

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	:	CIVIL COMPLAINT
Maine, and JANET MILLS, in her official	:	
Capacity as the Governor of the State of	:	Action #1:20-cv-00216-NT
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.	:	
	:	

**PLAINTIFF’S EMERGENCY MOTION FOR INJUNCTIVE RELIEF
AND REQUEST FOR EXPEDITED HEARING**

The current ballot qualification process in Maine requires in-person solicitation and receipt of signatures, an in-person notary, and certification of petitions. See 21-A M.R.S. §§353, 354. Pursuing such a ballot qualification process needlessly exposes candidates, their supporters, and the general public to risks associated with the Covid-19 pandemic with no justifiable countervailing government interest. In this action, Plaintiff Tiffany Bond (hereinafter, “Plaintiff”) challenges the Maine candidate nomination process contained in 21-A M.R.S. §§353, 354 as violating her First and Fourteenth Amendment rights on an “as applied” basis, and hereby move for preliminary and permanent injunction, in the form of reduction of the number of signatures required to half of the required amount, from 4,000 signatures to 2,000 signatures.

Plaintiff relies upon her Complaint, Affidavits of Tiffany Bond, Max Linn, Lisa Savage, Bre Kidman, Betsy Sweet, Laura Kelley, Jeffrey Bickford, Jr., Marie Pineo, Wendy Richards, Daisy Sauvageau, Rachael Wollstadt, Chris McGhee, Cathleen London, MD, and her Memorandum of Law in support of this Emergency Motion.

REQUEST FOR EXPEDITED HEARING

Plaintiff seeks emergency treatment of this Motion, as timing is critical. Plaintiff had hoped that the legislative and executive branches would have acted to address meaningfully this issue, and waited to file this action to allow time for action by those branches of government. Unfortunately, the period now available for signatures to be collected and nomination petitions to be submitted to municipal clerks has ended without sufficient action taken by the legislative or executive branches. Nomination petitions must be delivered to the state by July 1, 2020.

Date: 6/29/2020

By: /s/ Tiffany Bond
Tiffany Bond
3 Colonial Road
Portland, Maine 04102
207.370.2088
tiffany@bond4.me

CERTIFICATE OF SERVICE

I hereby certify that this document filed via email will be sent electronically to all counsel registered and able to received electronic filings in this case on this 29th day of June, 2020.

Date: 6/29/2020

By: /s/ Tiffany Bond

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FOR THE DISTRICT OF MAINE

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Plaintiff,	:	
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Capacity as the Speaker of the House	:	
	:	
Defendants.	:	
	:	

PLAINTIFF’S MEMORANDUM OF LAW
IN SUPPORT OF HER EMERGENCY MOTION FOR INJUNCTIVE RELIEF

The current ballot qualification process in Maine requires in-person solicitation and receipt of signatures, an in-person notary, and certification of petitions. See 21-A M.R.S. §§353, 354. Pursuing such a ballot qualification process needlessly exposes candidates, their supporters, and the general public to risks associated with the Covid-19 pandemic with no justifiable countervailing government interest.

Plaintiff Tiffany Bond (hereinafter, “Plaintiff”) is a bona fide candidate who is the parent of two minor children and the spouse of a merchant marine.¹ The Plaintiff has put in a good faith effort to comply with the Governor’s restrictions and CDC recommendations during the collection period. The Plaintiff continually sought

¹ Merchant marines are considered essential workers.

reasonable accommodations, all of which were denied, and notified this Court and the Defendants of their failure to act within the collection period. The Plaintiff lives in Portland, Maine, which is one of the 8 zip codes in Maine with more than 100 COVID19 cases.²

Defendants Jackson and Gideon are legislators tasked with the creation and modification of Maine law, and Defendants Dunlap and Mills are government officials tasked with the enforcement of Maine law regarding the candidate nomination process. Plaintiffs, consequently, present this civil action as an “as applied” challenge to the Maine ballot qualification process as a result of the Covid-19 pandemic. Plaintiff seeks declaratory and injunctive relief, declaring that Maine’s current ballot qualification process is constitutionally infirm, and relief in the form of reduction of the number of signatures required to half, from 4,000 to 2,000 for the Maine Senate race.

1. Facts

Plaintiff incorporates by reference the Complaint, Affidavits of Tiffany Bond, Max Linn (“Linn”), Lisa Savage (“Savage”), Bre Kidman (“Kidman”), Betsy Sweet (“Sweet”), Laura Kelley (“Kelley”), Jeffrey Bickford, Jr. (“Bickford”), Marie Pineo (“Pineo”), Wendy Richards (“Richards”), Daisy Sauvageau (“Sauvageau”), Rachael Wollstadt (“Wollstadt”), Chris McGhee (“McGhee”), and Cathleen London, MD (“London”), respectively, herein, rather than repeat the factual averments made in those pleadings.

2. Legal Standards

a. Declaratory Judgment

² See Plaintiff’s Affidavit, ¶1

The Federal Declaratory Judgment Act allows this Court to issue a declaration as to whether the current ballot qualification is constitutionally infirm. *See* 28 USC § 2201(a) (“In a case of actual controversy within its jurisdiction, ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.”)

