as a result of confirmed cases of COVID-19 in the United States in California and Washington, on January 31, 2020, Health and Human Services Secretary Alex M. Azar declared a nationwide public health emergency retroactive to January 27, 2020.

42. On February 27, 2020, to slow the spread of COVID-19, the United States Centers for Disease Control (“CDC”) issued guidance recommending, among other things (such as frequent hand washing, and refraining from touching mouth and face with hands), that members of the public practice “social distancing” a practice designed to minimize close contact with others to keep sick individuals from coming in contact with healthy individuals in order to limit opportunities for transmission of COVID-19. The CDC continues to recommend that everyone avoid large gatherings and crowds, and maintaining a distance of approximately six feet from all strangers (i.e., all non household members).

43. On March 11, 2020, the WHO declared COVID-19 to be a global pandemic.

¹⁸ See Plaintiff’s Affidavit, ¶9

¹⁹ See Plaintiff’s Affidavit, ¶9-14

²⁰ See Plaintiff’s Affidavit, ¶14, Wendy Richard’s Affidavit, ¶3, Daisy Sauvageau’s Affidavit ¶4-6, Rachael Wollstadt’s Affidavit ¶4

²¹ See Plaintiff’s Affidavit, ¶14

44. On March 12, 2020, the Plaintiff suspended all in-person campaign activities.²²
45. On March 13, 2020, the President of the United States declared a national emergency, retroactive to March 2, 2020 due to uncontained community transmission of COVID-19 within the United States and the resulting expanding outbreak of COVID-19.
46. On March 15, 2020, Maine Governor Janet T. Mills proclaimed a state of emergency authorizing Defendant Mills to exercise emergency powers in order to expand and expedite the State's response to the threats posed by COVID-19 in Maine.
47. On March 18, 2020, the Plaintiff was informed in a call with the Secretary of State's office that the State Legislature had declined to act with specificity regarding independent ballot access.²³
48. On March 18, 2020, Defendant Mills issued Executive Order 14 FY 19/20 pursuant to 37-B M.R.S. Ch. 13 ordering effective 6 p.m. March 18, 2020 that:
 - a. Gatherings of more than 10 people are prohibited throughout the State. Gatherings subject to this Order are those that are primarily social, personal and discretionary events other than employment. Such gatherings include, without limitation, community, civil, public, leisure , and faith-based events; social clubs; sporting events with spectators; concerts, conventions, fundraisers, parades, fairs, and festivals; and any other similar event or activity in a venue such as an auditorium stadium, arena, large conference room, meeting hall, theatre, gymnasium, fitness center or private club.
 - b. All restaurants and bars shall close their dine-in facilities.

²² See Plaintiff's Affidavit, ¶14

²³ See Plaintiff's Affidavit, ¶23

49. On March 23, 2020, Defendant Mills issues Executive Order 18 FY 19/20 extending, among other things, the expiration dates and fees required by 29A M.R.S. § 1406-A of all driver's licenses, both commercial and noncommercial, and non-driver identification cards required by 29-A M.R.S. § 1410 due to expire during the period of emergency until 30 days after the termination of the emergency.
50. On March 24, 2020, Defendant Mills issued Executive Order 19 FY 19/20 further restricting commercial activity and public gatherings and extending public social distancing requirements through more detailed regulation and definition of Essential and Non-Essential Businesses and Operations. The social distancing order details the need for businesses covered by the order to make all best efforts to implement and actively enforce social distancing requirements in and around their facilities including but not limited to: (1) designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance; (2) have hand sanitizer and sanitizing products readily available for employees and customers; (3) implement separate operating hours for elderly and vulnerable customers; and (4) post online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
51. On March 31, 2020, Defendant Mills issued Executive Order 28 FY 19/20 exercising and extending to April 30, 2020, the Governors authority in a declared emergency to control the movement of persons and occupancy of premises within the State pursuant to 37-B M.R.S. § 742(1)(C)(8); to enlist the aid of any person to assist in the effort to control the emergency and aid in the caring for the safety of persons pursuant to 37-B M.R.S. § 742(1)(c)(5) and 37-B M.R.S. § 827; to utilize all

available resources of the State as reasonably necessary to cope with the emergency pursuant to 37-B M.R.S. § 742(1)(c)(2); and to take whatever action is necessary to mitigate a danger that may exist within the State pursuant to 37-B M.R.S. § 742(1)(c)(12), issuing a “Stay at Home” Order, effective as of 12:01 AM on April 2, 2020, to all persons living in the State of Maine ordering:

Residents to stay at their homes or places of business or places of residence except:

(1) to conduct or participate in an Essential Activity (as defined therein by Executive Order 28FY 19/20); (2) workers at Essential Businesses and Operations not required to close pursuant to Executive Orders 19FY 19/20 may travel: (a) between their Homes and those businesses and organizations; (b) to and from child care; and (c) to and from customers for the purpose of delivering goods or performing services; and (3) workers of Non-Essential Businesses and Operations under executive Orders 19FY 19/20 may travel: (a) between their Homes and those Non-Essential Businesses for the purpose of engaging in Minimal Operations; and (b) to and from customers for the purpose of delivering goods.

52. On April 3, 2020, Defendant Mills issued Executive Order 34 FY 19/20 requiring residents and non-residents traveling from outside the State to self monitor and home quarantine for a period of 14 days, and to restrict the operation of hotels and lodging to housing only (a) vulnerable populations; (b) health care workers, or other workers deemed necessary to support public health, safety or critical infrastructure; (c) individual self-quarantine facilities as arranged by the State; and (d) verifiable extenuating circumstances for the care and safety of residents as otherwise approved by the State Order 34 FY 19/20 further instructs individuals from cities and regions

identified as COVID-19 “hot spots” such as the cities of Detroit, Chicago, and New York and the States of New York, New Jersey and Connecticut to not travel to Maine.

