

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
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JAMES BAINES, et al.)
)
Plaintiffs,)
)
MAINE GREEN)
INDEPENDENT PARTY)
)
Intervening Plaintiffs,)
Pro Se)
)
v.)
)
SHENNA BELLOWS, in her official)
capacity as Secretary of State for the)
State of Maine,)
)
Defendant.)

Civil No.: 1:19-cv-00509-LEW

**INTERVENING PLAINTIFFS’ EMERGENCY MOTION TO INTERVENE
AND RECEIVE RELIEF UNDER EQUAL PROTECTION OF THE LAW**

BACKGROUND

The Maine Green Independent Party (“MGIP”), with this motion, seeks to become an “Intervening Plaintiff” in the case James Baines (et al.) v Shenna Bellows (“the Secretary”), Case Number 1:19-cv-00509-LEW. MGIP has been a qualified political party in Maine since 1998 with over 40,000 enrolled members statewide at this time.

The Intervening Plaintiff has lacked the funds for legal counsel and is filing this emergency motion to intervene, Pro Se, as matter of being directly impacted by the rulings in this case and seeking similar relief as was given to the Plaintiffs and the Libertarian Party of Maine (“LPME”).

RELEVANT FACTORS

The Plaintiffs made their initial court filing in this case on November 11, 2019. January 25, 2021, MGIP Co-Chair, Lyn Maravell, provided testimony regarding the difficulties in getting signatures for candidates going “door-to-door”. The “door-to-door” method of collecting signatures is necessary, in that the only contact information provided by the Secretary for enrolled voters is physical and mailing addresses. With no other means of reaching out to enrolled voters, it is difficult to connect with possible petition signers. Due to the numbers of enrolled voters in the Democratic Party, Republican Party, and registered Unenrolled voters, a candidate for the Democratic or Republican candidate for office can roughly rely on one out of three voters being in a party that can sign for them, while for the MGIP candidates, the ratio is closer to one out of twenty voters, which makes collecting signatures from unknown groups of voters unfeasible to get to the candidate signature requirements of 21-A M.R.S. § 335(5). While MGIP was contacted for relevant testimony in this case, we lacked the resources to retain an attorney to represent us in the case.

On December 15, 2021 the Plaintiffs filed an emergency motion for permanent injunction, which sought a number of reliefs related to re-enrollment of LPME members that had been purged, restored the LPME as a qualified political party in Maine, and relief from the signature requirements of § 335(2). On December 31, 2021, the Court ruled to GRANT IN PART and DENY IN PART, the emergency injunctive relief, with the resultant outcome that LPME candidates for office are henceforward allowed to collect signatures from LPME registered voters and Unenrolled registered voters, within the district for the office being sought.

While the Intervening Plaintiff has not been a co-plaintiff in this case, the MGIP has closely been following the results of this case. Due to an interest in a prospective candidate for a Congressional level race with the Intervening Plaintiff, based on the Court’s initial ruling and subsequent partial awarding of relief, MGIP Secretary, Benjamin Meiklejohn made an inquiry with the Secretary’s office, on January 3, 2022, regarding an extension of the relief received by the LPME. In the email correspondence, the extension of relief to the MGIP was denied by the Secretary’s office. The Intervening Plaintiff would rather not have had to file this motion, except that we cannot safely collect signatures going door to door while COVID is active.

Maine Greens have temporarily lost their primary source of gathering qualified signatures.

Because of COVID, we are asking for the same relief given the Libertarians, that we temporarily be allowed to collect from Unenrolled and MGIP voters. **While it is true we have plenty of members to get 1000+ signatures from, we don't have safe access to them.**

If we could make use of public signature gathering spots like in front of post offices, at the dumps on Saturdays, some store parking lots..., we would be able to gather signatures from people who have chosen to go out and interact with others. Workers could be set up with masks, hand sanitizers, and a new pen for each signer at a table that could allow for distancing.

We ask you extend the relief granted by the Court on December 31, 2021 to the Intervening Plaintiff.

EMERGENCY RELIEF SOUGHT AND RECOMMENDATIONS

With one candidate currently seeking nominating petition signatures, we ask relief to the Intervening Plaintiff be expedited.

The Intervening Plaintiff believes a reasonable argument can be made for allowing MGIP candidates to collect signatures from MGIP registered voters and Unenrolled registered voters. This emergency relief would be an extension of the relief ordered by the Court, such that the Intervening Plaintiff would receive equal protection under the law as ordered for the Plaintiff.

In summary, the Intervening Plaintiff seeks the following relief and remedy:

That the Maine Green Independent Party be granted similar relief to the LPME, not because our numbers are insufficient, but because we don't have access to them as COVID prevents us from going to our members, door to door.

CONCLUSION

For the arguments provided in this motion, the Court should allow MGIP to file as an Intervening Plaintiff in this case and be extended the relief sought in this motion.

Dated: January 8, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January 2022, the foregoing document was delivered to the Counsel for the Plaintiff (Oliver Hall) using the email address of oliverhall@competitivedemocracy.org and the Counsel for the Defense (Jonathan Bolton) using the email address of Jonathan.Bolton@maine.gov.