Most significantly for this matter, this Court can also enter further relief, like a permanent injunction, based upon its findings regarding the respective rights of the parties. *See* 28 USC § 2202 (“Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.”)

b. Injunctive Relief

The standard for injunctive relief is well known: (1) plaintiff will suffer irreparable harm; (2) remedies available at law are inadequate; (3) the harm to plaintiff outweighs the harm defendants would suffer if an injunction were imposed; and (4) an injunction will not adversely affect the public interest. *Block v. Mollis*, 618 F. Supp. 2d 142, 155 (D.R.I. 2009). Of the four factors, the likelihood of success on the merits is of primary importance. *See Esso Standard Oil Co. (Puerto Rico) v. Monroig-Zayas*, 445 F.3d 13, 18 (1st Cir.

2006) (“The sine qua non of this four-part inquiry is likelihood of success on the merits”).

c. “As Applied” Challenge

Generally, there are two types of constitutional challenges to established law: “facial” challenges and “as applied” challenges. “A facial challenge to a legislative Act is, of course, the most difficult challenge to mount successfully, since the challenger must establish that no set of circumstances exists under which the [statute] would be valid.” *United States v. Salerno*, 481 U.S. 739, 745, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987). On the other hand, “as applied” challenges pose “a less demanding burden and only require that a petitioner demonstrate that the statute, as applied to his or her particular situation, violates” constitutional norms. *Hall v. INS*, 253 F. Supp.2d 244, 248 (D.R.I. 2003).

3. Argument

a. Plaintiffs Are Likely to Succeed on the Merits Because the Current Ballot Nomination Statute Burdens Fundamental Rights Without a Countervailing State Interest.

i. In-Person Signature Collection Placed An Extreme Burden On Plaintiffs.

Democracy works only when voters have real choices, Maine in particular has ranked choice voting, which permits Maine voters to more thoroughly explore our options. This self-evident principle undergirds all jurisprudence regarding ballot access, including a Rhode Island decision in

Block v. Mollis, 618 F. Supp. 2d 142 (D.R.I. 2009). Restrictions on access to the ballot therefore implicate two interrelated constitutional rights – “the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively.” *Williams v. Rhodes*, 393 U.S. 23, 30 (1968).

Courts are therefore understandably hesitant of regulation that restricts the ability of candidates to appear on the ballot. Only those regulations that conjunctively track genuine, compelling state interests and do not unreasonably restrict ballot access are permissible. *See Illinois State Bd. of Elections v. Socialist Worker Party*, 440 U.S. 173, 184 (1979). And, because Courts disfavor restrictions on ballot access, the burden is on the government to articulate and defend its alleged compelling state interest and manner with which the state pursues that interest. *See id.*; *see also American Party of Texas v. White*, 415 U.S. 767, 780-81 (1974).

Courts have utilized a sliding scale to measure the applicable level of scrutiny to apply to the determination of lawfulness of election laws: “the lighter the burden, the more forgiving the scrutiny; the heavier the burden, the more exacting the review if restrictions are severe, the burden is great, and the law must be drawn to advance a ‘state interest of compelling importance.’” *Block*, 618 F. Supp. at 149 (*quoting Norman v. Reed*, 502 U.S. 279, 289 (1992)).

The United States Supreme Court has specifically emphasized the fundamental importance of ballot access, finding that candidate eligibility requirements should be narrowly tailored so as not to impede ballot access for legitimate candidates:

[O]ur previous opinions have also emphasized that ‘even when pursuing a legitimate state interest, a State may not choose means that unnecessarily restrict constitutionally protected liberty,’ and we have required that States adopt the least drastic means to achieve their ends. This requirement is particularly important where restrictions on access to the ballot are involved. The States’ interest in screening out frivolous candidates must be considered in light of the significant role that third parties have played in the political development of the Nation. Abolitionists, Progressives, and Populists have undeniably had influence, if not always electoral success. As the records of such parties demonstrate, an election campaign is a means of disseminating ideas, as well as attaining political office.

Illinois State Bd. of Elections, 440 U.S. at 185-86 (invalidating a Chicago signature requirement that was not “the least restrictive means of protecting the State’s objectives”) (quoting in part *Kusper v. Pontikes*, 414 U.S. 51, 58-59 (1973); citations omitted); cf. *Lubin v. Parrish*, 415 U.S. 709, 716 (1974) (right to vote is “heavily burdened” by candidate qualification processes that effectively eliminate independent candidates from the ballot).

In light of the Covid19 pandemic, Maine’s “in person” signature gathering requirements severely burdened candidate’s aforementioned rights. During this crisis, Maine’s failure to modify the “in person” signature collection process will created a remarkable hurdle to candidates

(and members of the general public) from engaging in the signature collection process; whereby only candidates who collected all or most signatures before the pandemic and who are greatly monied or have the added benefit of a party structure have been successful in gaining ballot access. This, in turn, deprives supporters of candidates without enormous resources their associational right to support a candidate of their choice, and will limit the ability of all voters to cast a meaningful ballot for one of a variety of candidates. “The hallmark of a severe burden is exclusion or virtual exclusion from the ballot.” *Libertarian Party of Ky. v. Grimes*, 835 F.3d 570, 574 (6th Cir. 2016).