53. On April 8, 2020, Defendant Mills issued Executive Order 37 FY 19/20 temporarily modifying certain in-person notarization and acknowledgement requirements permitting the act of notarization and witnessing required by Maine law to be completed, upon satisfaction of certain detailed requirements, remotely via two-way audio-video communication technology. However, Executive Order 37 FY 19/20 explicitly excludes the acknowledgement, witnessing and the in person notarization of the “administering oaths to circulators of state or local direct initiative or referendum petitions and nomination petitions of candidates for electoral office”, thereby threatening election petition circulators to an increased threat of contracting COVID-19.
54. On April 10, 2020, Defendant Mills issued Executive Order 39 FY 19/20 postponing Maine’s 2020 primary election from June 2, 2020 to July 14, 2020 to “reduce the exposure to COVID-19.” As part of Order 39 FY 19/20, Defendant Mills also extended all relevant statutory deadlines stated in relation to the date of the elections to be automatically “reset to the new election date of July 14, 2020.”
55. On April 29, 2020, Defendant Mills issued Executive Order 49 FY 19/20 pursuant to 37-B M.R.S. Ch. 13 extending the emergency rules of Executive Orders 14, 19, 28 and 34 to May 31, 2020.

56. On May 13, 2020, by Proclamation, Defendant Mills further extended the State of Emergency declared on March 15, 2020, and executive orders issued thereunder, through June 13, 2020.
57. As a result of the extension of the State of Emergency first declared on March 15, 2020 to present, more than half of the days available to circulate nomination petitions by independent congressional candidates have been lost and subject to the restriction imposed on social interactions.
58. The national health emergency declared in the United States by the President effective March 2, 2020, the CDC social distancing guidelines and Defendant Mills' Executive Orders and Proclamation imposing stay at home and 6 foot social distancing requirements from March 15, 2020 makes it excessively difficult to collect signatures for independent congressional candidates in order to submit the required number of valid signatures necessary to gain access for Maine's 2020 general election ballot.
59. Given the severity of the community transmission of the COVID-19 pandemic, and its impact on Maine, it remains uncertain whether the state of emergency declared by Defendant Mills and the associated executive orders imposing restrictions designed to severely limit personal interactions, including her "Stay at Home" order, will be lifted before the June 26th deadline for Plaintiffs to submit nomination petitions for the 2020 Maine general election.
60. To date, Plaintiff's efforts to continue to circulate nomination petitions in Maine as a direct result of Defendant Mills' state of emergency and associated executive orders

directing social interactions in Maine to quell the continued pandemic have been catastrophically inhibited.

61. Petitioning to qualify candidates for the Maine's November 3, 2020, general election ballot is not defined as an "essential" activity under any of Defendant Mills' executive orders. Accordingly, the public health emergency caused by the community transmission of COVID-19 and the various "Stay at Home" executive orders issued by Defendant Mills and the federal declaration of a national emergency effective March 2, 2020, make it unlawful and excessively difficult to gather petition signatures in Maine from March 15, 2020, through to present. Furthermore, government officials at virtually every level are directing people to stay at home, to practice social distancing and to avoid proximity to any non-household member within 6 feet.
62. Plaintiff's attempts to seek a range of reasonable accommodations from the Secretary of State's office have been unsuccessful.²⁴
63. Plaintiff was referred to the Governor's office by the Secretary of State's office on May 6, 2020. For more than 44 days, the Governor's office has failed to respond to the Plaintiff's inquiry.²⁵
64. Techniques used by local activists to circumvent COVID-19 restrictions to be able to collect signatures on a people's veto referendum drive, such as renting and advertising parking lot locations to permit voters to sign petitions using single use pens are not economically and logistically available for independent congressional

²⁴ See Plaintiff's Affidavit, ¶23-29

²⁵ See Plaintiff's Affidavit, ¶30

candidates without raising a prohibitive amount of financial resources, and placing volunteers in uncomfortable and potentially unsafe situations.

65. Defendant Mills' new vehicle and driver licensing rules and her new remote rules for notaries and witnesses demonstrate that requiring in-person contact to satisfy Maine's nomination petition requirements is not presently possible, has not been possible for a substantial portion of the collection period, and will continue to be severely problematic for the few remaining days left to file nomination petitions even if Defendant Mills rescinds her declared state of emergency.
66. Simply stated, short of wide-spread vaccination for the COVID-19, which will not occur, at the earliest, until the beginning of 2021, there is no evidence that the social distancing conditioning imposed by Defendant Mills' state of emergency and associated executive orders, as well as, the national CDC guidance and public campaign to convince that social distancing is necessary for the public health, it will remain impossible to collect a sufficient number of valid signatures solely because citizens do not want strangers to approach them within 6 feet which is necessary for any petition circulator to communicate with voters and to collect their signatures.
67. It is impossible to collect signature and maintain 6 feet of social distancing without utilizing expensive techniques realistically unavailable to independent congressional candidates involved in ballot access.
68. Governor Jay Inslee of Washington, in Proclamation 20-53 issued on May 5, 2020, modified certain ballot access requirements in the State of Washington acknowledging that:

WHEREAS, not all candidates for public office have the means to pay the required filing fee to be included on the ballot for election, and the

statutory alternative to paying the fee involves collecting a sufficient number of signatures from voters, which is very difficult to do by the May 15, 2020, deadline without the person-to-person contact currently prohibited by Proclamation 20-25 and as amended (Stay Home Stay Healthy); and

....

Based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with [ballot access signature requirements] will prevent, hinder, or delay action that is necessary to prevent person-to-person contact and to remove barriers that prevent some candidates for election in Washington State from being included on the ballot for election....

