

Dec. 8, 2023

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Secretary of State Shenna Bellows
148 State House Station
Augusta, Maine 04333-0148

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OFFICE OF SECRETARY OF STATE
AUGUSTA, MAINE

Dear Secretary Bellows:

I am writing to challenge Donald J. Trump's placement on the ballot for the Republican Party's 2024 presidential primary election.

Mr. Trump, who was elected president in 2016, has stated that he also won the 2020 election. This representation that he has been elected to the office of president twice disqualifies him from running again under the 22nd Amendment of the United States Constitution.

This is popularly known as the "term limits" amendment. However, while Mr. Trump has only served one term as president, that actually does not end the inquiry under the text of the 22nd Amendment.

The 22nd Amendment expressly focuses on whether someone has been *elected* twice, regardless of whether he or she has actually served a second term.

The text of the 22nd Amendment states:

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

U. S. Const. amend. XXII, Sec. 1 (emphasis supplied).


Mr. Trump has said on numerous occasions that he won the 2020 election. For instance, on January 4, 2021, at a Georgia Senate runoff campaign event, he stated:

You know, I've had two elections. I won both of them.

"President Trump Remarks at Georgia U.S. Senate Campaign Event," C-SPAN, Jan. 4, 2021, <https://www.c-span.org/video/?507634-1/president-trump-remarks-georgia-us-senate-campaign-event>, time 5:25.

Even after Congress counted the electoral votes and confirmed Joseph R. Biden's victory, Mr. Trump has continued to claim that he actually won the 2020 election. For instance, as recently as November of 2023, he stated:

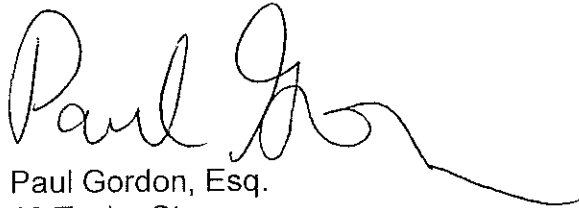
We won, in the last time, 50 states. Think of it, 50 states. We won every state.

 "Trump claims he won all 50 states in the 2020 election," Yahoo News,
<https://news.yahoo.com/trump-claims-won-50-states-152719454.html>.

When a candidate makes a factual representation that disqualifies him from the office he seeks, he cannot appear on the ballot.

However, Mr. Trump may be able to remove this obstacle of his own creation. If he were to submit a letter sworn under penalty of perjury acknowledging that he lost the 2020 election and repudiating all previous statements undermining the integrity of that election, the question of the 22nd Amendment would no longer be relevant.

Thank you for taking this into consideration. I know this is a weighty decision.



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