In this “as applied” challenge, the burden upon the Plaintiff is of specific importance. Here, the plaintiff has characteristics that demonstrate the extreme burden that in-person signature collection produces. The Plaintiff is a mother of two minor children³ who lives in Portland, in one of the eight zip codes producing the greatest number of COVID19 cases,⁴ and is married to an essential worker while also being an essential worker.⁵ She has been very limited to when she could responsibly conduct in-person canvassing for nominating signatures without potentially jeopardizing their health or that of the public, and risk running afoul of the Governor’s numerous Executive Orders⁶ – yet, that is exactly what existing Maine law compels. The personal health concerns the Plaintiff

³ Plaintiff’s Affidavit, ¶ 21

⁴ Plaintiff’s Affidavit, ¶ 1

⁵ Plaintiff’s Affidavit, ¶ 20

⁶ See Complaint

faced, including those for her children and her essential worker spouse, and burden that the Plaintiff's attempt to minimize the risk to volunteers, voters, and the general public cannot be overstated.⁷

ii. There Is No Legitimate State Interest In Maintaining An In-Person Signature Collection Process During the Covid-19 Pandemic.

Because the existing candidate nomination process imposes severe burdens on candidates and voters, these measures can be justified only if they are “narrowly drawn to advance a state interest of compelling importance.” *Burdick*, 504 U.S. at 434.

No matter whether the state has an interest in abstract, a court must evaluate whether the interests are “in the circumstances of this case, compelling.” *California Democratic Party v. Jones*, 530 U.S. 567, 584 (2000) (emphasis in original). The life-threatening and uncertain nature of present circumstances warrant exceptionally strong consideration. Under typical conditions, a candidate's ability to obtain signatures from voters would be a valid indication that they have earned the “modicum of support” required to appear on the ballot. *Jeness v. Fortson*, 403 U.S. 431, 442 (1971). But, it is hard to imagine a legitimate state interest in signature collection that unnecessarily places candidates' and the public's health in jeopardy. And, as shown below, there are other, less restrictive means to satisfy the state's interest rather than in-person signature collection.

⁷ See Affidavit of Cathleen London, MD

There was no valid state interest in requiring “in-person” signature collection in Maine, and refusal to acquiesce to any of the extremely reasonable accommodations requested by the Plaintiff was frankly negligent. There is no state interest large enough to justify placing persons’ health in jeopardy during a pandemic. And, it bears emphasis that the burden is on the government in this context to forward a legitimate state interest that can withstand strict scrutiny. *See Illinois State Bd. of Elections*, 440 U.S. at 184.

iii. Less Restrictive Means Exist.

Even if the state’s interests were compelling, the state has failed to use narrowly tailored means of advancing those interests during the pandemic. A state must utilize “the least drastic means” to achieve its electoral interests, with this tailoring requirement being “particularly important where restrictions on access to the ballot are involved.” *Ill. State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 185 (1979).

Yet, recent legislative and administrative action has failed to modify meaningfully the ballot qualification process to address the impact of Covid19. The only actions in Maine were to extend the collection period by an insufficient time period that still are under restrictions and to make it objectively harder to gain notary by exempting the nomination petitions from the video notary rule.⁸ Merely reducing by half the number of signatures required to appear on the ballot for federal offices would have provided the candidate access to the ballot as she had already gained

⁸ Complaint, ¶ 53

that many signatures (in raw form) prior to the pandemic. In contradistinction, other states, faced with the same Covid19-related electoral difficulties, have found common-sense ways to effectuate their interest in ensuring substantial community support and efficient electoral administration while adapting to the current crisis. For example, Florida,⁹ New Jersey,¹⁰ Utah,¹¹ Minnesota,¹² Michigan,¹³ Massachusetts,¹⁴ and most recently Rhode Island¹⁵ allow nomination petitions to be signed and verified electronically. Vermont has entirely suspended its signature requirement for elections in 2020.¹⁶

b. Plaintiffs Will Suffer Irreparable Harm Absent an Injunction.

Here, the current in-person signature process unnecessarily burdened Plaintiff's First Amendment rights. *E.g. Williams v. Rhodes*, 393 U.S. at 30. It is well-settled that "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable

⁹ Secretary of State Laurel M. Lee Announces Business Annual Report Filing Deadline Extension and Changes to Candidate Petition and Qualifying Processes (Apr. 6, 2020), <https://dos.myflorida.com/communications/pressreleases/2020/secretary-of-state-laurel-m-lee-announces-business-annual-report-filing-deadline-extension-andchanges-to-candidate-petition-and-qualifying-processes/>.

¹⁰ Governor Murphy Announces Changes to Upcoming New Jersey Elections in Response to COVID19 (Mar. 19, 2020), <https://www.nj.gov/governor/news/news/562020/20200319a.shtml>.

¹¹ Gov. Herbert Suspends Sections of Utah Statute Regarding Signature Gathering (Mar. 26, 2020), <https://governor.utah.gov/2020/03/26/gov-herbert-suspends-sections-of-utah-statute-regarding-signature-gathering/>.