69. By Executive Order Governor Cuomo indefinitely suspended the circulation of all election petitions in New York for independent and third party candidates in New York.
70. The Massachusetts Supreme Judicial Court ordered on or about April 17, 2020 for the number of signatures to be reduced to 50% for ballot access and for electronic submission of nomination papers.²⁶
71. Cases are playing out regarding similar ballot access issues related to COVID-19 in many other states, including: Arkansas, Ohio, Oklahoma, Alaska, Michigan, Utah, Illinois, Georgia.
72. Defendant Mills issued over 55 executive orders delaying or modifying dozens and laws to accommodate the social distancing requirements to help prevent the spread of COVID-19, including a postponement of the Maine primary election. However, Defendant Mills has failed to functionally modify any of the ballot access

²⁶ <https://www.bostonherald.com/2020/04/17/massachusetts-supreme-judicial-court-orders-relief-for-candidates-seeking-ballot-access-during-coronavirus/>

requirements imposed solely on independent candidates to secure ballot access for their candidates.

73. To the contrary, Defendant Mills reached out and intentionally excluded the in-person notarization requirement of nomination petitions, placing circulators of nomination petitions at additional risk of contacting the COVID-19 from a notary public or some other person authorized to take oaths or affirmations.
74. Collecting signatures on nomination petitions during the current COVID-19 pandemic endangers not only the health and lives of Maine voters, but also the health and lives of petition circulators and the public at large. If a petition circulator is infected with COVID-19 and is not so aware, approaching willing or unwilling voters to collect signatures for nomination petitions place everyone at risk of transmission from the infected petition circulator.
75. Even if it were, or will be, legal and/or physically feasible to collect signatures on nomination petitions during the current pandemic emergency, it is unlikely that petition circulators would be able to gather signatures because there are fewer people congregating in public places and fewer people likely to open their doors to uninvited strangers seeking to collect signatures on election petitions.
76. Even after the public health emergency is lifted, the COVID-19 pandemic will continue with predictions from federal health officials such as Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, of a second COVID-19 wave if CDC social distancing guidelines are not followed even after states begin to allow non-essential commercial activity to resume.²⁷

²⁷ See, Axelson, Ben “Dr. Fauci: Coronavirus Second Wave ‘not inevitable’ if we do these things” Syracuse.com, May 28, 2020,

77. Even after the pandemic subsides, the COVID-19 outbreak is likely to continue to have a negative effect on signature collection in Maine for a substantial period of time extending beyond the current election cycle.
78. Plaintiff has demonstrated substantial public support by collecting as many or more certified signatures on nomination petitions as are required of party candidates during the same timeframe as party candidates were collecting signatures.²⁸
79. Plaintiff went to substantial effort to communicate with the State seeking reasonable accommodations and proposing solutions, even ¶ creating a draft form for the state.²⁹
80. Despite pausing in-person activities, Plaintiff has continued an uninterrupted, bona fide, good faith campaign with virtual campaign activities.³⁰
81. When pandemic restrictions eased beginning in May, the Plaintiff and her volunteers went to substantial logistical and implementation efforts in good faith to attempt to meet the State's statutory requirements for ballot access.³¹
82. In light of the COVID-19 pandemic, Plaintiff requests a reduction of signatures equal to party candidates requirements of based on the number of days the State of emergency is in effect during the lawful period to circulate petitions in Maine will both ensure that good faith congressional candidates will appear on the Maine congressional general election ballot without needlessly endangering the public through person-to-person petitioning activity.

www.syracuse.com/coronavirus/2020/05/dr-fauci-coronavirus-second-wave-not-inevitable-if-we-do-these-things.html

²⁸ See Plaintiff's Affidavit, ¶12

²⁹ See Plaintiff's Affidavit, ¶23-30

³⁰ See Plaintiff's Affidavit, ¶15

³¹ See Plaintiff's Affidavit, ¶34-46, Jeffrey Bickford, Jr's Affidavit, ¶2-6, Daisy Sauvageau's Affidavit ¶7-8, Rachael Wollstadt's Affidavit ¶6-12, Marie Pineo's Affidavit ¶8

83. Plaintiffs attempt to collect signatures directly and with the aid of volunteers has been severely stifled since petition circulation is not deemed an essential business or operation under Defendant Mills' executive orders issued pursuant to her proclaimed state of emergency.
84. It has been flatly unsafe to collect for the majority of the collection period.
85. Maine law, together with the COVID-19 pandemic and Defendant Mills' executive orders imposing restrictions on social contacts, as well as Defendant Mills' express and intentional failure to amend Maine election laws severely impair rights guaranteed to the Plaintiff under the First and Fourteenth Amendments to the United States Constitution for the 2020 election, and are the direct cause of injury to Plaintiff's rights under the federal constitution.
86. Plaintiff's injuries are fairly traceable to Maine laws requiring independent congressional candidates to collect 4,000 to 6,000 valid in-person signatures for the United States Senate on or before May 25, 2020, (extended to June 26) from registered voters in the middle of a public health emergency.
87. This Court has the authority to provide complete relief and redress Plaintiff's injuries by issuing prospective declaratory and injunctive relief prohibiting Defendant's strict enforcement of 21-A M.R.S. §§353, 354 in the middle of the COVID-19 pandemic.
88. This Court may properly redress Plaintiff's injuries by ordering Defendant to accept a reduction of the number of valid signatures required to be filed on or before June 26, 2020, for certification equal to the party candidates with essentially equal collection period prior to the State of Emergency during the circulation period beginning on January 1, 2020

89. Plaintiff has no other remedy available at law.

CAUSES OF ACTION

COUNT I (First Amendment)

90. Plaintiff reasserts each preceding paragraph as if set forth fully herein.

91. In light of the ongoing public health emergency caused by COVID-19 pandemic and the actions and inactions taken by Defendant Mills, Defendant Dunlap, Defendant Jackson, and Defendant Gideon to enforce social distancing requirements to limit the community transmission of COVID-19 in Maine, while taking no functional action to alleviate ballot access requirements (in fact making ballot access more difficult by not permitting video notary for collected signatures) for independent congressional candidates, the in-person signature collection and notarization requirements imposed by 21-A M.R.S. §§353, 354 severely impair rights guaranteed to the Plaintiff under the First and Fourteenth Amendments to the United States Constitution as applied to the 2020 general election, as enforced through 42 U.S.C. § 1983.

