

December 27, 2023

**Via Email:** [SOS.office@maine.gov](mailto:SOS.office@maine.gov)

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

*Re: In re: Challenge to Primary Nomination Petition of Donald J. Trump, Republican Candidate for President of the United States*

### **REQUEST TO DISQUALIFY THE SECRETARY OF STATE**

President Trump requests that the Secretary disqualify herself from this matter because she has already concluded that President Trump engaged in insurrection — a determination that she made well before the submission of evidence or argument in this current matter. Because the Secretary has exhibited a personal bias in this matter, she should disqualify herself from further proceedings.

Specifically, the Secretary made three public statements showing that she has already prejudged this matter.

First, on February 13, 2021, Secretary Bellows issued a public statement on Twitter (since renamed X) which stated in full:

The Jan 6 insurrection was an unlawful attempt to overthrow the results of a free and fair election. Today 57 Senators including King & Collins found Trump guilty. That's short of impeachment but nevertheless an indictment. The insurrectionists failed, and democracy prevailed.<sup>1</sup>

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<sup>1</sup> Twitter statement, February 13, 2021, available at <https://twitter.com/shennabellows/status/1360695169113337865?s=46&t=RNJe4QwjW5r5kxIF3SRMg> (last accessed Dec. 27, 2023), **Exhibit A.**  
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Second, also on February 13, 2021, the Secretary followed upon her own tweet.

Referring to the impeachment vote, she stated:

Not saying not disappointed. He should have been impeached. But history will not treat him or those who voted against impeachment kindly.<sup>2</sup>

Third, on January 6, 2022 – one year after the events of January 6, 2021 – the Secretary further endorsed the view that the events on January 6, 2021, constituted an insurrection from which democratic governance needed “protection.” Specifically she tweeted about a media report about her efforts to “protect” election officials, ballot and voting machine integrity:

One year after the violent insurrection, it’s important to do all we can to safeguard our elections.

**WMTW TV @WMTWTV** Jan 6, 2022  
Maine secretary of state seeks to protect election officials, ballot and voting machine integrity<sup>3</sup>

Using similar language, the Challengers have claimed that the events of January 6, 2021, constituted a violent insurrection and that President Trump somehow poses a danger from which Maine voters must be protected. Thus, the Secretary has already passed judgment on the Challengers’ core assertions.

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<sup>2</sup> Twitter statement, available at <https://twitter.com/shennabellows/status/1360697485765865478?s=46&t=RNJe4QwjW5r5kxIF3SRMg> (last accessed Dec. 27, 2023), **Exhibit B.**

<sup>3</sup> Twitter statement, January 6, 2022, available at <https://twitter.com/shennabellows/status/1479269064539267072?s=46&t=RNJe4QwjW5r5kxIF3SRMg> (last accessed Dec. 27, 2023), **Exhibit C.**  
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Furthermore, by calling the impeachment proceedings and Senate vote an “indictment” of President Trump, the Secretary has exhibited a personal bias against him. The Secretary has bluntly stated that President Trump should have been impeached, and later called him an “insurrectionist” who “failed.” These statements address the very claims at issue in this case; indeed, the Secretary has already agreed with the Challengers’ factual claims.

President Trump deserves a fair and impartial hearing. Both the Maine legislature and Maine courts demand that state administrative proceedings must be conducted fairly and with integrity. “In an agency proceeding, parties have a right to an impartial presiding officer.”<sup>4</sup> Specifically,

Hearings shall be conducted in an impartial manner. Upon the filing in good faith by a party of a timely charge of bias or of personal or financial interest, direct or indirect, of a presiding officer or agency member in the proceeding requesting that that person disqualify himself, that person shall determine the matter as a part of the record.<sup>5</sup>

Furthermore, Maine statute specifically authorizes the Secretary to appoint an impartial officer to adjudicate the challenge to President Trump:

Whenever a presiding officer is disqualified or it becomes impracticable for him to continue the hearing, another presiding officer may be assigned to continue with the hearing; provided that, if it is shown substantial prejudice to any party will thereby result, the substitute officer shall commence the hearing anew.<sup>6</sup>

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<sup>4</sup> *AquaFortis Assocs., LLC v. Me. Dep't of Emtl. Prot.*, 2018 Me. Super. LEXIS 36, \*21.

<sup>5</sup> 5 M.R.S. § 9063.

<sup>6</sup> 5 M.R.S. § 9062(2).

It goes without saying that the Challengers' efforts to prohibit Maine Republicans from voting for the leading Republican presidential candidate is a highly charged matter with serious constitutional and public policy consequences. The Secretary's expression of support for the view that January 6, 2021, constituted an insurrection, and that President Trump was an "insurrectionist," is probative evidence of pre-judgment and bias. At a minimum, the Secretary should avoid all implications of bias.

Due to the expedited nature of this proceeding and the limited time to investigate and prepare, undersigned counsel only learned of this information at the close of business on December 23, 2023. This *Request* has been promptly filed, following investigation and verification of the accuracy of the Secretary's public statements. At this point in the proceedings, the Secretary may designate an impartial hearing officer, withdraw from considering the matter, and turn over final adjudication to that impartial hearing officer. This is a far better course of action than rendering judgment after it has become evident that the Secretary has predetermined that President Trump participated in "insurrection."

For these reasons, President Trump asks that the Secretary: (1) disqualify herself from rendering judgment in this matter; (2) appoint an unbiased, impartial hearing officer; and (3) transfer the matter to the appointed hearing officer.



Respectfully submitted this 27<sup>th</sup> day of December 2023,

THE LAW OFFICES OF BRUCE W. HEPLER

*s/ Benjamin E. Hartwell*

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### Certificate of Service

I certify that on this 21<sup>st</sup> day of December 2023, the foregoing was electronically served via e-mail on all parties and their counsel of record:

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