¹² Governor Tim Walz signed HF3429 into law, authorizing general election candidates to submit filing forms and petitions electronically.

¹³ See <https://www.mlive.com/public-interest/2020/05/signatures-required-to-run-for-some-offices-in-michiganreduced.html>.

¹⁴ See <https://www.courthousenews.com/top-massachusetts-court-green-lights-e-signatures-for-election-canvassing/>.

¹⁵ See *Acosta et al v Restrepo*, 1:20-cv-00262-MSM-LDA

¹⁶ H. 681, 2019-2020 Gen. Assemb., Adjourned Sess. (Vt. 2020).

injury.” *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976).

c. The Harm To Plaintiffs Outweighs The Harm Defendants Would Suffer If An Injunction Were Imposed.

A one-time reduction of the in-person signature requirement will not work untoward consequences for Defendants. Local municipalities will still have to verify that the persons executing the petitions were registered to vote in the district corresponding to the petition. The boilerplate rejoinder to this argument is that candidate nomination papers prevent so-called “ballot clutter,” i.e. without a qualification process, the ballot will be flooded with names, thereby confusing voters. This issue is a phantom one. Undersigned is not aware of a single instance of “ballot clutter” in Maine, and Defendants – who bear the burden of establishing a legitimate state interest – will be unlikely to demonstrate any tangible proof that this issue is a real world problem. Should Plaintiff prevail, it is likely that this will add one name to one race in this state.

d. The Public Interest Would Suffer If an Injunction Is Not Entered Because Voters Would be Deprived of Their First Amendment Rights.

The public interest weighs in favor of injunctive relief. First, “[w]hen a constitutional violation is likely . . . the public interest militates in favor of injunctive relief because it is always in the public interest to

prevent violation of a party's constitutional rights." *ACLU Fund of Mich. v. Livingston Cty.*, 796 F.3d 636, 649 (6th Cir. 2015).

4. Conclusion

Persons should not have to risk their lives and the lives of their loved ones to qualify to run for office. This Court should consequently enjoin the Defendants from enforcing the ballot nomination procedures contained in 21-A M.R.S §§353, 354 for the 2020 election cycle and provide relief in the form of reduction of the number of signatures required from 4,000 to 2,000 for the United States Senate race in Maine.

Date: 6/29/2020

By: /s/ Tiffany Bond
Tiffany Bond
3 Colonial Road
Portland, Maine 04102
207.370.2088
tiffany@bond4.me

CERTIFICATE OF SERVICE

I hereby certify that this document filed via email will be sent electronically to all counsel registered and able to received electronic filings in this case on this 29th day of June, 2020.

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Defendants. :

CIVIL COMPLAINT
Action #1:20-cv-00216-NT

AFFIDAVIT OF PLAINTIFF TIFFANY BOND (Amended June 29, 2020)

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,¹ Maine, where I am a registered voter.
2. I am a bona fide candidate² for the United States Senate who has demonstrated community support sufficient to have access on the November 3, 2020 general election ballot.

¹ The Plaintiff's zip code is one of eight in the state of Maine with more than 100 cumulative confirmed and probable cases with 146 cumulative probable and confirmed cases as of the date of this filing. <https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>

² 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.

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 should need resources necessary to overcome a pandemic that ground Maine to a halt³ 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.⁴ 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 in Maine, it is possible with dedication under ordinary circumstances.⁵
6. I have spent \$799.06 directly attributed to running for the United States Senate since November 21, 2019, not including the filing fee⁶ for this lawsuit.
7. I requested candidate nomination petitions the last week of December 2019,

³ 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.

⁴ 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.

⁵ 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.

⁶ 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.

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 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.⁷
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

⁷ 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.

signatures were still being actively collected. I do not anticipate all of these will come back, or will come back in usable fashion⁸.

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 congregate⁹ 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.¹⁰

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.

⁸ For example, several people have sent forms without notary – including those I will not be able to acquire notary on.

⁹ Farmer's Markets, Home Shows, other local gatherings, outside post offices, in public squares, campaign events, candidate forums, etc.

¹⁰ 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.

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 perilous that nearly all Court matters are being handled remotely. I have not had an in-person Court appearance since March 13, 2020.¹¹

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,¹² 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.

¹¹ My first possible in-person court event is after the July 1 filing deadline.

¹² He reported receiving no health screening during his return travels.

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 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 voter¹³ that does not require a notary¹⁴; and
- f. To lower the amount of signatures by half necessary to make ballot.¹⁵

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, 54 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.

¹³ I emailed the Secretary of State's office on May 6 with a sample form. See Attachment A

¹⁴ Voters should not need a notary to nominate individually when there is no similar requirement to register to vote.

¹⁵ I effectively have had the same amount of time to gather as party candidates, this seemed an equitable solution.

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 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.¹⁶

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

¹⁶ 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. I have received reports from several volunteers that they do not feel comfortable completing the notary requirement under any circumstance, such as a volunteer that I personally witnessed collect at least 32 signatures at an event on January 15, 2020, who retained the forms to collect additional signatures, who at the time of this filing did not feel comfortable with any outside contact due to an immune compromised household member.