92. 21-A M.R.S. §§353, 354 are not narrowly tailored to advance a compelling governmental interest during a state of emergency and public health crisis caused by the COVID-19 pandemic where face-to-face signature collection is currently quasi-unlawful and borderline impossible for the foreseeable future as a result of the long-term social distancing conditioning of voters resulting from government action to stem the current and future outbreaks of COVID-19.

93. Under the circumstances of the current COVID-19 pandemic and Defendant Mills' executive order seeking to contain the further spread of the virus causing COVID-19 except when it comes to ballot access and signature collection requirements for

independent congressional candidates, a real and actual controversy exists between the parties.

94. Plaintiff is suffering and will continue to suffer irreparable injury as a direct and proximate result of the violations alleged herein and that harm will continue unabated unless this Defendant's enforcement of 21-A M.R.S. §§353, 354 are declared unlawful and enjoined as applied to the 2020 general election.

95. Plaintiff demands the relief requested herein.

COUNT II (Equal Protection)

96. Plaintiff reasserts each preceding paragraph as if set forth fully herein.

97. In light of the ongoing public health emergency caused by COVID-19 pandemic and the actions and inactions taken by Defendant Mills, Defendant Dunlap, Defendant Jackson, and Defendant Gideon to enforce social distancing requirements to retard the community transmission of COVID-19 in Maine, while taking no action to alleviate ballot access requirements for independent congressional candidates, the in-person signature collection and notarization requirements imposed by 21-A M.R.S. §§353, 354 severely impair rights guaranteed to the Plaintiff under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as applied to the 2020 general election, as enforced through 42 U.S.C. § 1983.

98. A real and actual controversy exists between Plaintiffs and Defendant.

99. Plaintiff is suffering and will continue to suffer irreparable injury as a direct and proximate result of the violations alleged herein and that harm will continue unabated unless this Defendant's enforcement of 21-A M.R.S. §§353, 354 are declared unlawful and enjoined as applied to the 2020 general election.

100. Plaintiff demands the relief requested herein.

REQUESTED RELIEF

NOW WHEREFORE, Plaintiff respectfully requests the following relief from this Court:

- A. Assume original jurisdiction over the above captioned action;
- B. Issue an emergency temporary restraining order and/or preliminary injunction prohibiting Defendants from enforcing the signature collection requirements of 21-A M.R.S. §§353, 354 against Plaintiffs to secure ballot access for Maine's 2020 congressional general election;
- C. Issue declaratory judgment stating that in light of the current public health emergency caused by COVID-19 and executive orders requiring that Maine citizens stay at home and abide by social distancing requirements mandating citizens maintain six (6) feet distance from other non household member, the signature collection requirements imposed on independent congressional candidates by 21 A M.R.S. §§353, 354 cannot be constitutionally enforced under the requirements of the First and Fourteenth Amendments to the United States Constitution as applied to the 2020 congressional general election and that Defendant must accept a reduced number of signatures equal to the signature collection requirements under 21-A M.R.S. §§353, 354 for the 2020 congressional general election;
- D. Issue a permanent injunction prohibiting Defendant's strict enforcement of the signature collection requirements imposed on independent congressional candidates by 21 A M.R.S. §§353, 354 for the 2020 Maine congressional general election and require Defendant to accept a reduction in the number of valid

signatures required to be filed on or before July 1, 2020, for certification based on the number of days covered by the State of Emergency during the circulation period beginning on January 1, 2020 for the 2020 congressional election.;

- E. Order Defendant to pay Plaintiffs their costs and reasonable attorney's fees under 42 U.S.C. § 1988(b); and,
- F. Retain jurisdiction over this matter and order Defendant to provide Plaintiffs any additional relief that this Court may deem appropriate and just.

Respectfully submitted,

Dated: June 19, 2020

/s Tiffany Bond
Tiffany Bond, *pro se*
3 Colonial Road
Portland, Maine 04102
(207) 370-2088
tiffany@bondlaw.me

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

TIFFANY BOND, :

Plaintiff, :

vs. :

MATTHEW DUNLAP, in his official :
capacity as the Secretary of the State of :
Maine, and JANET MILLS, in her official :
Capacity as the Governor of the State of :
Maine, and TROY JACKSON, in his official: :
Capacity as the President of the Maine :
Senate, and SARA GIDEON, in her official :
Capacity as the Speaker of the House :

Defendants. :

CIVIL COMPLAINT

Action # _____

AFFIDAVIT OF PLAINTIFF TIFFANY BOND

I, Tiffany Bond, being over eighteen years of age and competent in all respects to testify, having personal knowledge of the facts set forth below, and having been duly sworn according to law, hereby state the following:

1. I am a resident of Portland, Maine, where I am a registered voter.
2. I am a bona fide candidate¹ for the United States Senate who has demonstrated community support sufficient to have access on the November 3, 2020 general election ballot.
3. It breaks my heart to have to file this lawsuit. We shouldn't have to rely on nagging and lawsuits for our government officials to do the right thing. No person

¹ I am over the age of 30, have been a citizen of the United States since birth, and have made a good faith effort toward ballot access achieving thousands of signatures at a pace equivalent similar to party candidates January 1 – March 16, 2020.

should need resources necessary to overcome a pandemic that ground Maine to a halt² for months to participate in an election.

