



Nikhel Sus <[redacted]>

### Motion to Vacate December 28, 2023 Ruling

Office, SOS <SOS.Office@maine.gov>

Fri, Mar 8, 2024 at 7:08 AM

To: [redacted]

Cc: [redacted]

Counsel,

On March 4, 2024, the day that the Supreme Court issued its decision in *Anderson v. Trump*, I issued a Modified Ruling in which I (a) withdrew Part D.2 and the Conclusion of my December, 28, 2023 Ruling, and (b) concluded that Mr. Trump's primary petition was valid on the basis that, consistent with *Anderson*, states lack authority under 21-A Section 336 to find Mr. Trump's statement that he is qualified for president to be false by operation of Section Three of the Fourteenth Amendment.

On March 6, 2024, Mr. Trump submitted a Motion to Vacate the December 28, 2023 Ruling under Maine Rule of Civil Procedure 60(b)(4), contending that it should be immediately withdrawn. That Motion is denied. Even assuming that Rule 60(b)(4) applies in this administrative proceeding, and that I have authority to entertain Mr. Trump's Motion, there is no longer an active case or controversy. The primary election has passed and Mr. Trump's votes were counted, such that any objection to my decision is, at this stage, moot. Further, Mr. Trump has not identified a reason for vacating the *judgment* at issue, namely that his primary petition is valid. Nor would it be appropriate to issue the only relief that Mr. Trump requests—vacatur—without issuing a new judgment pursuant to 21-A M.R.S. Section 337. Finally, nothing in the remainder of the December 28, 2023 Ruling conflicts with the Supreme Court's conclusion in *Anderson* that states lack the authority to *enforce* Section Three of the Fourteenth Amendment with respect to federal officers.

Shenna Bellows

Secretary of State

From: [redacted]  
Sent: Wednesday, March 6, 2024 9:22:20 PM  
To: Office, SOS <SOS.Office@maine.gov>  
Cc: [redacted]

Subject: Motion to Vacate December 28, 2023 Ruling

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Please find the attached Motion to Vacate December 28, 2023 Ruling for filing in *In re: Challenge to Primary Nomination Petition of Donald J. Trump, Republican Candidate for President of the United States*.

Please let me know if you need anything else. Thank you.

[Redacted]



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[Redacted]  
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