- 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
 - 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.¹⁷
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. In preparation to turn in the signatures I do have available and have asked this Court to recognize, I called the Secretary of State's office on June 24, 2020 to make an appointment for June 1 to turn in signatures. I was informed of a new procedure where I call when I arrive, leave the nomination petitions, and the nomination petitions are quarantined for at least 24 hours. It is remarkable to me that the mere presence of the nomination petitions being in control of a

¹⁷ 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, Rachael Wollstadt, Chris McGhee, and Cathleen London, MD.

candidate¹⁸ makes the forms inherently dangerous enough for the state to quarantine the forms and that the state finds the risk unacceptable to its staff, but the state of Maine simultaneously finds that to be risk to be acceptable for candidates.¹⁹

47. As of the date of this Affidavit, I have the following signatures:

- a. 2,702 signatures²⁰ 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);
- 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

¹⁸ In order to certify forms, nearly all of the forms will have been away from more than limited exposure to others for greater than 24 hours as they will have been in the possession of town clerks, and many will have been mailed and untouched by more than one to very few people in the days immediate to submission.

¹⁹ In fact, the risk to candidates collecting their own signatures is far higher. It requires in-person, direct exposure to more people than signatures collected (not everyone will be registered to vote and/or willing to sign), and then additional potential exposure when notarizing forms, and again when certification takes place in person at towns, and then again with any forms turned over from volunteers in person, and then again when delivering forms to the state. There is also the ethical conflict, and potential legal liability, with risking the health of any volunteers and voters signing these forms in an active pandemic.

²⁰ In mid-March, I removed volunteer call-in numbers from my signature counts and only counted signatures in my possession.

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.

48. Further complicating matters, mail delivered by the United States Postal Service has noticeably slowed. This forces more signatures to be certified in person and/or many signatures may not return in time to be useable.

49. 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.

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

51. Certification from towns has been logistically challenging in-person. Many towns are by appointment only, are closed to the public all or part of the time, or have other restrictions. Along with several volunteers expressing pandemic-related challenges certifying signatures,²¹ I personally had to deliver signatures requiring appointments and mail return of signatures for small quantity of signatures that would often have been certified on the spot under non-pandemic circumstances.

52. 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.

53. I am aware of at least three United States Senate candidates in this race that have

²¹ See Affidavits of Chris McGhee and Cathleen London, MD

- dropped out since the pandemic began due to inability to collect signatures.²² I believe I am the only remaining candidate in this race that has not met the ballot.
54. Additionally, lack of safe signature collection has forced candidates in other races out this year.²³
55. At the time of this filing, two other independent candidates have made ballot in the Maine Senate race. Both of these candidates support me being on ballot.²⁴
56. Bre Kidman and Betsy Sweet, all of the candidates that have qualified for the Democratic primary that are not a named party in this suit have submitted affidavits of support for ballot access.²⁵
57. 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 emergency orders put in place by the state of Maine, the expectations are thoroughly unreasonable for an independent candidate.
58. 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.
59. 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

²² Linda Wooten, Leigh Hawes, and Danielle VanHelsing

²³ See Affidavit of Laura Kelley

²⁴ See Affidavits of Max Linn and Lisa Savage.

²⁵ See Affidavits of Betsy Sweet and Bre Kidman

virus on to my children, and meeting an arbitrary signature amount designed for non-emergency settings.

60. 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.

61. 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.

62. 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.

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

Date: 6/29/2020

By: /s/ Tiffany Bond

Tiffany Bond
3 Colonial Road
Portland, Maine 04102
207.370.2088
tiffany@bond4.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 <small>(Not Printed Name)</small>	DATE SIGNED	ACTUAL STREET ADDRESS <small>(Not P.O. Box)</small>	MUNICIPALITY <small>(Where Registered)</small>	PRINTED NAME OF VOTER
1.					

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

 Signature Date

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 #1:20-cv-00216-NT

AFFIDAVIT OF BRE KIDMAN

I, Bre Kidman, 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 Saco, Maine, where I am a registered voter.
2. I am a Democratic candidate for United States Senate in Maine.
3. I turned in my signatures for ballot access on March 13, 2020, just before the deadline for party candidates. I will appear on the Democratic primary ballot.
4. By participating in and standing outside over 60 well-attended events from January to March, our campaign was able to collect the signatures necessary to get on the ballot.

5. Since the COVID19 shutdown began in Maine, I have had to cancel all in-person appearances and have not attended any in-person events.
6. My team of over 80 volunteers and I would not have been able to collect the necessary signatures for ballot access without having access to large numbers of people congregated in defiance of the Governor's Executive Order.
7. It would be unsafe for me and for several key members of my volunteer team to gather the numbers of people necessary to collect signatures in this pandemic.
8. For all practical purposes, Tiffany Bond had the same amount of time to collect signatures that I did. She should only have to provide the same number of signatures party candidates did.
9. The state failed to make reasonable accommodations to account for the pandemic's impact on the democratic process.
10. Tiffany should be granted ballot access for the November election with the same number of signatures required of a party candidate.