4. I have run for federal office before, in 2018, for the United States House of Representatives in Maine's Second Congressional District.³ During this candidacy I collected enough signatures both directly and through campaign volunteers to timely make the final ballot; I personally collected the majority of signatures.
5. I do not fundraise for campaign activities; I fundamentally believe it should be neither required nor necessary for a candidate to expend more than minimal directly paid costs to campaign for public office. **Our democratic republic should be open to all citizens.** Though the ballot access is difficult for the United States Senate, it is possible with dedication under ordinary circumstances.⁴
6. Before paying the filing fee⁵ for this lawsuit today, I have spent \$726.96 directly attributed to running for the United States Senate since November 21, 2019.
7. I requested candidate nomination petitions the last week of December 2019, which I received before January 1, 2020, when signature collection could begin.
8. The nomination petitions are double-sided, 11 x 17, and therefore must usually be mailed to volunteers since most standard home and small business printers cannot

² The court system, local municipalities, public schools, and nearly all businesses were closed on or around March 16, 2020, and many still remain closed. Social distancing rules and travel restrictions are still in place as of the time of this filing.

³ I had slightly under \$800 in expenses exclusively for campaign purposes in my 2018 campaign, was on the final ballot, and secured the support of 5.7% of voters in that election.

⁴ Maine, rather absurdly, requires double the signatures for unenrolled candidates, despite nearly all unenrolled candidates lacking the structure and financial support of a party. Candidates are provided approximately twice as long to collect twice as many signatures. It is my experience from 2018 that a budgetary estimate of collection by one person at a rate of one signature approximately every 10 minutes (which has been my collection rate for door-knocking), this makes ballot access for the United States Senate a full time (approximately 40 hours per week), 5 month long obligation for one individual if not distributed to volunteers.

⁵ The \$400 filing fee is several weeks of my groceries, unattainable for someone in poverty, and the filing process would be beyond the skill for many to file *pro se*; this is a systemic failure in ballot access for average citizens.

print an 11 x 17 sheet.

9. I began collecting signatures on January 1, 2020 with a multi-candidate event with three other campaigns; two candidates and one representative from a candidate. I proposed this event and coordinated with other campaigns.⁶
10. As an independent, I do not have a party structure to support my campaign.
11. During January and February, it becomes dark quite early and collection was very limited by weather. For example:
 - a. At the Women's March in January, it was so cold out the ink in the pens froze and it was difficult for attendees to remove gloves to sign nomination petitions; and
 - b. On multiple occasions in January and February door-knocking, the conditions were so slick that I personally slid several times on ice, and once fell entirely with sufficient gusto to necessitate ceasing signature collection for the day.
12. I collected signatures personally and through campaign volunteers by door knocking and at a variety of events, achieving approximately 2,500 signatures based on what I had in hand and reports from volunteers by the first week of March. Most of the signatures were neither notarized nor certified at that time as signatures were still being actively collected. I do not anticipate all of these will come back, or will come back in usable fashion⁷.

⁶ I was the only independent at the time. Two of those campaigns, Betsy Sweet and Bre Kidman made the Democratic party primary ballot by achieving the required 2,000 signatures on or before March 16, 2020. One of those campaigns, Lisa Savage, was a Green Independent party candidate and was unable to collect sufficient signatures for the party and switched to independent to obtain ballot access. Lisa has already made ballot as an independent, but did so with the assistance of a party structure.

⁷ For example, several people have sent forms without notary – including those I will not be able to acquire notary on.

13. Based on my prior campaign experience, I had planned to finish collecting both personally and with the assistance of campaign volunteers in places where people congregate⁸ on weekends in March and April when the weather improved, with an anticipated completion in April.
14. On March 12, 2020, I suspended all in-person campaign activities and events, and directed all volunteers to not put themselves at risk.⁹
15. I have continued bona fide campaign activities, including participating in three virtual multi-candidate forums, two podcasts, media interviews, and I am currently available by email, social media, and through two virtual town hall style events per week.
16. On March 13, 2020, I mediated for the Court's FDP program and upon completion in the afternoon I began walking from Portland District Court to Portland City Hall to deliver several hundred signatures for certification. Before I could travel the short distance to City Hall I discovered that Portland City Hall had closed early from a presumed COVID-19 case. These signatures remained in my possession, uncertified, for approximately two more months.
17. Though I am filing this case *pro se*, I am an attorney licensed to practice in the state of Maine, which is our household's primary source of income.
18. Maine Courts have been functionally closed to the public other than for critical or emergency services since March 13, 2020. Though the Courts are beginning to reopen for general matters, Maine Courts recognize COVID-19 sufficiently

⁸ Farmer's Markets, Home Shows, other local gatherings, outside post offices, in public squares, campaign events, candidate forums, etc.

⁹ It was no longer safe or ethical to place myself, volunteers, and voters in a vulnerable position for COVID-19. I requested volunteers only collect from members of their own household, or from those with whom they already had contact.

perilous that nearly all Court matters are being handled remotely. I have not had an in-person Court appearance since March 13, 2020.¹⁰

19. My spouse is a Merchant Marine and an essential worker.
20. On March 13, 2020, my spouse returned from work in Europe. Pursuant to CDC recommendations,¹¹ our household planned to self-isolate for a period of 14 days so as not to be a risk to others.
21. We are the parents of two children, aged 7 and 9, enrolled in Portland Public Schools. The last day of in-person school for Portland Public Schools was March 13, 2020, and there has been no childcare available from our regular childcare providers since March 13, 2020 adding another layer of complication to campaigning.
22. The deadline for party candidates was March 16, 2020, a few days after I suspended in-person campaign contact.
23. On March 18, 2020, I was informed on a call to the Secretary of State's office that (paraphrased) language had been sent to the legislature to extend the deadline for independents to August 1, 2020 when presidential non-party nomination petitions were due in, but that the legislature had declined to act on that and had delegated authority to Defendant Mills. This is a foreseeable legislative failure as signature requirements for the United States Senate are by statute.
24. In March and April nearly all public-facing town services were closed and/or town offices were closed entirely. This continued for the vast majority of municipalities I have reached out to through May, and in many places hours are

¹⁰ My first possible in-person court event is after the July 1 filing deadline.

