

STATE OF MAINE
SECRETARY OF STATE

In re: Challenges of Kimberley Rosen,
Thomas Saviello, and Ethan Strimling; Paul
Gordon; and Mary Ann Royal to Primary
Nomination Petition of Donald J. Trump,
Republican Candidate for President of the
United States

**MODIFIED RULING OF THE
SECRETARY OF STATE**


On December 28, 2023, pursuant to 21-A M.R.S. §§ 336 and 337 and after a hearing, I ruled that the primary petition of Donald J. Trump is invalid (the “Ruling”). Specifically, based on two Section 337 challenges to Mr. Trump’s qualification for the Office of the Presidency under Section Three of the Fourteenth Amendment, I ruled that Mr. Trump’s statement on his candidate consent form that he is qualified for the office he seeks is false, such that his primary petition is invalid by operation of Section 336(3). I stayed the effect of my Decision pending appeal. As a result, Mr. Trump’s name was not removed from the primary ballot.

Mr. Trump timely appealed my Ruling under Section 337(2)(D). Thereafter, on January 17, 2024, after the U.S. Supreme Court granted certiorari in *Trump v. Anderson*, No. 23-719, the Superior Court remanded this matter to me for further proceedings. The Court likewise ordered that I await a decision in *Anderson* and, within thirty days of that decision, issue a new Ruling that modifies, withdraws, or confirms my December 28, 2023 Ruling.

The U.S. Supreme Court issued its decision in *Anderson* on Monday, March 4, 2024. The Court ruled, as relevant here, that individual states lack authority to enforce Section Three of the Fourteenth Amendment against federal officeholders and candidates for federal office. *See Trump v. Anderson*, No. 23-719, 601 U.S. ____ (2024), slip op. at 1, 6.

I have reviewed the *Anderson* decision carefully. The U.S. Supreme Court has ruled that individual states lack authority to enforce Section Three of the Fourteenth Amendment with respect to federal offices. Consistent with my oath and obligation to follow the law and the Constitution, and pursuant to the *Anderson* decision, I hereby withdraw my determination that Mr. Trump's primary petition is invalid. Specifically, I withdraw Part D.2 of my December 28, 2023 Ruling—the section that pertains to state enforcement of Section Three—as well as the Ruling's conclusion. I instead conclude that the *Anderson* decision prohibits me from finding Mr. Trump's statement that he is qualified for the presidency to be false by operation of Section Three of the Fourteenth Amendment. Mr. Trump's primary petition is therefore valid. Votes cast for Mr. Trump in the March 5, 2024 presidential primary election will be counted.

Date: March 4, 2024


Shenna Bellows
Secretary of State

NOTICE OF APPEAL RIGHTS

The challenger or candidate may appeal this decision by commencing an action in the Superior Court within 5 days of this date, pursuant to 21-A MRSA section 337, subsection 2, paragraph D