Date: 6/29/2020

/s Bre Kidman
Bre Kidman
Saco, 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 #1:20-cv-00216-NT

AFFIDAVIT OF BETSY SWEET

I, Betsy Sweet, 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 Hallowell, Maine, where I am a registered voter.
2. I am a Democratic candidate for United States Senate in Maine.
3. I turned in my signatures on March 10, 2020, in advance of the March 16, 2020 deadline. I will appear on the Democratic primary ballot.
4. The pandemic has drastically changed the ability to campaign in-person.
5. I have had to cancel over 50 in-person town halls events.
6. It is not safe to hold events, and it would not be safe to collect thousands of

signatures.

7. It is fair for Tiffany Bond to be held to the same number of signatures as party candidates.
8. We should not be limiting access to democracy.

Date: 6/24/2020

/s Betsy Sweet
Betsy Sweet
Hallowell, 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 #1:20-cv-00216-NT

AFFIDAVIT OF LISA SAVAGE

I, Lisa Savage, 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 Solon, Maine, where I am a registered voter.
2. In the fall of 2019, I set out to become a candidate for the U.S. Senate in Maine as a member of the Maine Green Independent Party, knowing that it would take the signatures of 2,000 registered members of the MGIP in order to access the November 3, 2020, general election ballot.
3. Throughout the fall, I gathered supporters willing to help with gathering signatures and hired a ballot access coordinator, Isaac Schattenburg, who had

experience with a number of other successful petition campaigns.

4. We began collecting signatures at the stroke of Midnight on New Year's Day and assiduously worked to gather the signatures of registered Greens throughout January and February, both via coordinated door-to-door campaigns and via tabling at various places, including on the streets of Portland and on college campuses throughout the state.
5. Despite Maine having more than 40,000 registered Greens, this was no easy task. In the middle of winter, in a geographically diverse state, with a list of addresses that were sometimes many years out of date, and a looming contentious primary election that kept us from registering many voters as Greens, we were averaging roughly 1 signature per volunteer hour, with roughly 900 volunteer hours in the books, at the end of February. One of our volunteers slipped and bruised his ribs while campaigning for us. We were less than half-way to the goal and we had slightly more than a couple of weeks left before the March 15 deadline for party candidates.
6. At that point, under consultation with many party leaders and with Schattenburg's expertise, the campaign decided to pivot: I unenrolled from the MGIP and began the task of acquiring 4,000 signatures from any registered Maine voter.
7. But we had a plan: We would deploy all of our volunteers, nearly 100 in all, to various polling places around the state on Super Tuesday, where we knew registered voters would surely be congregating.
8. The plan worked: We acquired more than 9,000 signatures in that single day.
9. And it's lucky we did. Less than two weeks later, the COVID-19 pandemic forced

the shutdown of the state and it's unlikely we would have had much success gathering signatures from that point forward. As it was, we did not collect a single signature after "Super Tuesday," but it did take weeks and months for towns and cities to return our certified petitions, and some petitions have still to this day not been returned.

10. Ultimately, we decided on Thursday, April 9, in coordination with the Secretary of State's office, to deliver (with masks on) 5,400 signatures in order to obtain access to the ballot. Those signatures did not include a single one from Portland, as the City had not returned our petitions at that time.
11. We received a receipt for those signatures from the skeleton-staffed Secretary of State's office on April 27.
12. I am thankful in the extreme that we made the difficult decision to unenroll when we did (the deadline was March 1) in order to take advantage of the Super Tuesday opportunity with the collection of volunteers we had amassed as part of our Green Party effort. Without that single-day signature collection effort, it is highly probable that the pandemic would have made signature gathering nearly impossible, even given the month-long extension.
13. We have done no in-person events since "Super Tuesday."
14. I have seen Tiffany Bond at multiple public events, and participated in forums with her. She is a serious candidate and I expected she would appear on the ballot.
15. She should not be expected to be responsible for the pandemic and the accommodations from Maine were not sufficient for candidates.
16. Tiffany Bond should be on the final ballot.

Date: 6/23/20

By: /s/ Lisa Savage

Lisa Savage

30 Hole in the Wall Rd.

Solon, Maine 04979

207-399-7623

lisa@lisaformaine.org

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 #1:20-cv-00216-NT

AFFIDAVIT OF MAX LINN

I, Max Linn, 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 Bar Harbor, Maine, where I am a registered voter.
2. I am a fellow independent candidate for United States Senate in Maine.
3. I fully understand the absolute bias there is here against candidates who are not aligned with a political party
4. In light of her charitable efforts with MaineRaising and the current COVID-19 pandemic I fully support Tiffany Bond being on the ballot in November’s general election.

5. Having another candidate on the ballot that is not backed by big corporations or the multi-million dollar war chests of the political parties will be an absolute benefit to Maine voters.

Date: 6/24/2020

/s Max Linn
Max Linn
Bar Harbor, 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 #1:20-cv-00216-NT

AFFIDAVIT OF LAURA KELLEY

I, Laura Kelley, 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 Great Diamond Island.
2. I am registered to vote in Portland, Maine.
3. I grew up in Portland, Maine, and graduated from Deering High School.
4. I attended Smith College in Northampton, MA, and earned a degree in biochemistry with a minor in physiological psychology.
5. I returned to Maine to attend medical school at the University of New England College of Osteopathic Medicine.