¹¹ He reported receiving no health screening during his return travels.

still limited to appointment and/or by mail only as of the time of this filing in mid-June.

25. By late March I was aware the bar association was expecting a video notary rule, so I planned to print hundreds of the nomination petitions forms and mail those forms out for household signing and video notary as a “back-up plan”.
26. On April 8, the Governor issued Executive Order 37 FY 19/20 providing the ability for notaries to perform services by video, with an exemption for nomination petitions rendering my “back-up plan” not viable, and making the location of in-person notary almost impossible since nearly all notary business could be conducted by video – signature collection was made more difficult by executive action than had no action been taken on notary services.
27. I called the Secretary of State’s office multiple times March 2, March 18, April 7, May 5, and May 6, 2020 in an attempt to seek a safe, effective, legal, and ethical way to meet the state requirements for ballot access.
28. On April 20, 2020, I emailed in to NPR to ask about accommodations (Matthew Dunlap was the guest). I requested how I might safely and ethically continue signature collection and was answered with the time extension; this was not responsive to the question of safety or ethics.
29. I have asked for a variety of reasonable and safe accommodations to complete the signature requirement, none of which were permitted:
 - a. Electronic signature collection;
 - b. 8.5 x 11 forms that can be emailed;
 - c. Video notary;

- d. A notary waiver;
- e. An 8.5 x 11 single sided form that can be emailed to an individual voter¹² that does not require a notary¹³; and
- f. To lower the amount of signatures by half necessary to make ballot.¹⁴

30. On May 6, the Secretary of State's office directed me to the Governor's office. I both left a voicemail and a contact with the form on the website; the Governor's office has not responded at the time of this filing, 44 days later.

31. I reached out to multiple media sources; both Pine Tree Watch, and Sun Journal have covered independent candidate ballot access challenges.

32. I have posted repeatedly on social media about independent candidate ballot access challenges.

33. In non-pandemic pleasant Spring weather, my 2018 collection data indicates some of the following expected signature collection rates:

- a. Door-to-door, 4-6 per hour
- b. At a large gathering or event, 50-100 signatures per volunteer in a several hour block
- c. Standing near a busy post office, 40-100 signatures in a full day

34. Beginning in May, the state regulations loosened slightly. I was able to get some of the nomination petitions notarized, and mailed to municipalities.

35. Further, I was notified in writing by an employee of the Secretary of State, Melissa Packard, on May 7, 2020, that forms could be certified prior to being notarized as of April of 2020 and I began to circulate forms that were in my

¹² I emailed the Secretary of State's office on May 6 with a sample form. See Attachment A

¹³ Voters should not need a notary to nominate individually when there is no similar requirement to register to vote.

¹⁴ I effectively have had the same amount of time to gather as party candidates, this seemed an equitable solution.

possession but not notarized to municipality by mail for certification.

36. In May, I developed two mechanisms to collect signatures that appeared to be compliant with the Governor's constraints on movement – mailing the forms to households to wait for notaries to be available, and contactless signing points.

- a. Mailing forms to single households has been logistically burdensome, yielding very few signatures.
- b. Contactless signing has been slightly more effective, but still is intensely prohibitive. With contactless signing, a collector provides a place by appointment or by time block with social media posting, and has a form on a table or clipboard that can be witnessed by the collector from a distance or through a window.
- c. Setting up appointments throughout the state is an enormous time burden; each appointment requires direction connection to a willing voter, and then connection to a nearby volunteer holding a nomination petition. I have had voters travel upwards of 30 minutes each direction in rural areas to connect with a volunteer.¹⁵

37. I have taken the following precautions for collecting signatures:

- a. I wear a mask at all times when others are near,
- b. I wear gloves when collecting signatures and have gloves available for others to use,
- c. I have sanitizer for myself and others,
- d. I maintain a distance of 10 feet from others if at all possible, and

¹⁵ There are some signatures of willing voters I have unable to acquire due to population density in Maine and the logistics associated with notarizing and returning nomination petitions in a pandemic.

e. I encourage BYOP (“Bring Your Own Pen”) but sanitized pens are available. Used pens are placed in a holding bin; I soak pens and other supplies in disinfectant after each collection period.

38. Though I have taken precautions to enable me to attempt to continue to collect signatures per the state’s requirement for ballot access, I do not feel safe collecting signatures.

39. I have personally set up a table in front of my home for several hours on nice weather days near my home in what is typically a relatively high foot-traffic location. The best collection day I have had using this collection method has been 16 signatures. Most days I have collected 0-6 signatures.

40. I have posted regarding on social media sites regarding signatures and locations for signature collection on nomination petitions, including:

- a. Nextdoor,
- b. Multiple meetup.com groups,
- c. Instagram,
- d. Twitter, and
- e. Facebook.

41. I have posted on the campaign website about signature collection locations.

42. I have personally messaged so many people asking them to meet up that I am unable to provide a number as to how many I have contacted other than that it is in the hundreds.

43. Though all large gatherings are officially cancelled or suspended, I have attended protests that have occurred in June regarding racism and systemic injustice, as

have a few campaign volunteers who were willing to do so. I have assisted in voter registration and had nomination forms available. Unlike events before COVID-19 was active in the community, those in attendance are hesitant to approach tables set up, whether for political engagement, or event supplies of food and water provided by others in attendance.