6. I completed an Internship and Residency in General Pediatrics at Golisano Upstate Children's Hospital.
7. I practiced General Pediatrics at University Health Care for Kids in Portland, Maine, served as an adjunct clinical faculty lecturer and preceptor to medical students at UNECOM and family practice residents in Southern Maine.
8. I retired from medical practice in 2008.
9. I had been working toward running for office for many months and was preparing to announce myself as a candidate and begin signature collecting on March 17th, 2020.
10. By the last week in February, 2020, there was evidence of community spread of COVID-19 in California - a story I had been following closely for months - and on Thursday, March 12th, together with my policy advisor, I decided to table my efforts toward running for office with the hope that we could resume in time enough for me to begin to collect signatures to qualify for the ballot.
11. After several weeks, two things became clear: 1. COVID-19 would continue to be a threat to public safety, likely until a vaccine was developed. 2. In order to limit transmission of the highly infectious virus which causes significant morbidity and mortality, we needed to employ the only tools we had: social distancing, wearing masks, and hand washing.
12. Additionally, per Governor Mills' orders, Casco Bay Lines - my only mode of transportation to the mainland - reduced their ferry service, eliminated service to Diamond Cove altogether, and service was reserved for essential travel only.
13. For many weeks, I believed that it would not be possible for me to run for office

in Maine in 2020. As an Independent candidate, I was already required to gather twice as many signatures as party candidates and all of the extra time I had to do that was dwindling. I called the Secretary of State's office several times to ask whether an alternative to in-person signature gathering would be offered. Each time I was told there would not be an accommodations made to allow for safe signature gathering, but they had extended the deadline to acquire signatures from June 1 to July 1st.

14. In addition to calling the Secretary of State, I also contacted the League of Women Voters about not being able to safely collect signatures in person, that it was a requirement to gain ballot access, and that nothing was being done to offer an alternative to in-person signature gathering in the face of COVID-19. The LOWV said that they could not provide legal advice but they encouraged me to continue to advocate for my right to become a candidate.

15. The first week of June, I decided to make the best plan I could to gather signatures safely. I purchased a small collapsible table that was light enough to carry with me, masks, a case of hand sanitizer, a case of gloves, 260 pens, and three oversized clipboards with a mechanism to hold the petitions in place. I requested petitions to run for Portland's District 27 State Senate seat and had them printed on the required 11x17 paper.

16. I had everything in hand on Friday, June 12th. We called our friends, family and neighbors to let them know how we planned to collect signatures safely, and on Saturday June 13th, we began.

17. Because registered voters on the island are quite spread out, we contacted people

individually and drove to their houses for signatures. I also stood out in front of the absentee voting day on island, on Thursday, June 18th. I was able to get 46 signatures from registered voters on the island.

18. Several people volunteered to help me collect signatures, but I declined because I did not want anyone else to take the risk of in-person contact.

19. On June 19th, my husband took the day off from work and we drove into Portland and began collecting signatures from friends and their neighbors, some of whom had been given a heads up by friends.

20. In town Portland, it took both of us to carry the table and all of the items I had. Though it was tedious, we were able to collect signatures at a rate of 5 per hour.

21. At our second targeted location, we stepped up and rang the doorbell at a duplex. As was our practice, we stepped back off of the porch. A mother with her baby on her hip answered the door. Through our masks, we described what we were doing. She said she would be happy to sign the petition.

22. We set up the table, put out the gloves and the hand sanitizer, set the clipboard out facing the woman, and ejected a brand new pen from the plastic bag onto the table, then stepped back so she could come forward and sign. She was unable to lean over and sign the petition on the clipboard because she had a baby on her hip, so she picked up the clipboard to get a better angle. That was when her baby grabbed the clipboard with both hands - the clipboard that had been touched by more than 50 people.

23. I urged the mother to forget about the signature and to just go wash her baby's hands. Luckily, we were at her front door, so a sink was nearby to do that, since

hand sanitizer would not be safe for a baby.

24. I believe that I did as much as I could have to create a safe method for gathering signatures. The incident with the baby proved to me that there was no way to foresee all possible circumstances that would pose a risk to my effort to gather signatures becoming a mode of transmitting COVID-19 to people.
25. With no alternative available to me, I stopped my effort to gather signatures.
26. The Incumbent State Senator for District 27, who is running for reelection in Portland, is currently unchallenged.
27. My concern for a lack of an alternative to in-person signature gathering goes beyond my own personal need and to any other third party candidate seeking office, to future candidates - as we have no idea how long this will continue - and also to Maine citizens' rights to gather signatures for any citizens' initiatives.
28. As a physician, I am certain that in-person signature gathering presents a risk for transmitting infections. While COVID-19 shines a light on this risk, it actually always exists. Participating in democracy should not be a risk to public health.
29. The State of Maine should provide online signature collection to protect citizens from health risks.
30. Any candidate who made a good faith effort this year should be on the ballot in November, including Tiffany Bond.

Date: 6/28/2020

By: s/ Laura Kelley
Portland, 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 #1:20-cv-00216-NT

AFFIDAVIT OF CATHLEEN LONDON, MD

I, Cathleen London, 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 board certified Family Medicine Physician licensed to practice in the state of Maine. I live and practice in Milbridge, Maine where I am registered to vote. I am a graduate of the Yale University School of Medicine and completed my residency in Family Medicine at Oregon Health Sciences University. Prior to moving to Maine in 2015, I was an Assistant Professor at the Weill Cornell College of Medicine. I am a primary care physician on the front lines of the current Covid-19 pandemic. As a result of the foregoing I have personal knowledge of all matters to which I attest in this affidavit, and all opinions are expressed to a reasonable degree

of medical certainty.

2. Covid-19 remains an imminent public health threat. Persons in Maine continue to contract the disease on a daily basis. Some fundamentals about Covid-19 are pertinent to this discussion. Covid-19 is a highly contagious and easily transmitted disease. The disease can be transmitted via proximity to a person who is infected or source contact with droplets containing the virus. Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is the strain of coronavirus that causes Covid-19. There currently exists no test that allows the identification of asymptomatic carriers of SARS-CoV-2 with a reasonable degree of certainty. Our current tests have a high false negative rate even in symptomatic patients.
3. Maintaining social distancing through limiting contact between members of the public and sanitizing high-touch areas used by the public (for example ATM machines) is critical to the containment of Covid-19.
4. It cannot be overemphasized that certain members of the public are more at risk to severe illness from Covid-19. These include people over 60 years of age, people with underlying respiratory conditions, people who are immunocompromised, and people with other medical conditions such as diabetes and heart disease. Those who are at high risk need to take particular care to maintain distance from the public at large, including those who are also medical professionals treating Covid-19 patients.
5. It should also be emphasized that asymptomatic Covid-19 carriers can infect others. This point is of particular importance with respect to the solicitation and collection of signatures, as persons seeking or providing signatures may be Covid-19 positive without knowing it, thereby unwittingly exposing others.
6. The current “in person” signature solicitation and collection process as part of the candidate

nomination process carries with it a high risk to the general public's health. The signature collection process for Senate requires a minimum of 2000 signatures if affiliated with a qualified party but 4000 separate signatures if unaffiliated with a party. Candidates also solicit and collect more signature than are required to mitigate against the disqualification of certain signatures on nomination petitions. Each contact is a risk of transmission point. This risk is manifestly greater for unaffiliated candidates.

7. Timing is an issue. Covid-19 arose just as signature gathering hit its stride. Congregations over ten people were banned to protect the health of the public. These would have provided the opportunity to gather signatures. To protect the public, people (including candidates) were advised to stay home if exhibiting any symptoms that could be consistent with Covid-19.
8. Candidates were not equally affected, as some have small children and childcare was no longer available due to the health risks of Covid-19 transmission. Some spouses are essential workers, not working from home, placing those candidates in the position of being single parents of small children. Children are both at risk of contracting illness and being asymptomatic carriers of Covid-19. We advise against having children accompany adults on any errands, and certainly not while campaigning nor signature gathering, due to the health risks to both the children and the public at large. For candidates with small children, this is an untenable position.
9. I have collected signatures for Tiffany Bond in the past (2018 election) without any issues. This year has posed many difficulties.
 - a. First, we are seeing some patients via telemedicine. We see far fewer patients than normal since the onset of Covid-19, and far fewer in person.
 - b. Second, we are often in personal protective equipment when seeing patients and limiting our time and exposure.. This is not conducive to gathering

signatures.

- 10. We have collected far fewer signatures than two years ago and those we collected may not even be certified in time due to town office closures, slow mail delivery and other necessary obstacles that are in place from the pandemic.
- 11. Limiting the number of signatures required to qualify to be on the ballot somewhat mitigates the public health risk, but any in person contact increases the risk of transmission of Covid-19.
- 12. Due to the medical risk of obtaining signatures during the ongoing pandemic of Covid-19, Maine should suspend that requirement at this juncture.

Sworn under penalties of perjury.

Date: 6/29/2020



Cathleen London, MD
Milbridge, 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 #1:20-cv-00216-NT

AFFIDAVIT OF CHRIS MCGHEE

I, Chris McGhee, 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 Scarborough, Maine, where I am a registered voter.
2. I began volunteering for Tiffany Bond’s campaign for the United States Senate on January 24, 2020.
3. I collected signatures both before the pandemic and contactless after COVID19 arrived in Maine.
4. As directed by the campaign, I ceased collecting during the balance of March, and April for safety.

- 5. In May, I began being available to collect again in a contactless manner, where I met with a voter and watched them sign from a distance.
- 6. Collection was noticeably more difficult with contactless signing; voters often had to reschedule multiple times for meetings.
- 7. Additionally, I certified the signatures in my possession. Two out of the three towns I had nomination petitions certified in were challenging.
 - a. Gorham was by appointment only – they did not answer their phone to make an appointment. I went to Gorham Town Office and they at first declined an appointment. Finally, they did get the signatures certified, but it was not without substantially more effort than it should have been.
 - b. Scarborough certified signatures, but the clerk refused to notarize the signatures and told me that the forms could be turned into the state without any notary.
- 8. Tiffany Bond should be on the ballot this November.

Date: 6/29/2020

/s Chris McGhee
Chris McGhee
Scarborough, Maine