44. I have sent nomination petitions to at least 85 volunteers.¹⁶
45. Despite a good faith effort involving substantially more hours of effort, postage, and volunteers than in non-pandemic times, March 16, 2020 through June 26, 2020 is not a viable collection period for independent candidates for federal office without a party infrastructure.
46. As of the date of this Affidavit, I have the following signatures:
 - a. 2,702 signatures¹⁷ have reached me or that I have collected directly in the form of 224 nomination petitions from nearly 100 municipalities;
 - b. 2,359 signatures notarized, certified and in my possession;
 - c. 30 signatures between 5 towns that have been notarized and mailed for certification, but have not returned (mailed as far back as May 7, 2020);
 - d. 41 signatures are certified and in my possession, but not notarized (18 of these are from volunteers, 23 are signatures I have collected personally);
 - e. 57 signatures are not notarized, but have been mailed to municipalities (2 of these are from volunteers, 55 are signatures I have collected personally);

¹⁶ Included with this filing are affidavits of five volunteers for a cross-section of signature collection experiences: Jeffrey Bickford, Jr, Marie Pineo, Wendy Richards, Daisy Sauvageau, and Rachael Wollstadt.

¹⁷ In mid-March, I removed volunteer call-in numbers from my signature counts and only counted signatures in my possession.

- f. 84 signatures are notarized and in the process of being mailed to towns for certification.
- g. 72 signatures are in my possession that I have personally collected, but are neither notarized nor certified;
- h. 82 signatures have been rejected from certification; and
- i. There is an unknown amount of signatures, likely in the hundreds, with volunteers that it is not certain will be notarized and/or returned in time for certification.

47. Further complicating matters, mail delivered by the United States Postal Service has noticeably slowed.

48. I was able to collect consistent with the State's expectations of party candidates for the period of January 1, 2020 through March 16, 2020.

49. From March 16, 2020 through the date of this filing large gatherings are cancelled; and for most of the period all gatherings were cancelled.

50. Social distancing is a government-mandated requirement; it is not legal, ethical, or safe to approach voters in person for signature collection using methods consistent with pre-pandemic time period.

51. I am aware of at least three United States Senate candidates in this race that have dropped out since the pandemic began due to inability to collect signatures.¹⁸ I believe I am the only remaining candidate in this race that has not met the ballot.

52. Ballot access hurdles should be to screen out only those participating in bad faith for elected access. The thresholds in place by the State of Maine are burdensome but achievable absent an extended period of emergency, with a pandemic and the

¹⁸ Linda Wooten, Leigh Hawes, and Danielle VanHelsing

emergency orders put in place by the state of Maine, the expectations are thoroughly unreasonable for an independent candidate.

53. It is not access to citizen participation in our government to have the burden of a pandemic placed as the responsibility of a good faith candidate following State, City, and CDC directives that preclude functional collection of signatures that are fully within the power of the state to lower for public safety in extenuating circumstances.

54. I should not have to choose between my personal safety in a pandemic, and the very real possibility of my children losing a parent to a virus and/or passing a virus on to my children, and meeting an arbitrary signature amount designed for non-emergency settings.

55. The State of Maine has failed to protect my rights to engage in constitutionally-protected activities, and the rights of all voters in Maine to have access to candidates that do not have the resources to deploy massive infrastructure and expense to overcome a pandemic.

56. Defendants Jackson and Gideon have been included in this lawsuit because they failed in their legislative capacity to address access for unenrolled candidates while taking up emergency legislation for the pandemic, punting the issue back to executive powers. Defendants Mills and Dunlap may very well respond to this suit that the legislature was session in March and had the capacity to address ballot access. That is, at least in part, true; the Legislature could have and should have been explicit in protecting access to democracy as defined in our statutes and fashioned a pandemic solution.

57. After the Legislature failed in its duties, then Defendants Mills and Dunlap failed in their duties to preserve reasonable and attainable access for unenrolled candidates to run for office without extraordinary resources. Access to the ballot is a right of all citizens that deserves protection from our leaders, not merely when convenient.

58. Defendants Jackson, Gideon, Mills, and Dunlap have been willingly tasked with preserving and guarding our democracy; they failed.

Date: 6/18/2020

By: /s/ Tiffany Bond
Tiffany Bond
3 Colonial Road
Portland, Maine 04102
207.370.2088
tiffany@bondlaw.me



STATE OF MAINE
NON-PARTY NOMINATION PETITION
November 3, 2020 General Election

DATE FILED
 With Secretary of State

Legal name of candidate as it will appear on the ballot: *(See Title 21-A, §601(2)(H) for requirements for listing candidates' names on the ballot.)*

Bond _____ Tiffany _____ L. _____
 (Last name and suffix, if any) (First name) (Middle name or initial)

Office: U.S. Senator Electoral Division: N/A Term: N/A
 (Title of Office – For Example: Representative to the Legislature) (Name of Electoral Division – For Example: District #1) (See Title 21-A, §335 (1) (A))

Voting Residence Address of Candidate: 3 Colonial Road, Portland, ME 04102
 (Street Address - not P.O. Box) (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate (if different from above): P.O. Box 1631, Portland, ME 04104

Political Designation: Moderate MaineRaising Independent
 (To be expressed in not more than 3 words in length, and may not incorporate the candidate's name or the designation of a qualified party) – See 21-A MRSA §354(1)

Deadline for submitting to municipal registrars for certification: 5 p.m., May 26, 2020
Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., June 1, 2020

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

| For Registrar use only | SIGNATURE OF VOTER (Not Printed Name) | DATE SIGNED | ACTUAL STREET ADDRESS (Not P.O. Box) | MUNICIPALITY (Where Registered) | PRINTED NAME OF VOTER |
|------------------------|--|-------------|---|------------------------------------|-----------------------|
| 1. | | | | | |

I hereby certify that I am filling this form out for myself only.

 Signature

 Date

6. It took over two months from when I stopped collecting until I was able to schedule a notary that could meet me outside to notarize the signatures safely while also meeting social distancing and facemask guidelines.
7. I would have continued to collect signatures with the campaign until Tiffany was on ballot if the pandemic had not happened.

Date: 6/18/2020

By: /s Wendy Richards
Wendy Richards

March, and April of 2020.

5. I collected signatures in Waterville at a polling location on March 3, 2020, and collected 123 signatures on that day.
6. As directed by the campaign, I ceased collecting during the balance of March, and April for safety.
7. In May, I began being available to collect again in a contactless manner, where I went to a voter's home and watched them sign from a distance.
8. I was only able to collect one signature in a contactless method. Voters were afraid and no one wanted to meet me.
9. I would have kept collecting signatures with the campaign until Tiffany was on ballot if the pandemic had not happened.

Date: 6/18/2020

/s Daisy Sauvageau
Daisy Sauvageau
Waterville, Maine

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

TIFFANY BOND, :

Plaintiff, :

vs. :

MATTHEW DUNLAP, in his official :

capacity as the Secretary of the State of :

Maine, and JANET MILLS, in her official :

Capacity as the Governor of the State of :

Maine, and TROY JACKSON, in his official:

Capacity as the President of the Maine :

Senate, and SARA GIDEON, in her official :

Capacity as the Speaker of the House :

Defendants. :

_____ :

CIVIL COMPLAINT

Action # _____

AFFIDAVIT OF PLAINTIFF RACHAEL WOLLSTADT

I, Rachael Wollstadt, being over eighteen years of age and competent in all respects to testify, having personal knowledge of the facts set forth below, and having been duly sworn according to law, hereby state the following:

1. I am a resident of Old Town, Maine, where I am a registered voter.
2. I volunteered for Tiffany Bond’s United States House of Representatives Campaign in 2018.
3. I began volunteering for Tiffany Bond’s campaign for the United States Senate in Fall of 2019.
4. I received the Nomination Petition digital file from the campaign in February of 2020 with the intention of collecting signatures during March and April of 2020

before and after events at my work.

5. I am an employee of the Cross Insurance Center, but have not had any work with the Cross Insurance Center since before COVID-19 became an issue in Maine; there are no events at the Cross Insurance Center.
6. When the campaign began collecting “contactless” at the beginning of May 2020, I volunteered to collect signatures on my porch by putting out the form, witnessing the signature through a window, waiting for the voter to leave, and then collecting the signature sheet so it was not left unattended.
7. After several days of trying to coordinate meetings, I collected my first signature on May 11, 2020.
8. This method was really difficult and required me finding people to sign, or the campaign sending me people to sign, and setting up appointment times. Often people were late, had to reschedule, or we were not able to connect.
9. I collected approximately 23 signatures for the campaign.
10. I did not feel safe collecting signatures in a pandemic in any other method.
11. Even if it was proven to be safe, there were no events to collect at.
12. I would have collected signatures with the campaign at large events until Tiffany was on ballot if the pandemic had not happened.

Date: 6/18/2020

/s Rachael Wollstadt
Rachael Wollstadt
Old Town, Maine

- i. I have a contactless signing option with forms, clean pens, and a place to return used pens, that I have created and set out in front of my home from approximately 8 a m – 8 pm most good weather days; approximately 25 days.
 - ii. I work from a desk facing the table and can observe people signing the forms.
 - iii. I have regularly advertised this on social media, which has then been promoted by the campaign, as well as reaching out to my own contacts through Twitter, Facebook, Instagram, and text messages.
 - iv. The campaign also sent me messages connecting me to willing voters.
 - v. I collected approximately 7 signatures using this method.
 - b. Political Rallies.
 - i. I attended a political rally in Augusta for “Open Maine” on May 30, 2020, where I set out a contactless signing station similar to above; I collected approximately 3 signatures at this event.
 - ii. I attended an anti-racism political rally in Augusta on June 7, 2020, where I set out a contactless signing station similar to above; I collected approximately 27 signatures at this event.
5. Without large gatherings or events, it is extremely difficult to collect signatures.
6. I am still trying to collect signatures with the campaign to help Tiffany make the ballot.

Date: 6/18/2020

/s Jeffrey Bickford, Jr
Jeffrey Bickford
Augusta, Maine

ordered to stay-at-home, there has been an impossible gate put up for those of us who still need to be collecting signatures.

7. Shortly before, and since we have started staying at home, there have been virtually all public events canceled, and only protests that are unlawful gatherings according to executive orders.
8. However, I have collected signatures at rallies and protests before, and have walked away with dozens of signatures, compared to the 5 signatures I was able to procure over a period of 5 hours at the Augusta BLM Rally on Sunday, June 7, 2020.
9. People are scared despite wanting deeply to use their voices; they won't even cross the street at a rally with a huge turnout to find out what I am collecting for. I have not experienced this before in my experiences collecting.
10. People were crossing the street to get away when I tried to get their attention; this was an event where voters would normally be lining up to register to vote and sign petitions to exercise their 1st Amendment rights.
11. The limitations that have been put on Tiffany Bond and any other candidate seeking to be included on the 2020 ballot are unprecedented.
12. We don't have another option to exercise our freedom of speech save for online forums.
13. Trickling foot traffic that is not enough to exact the signatures necessary for the ballot.
14. I am one volunteer, and the hours that I have logged alongside Tiffany would have been sufficient in non-pandemic times for her campaign to have the balance

of signatures needed, not including the other time Tiffany and other volunteers have put in.

15. She should not be required to have double the signatures of candidates in political parties when she has had only half of a usable signature collection period.

16. The people of Maine should have the guaranteed freedom our constitution gives us.

Date: 6/18/2020

By: /s Marie Pineo
Marie Pineo