

STATE OF MAINE  
KENNEBEC, ss

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-24-01

**DONALD J. TRUMP**

*Petitioner,*

v.

**SHENNA BELLOWS, in her official  
Capacity as Secretary of State, State of  
Maine**

*Respondent.*

**INTERVENTION BY**  
Michael G. Bindner  
(Amicus Curie  
Pursuant to M.R. 24)

### INTRODUCTION

This petition to intervene is filed Pursuant to Rule 24. INTERVENTION on behalf of the Petitioner to advise the Court of additional constitutional provisions not included in either Petitioner's filing or the action of the Respondent removing said petitioner from the primary ballot in the State of Maine, in part, AND on behalf of the respondent as to the applicability of Section 3 of the Fourteenth Amendment to the President of the United States. In short, the text of the Twentieth Amendment provides a solution to this matter which requires that petitioner be granted ballot access in all jurisdictions but is not entitled to serve until his disqualification under the Fourteenth Amendment is removed pursuant to Section 3 of this Amendment.

### GROUND TO INTERVENE

Amicus interest is to provide constitutional arguments to the Court which go beyond the public narrative of the parties and other intervenors. Intervention on behalf of the Respondent is to build the record for later review by the Supreme Court, which does not accept Amici submitted pro se. This Intervention is also applicable to Colorado Republican State Central Committee v. Norma Anderson, et al (Supreme Court Docket 23SA300).

AUGUSTA COURT  
JAN 8 '24 PM 1:21

## THE TWENTIETH AMENDMENT

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, **or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified;** and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

### APPLICABILITY TO BALLOT ACCESS

1. A plain reading of the text anticipates that a president who is not qualified to serve may be elected President by the Electoral College. Because such election traditionally depends on nomination by the President's party, ballot access must be provided in Maine's Republican Primary.

### NONAPPLICABILITY OF THE POLITICAL QUESTION DOCTRINE

2. This matter cannot be considered a political question, as claimed by the Petitioner in paragraph 21 a. of his complaint. If it were such a question, the Congress could simply ignore the disqualification of a President-Elect if it so desired, for example, if both Chambers were controlled by the President-Elect's political party. It defies common sense to, on the one hand, require a vote of two-thirds of each Chamber to remove the disqualification to serve under Section 3 of the 14<sup>th</sup> Amendment, and on the other, allow simple majorities of both Chambers to ignore such disqualification.

### **APPLICABILITY TO THE PETITIONER**

3. The Petitioner cannot be considered immune from the text of the Fourteenth Amendment as claimed by the Petitioner in paragraphs 21 d. and 21 e of his complaint. The plain language of the Twentieth Amendment clearly implies that a President-Elect can be held not qualified to serve and that this qualification can be overcome. It strains credulity to conclude that the Amendment applies to any other disqualification than the one specified in Section 3 of the Fourteenth Amendment.
4. The House Select Committee to Investigate the January 6th Attack on the United States Capitol released their final report on December 22, 2022. House Report 117-663. It's findings depend on Petitioner's conduct in the planning of the events of January 6, 2021, rather than his speech at the rally before the event, as claimed by the Petitioner in paragraph 21 g. of his complaint. See especially paragraph 6.13 of the narrative report which relates the role of the White House an the Petitioner's family in this affair.

### **JURISDICTION**

5. This Court's jurisdiction does not include the power to force the Congress to consider disqualification as part of the counting of Elector votes. This power can only be exercised by the Supreme Court of the United States as part of the inevitable appeal of this case after consideration by the Supreme Judicial Court of the State of Maine.

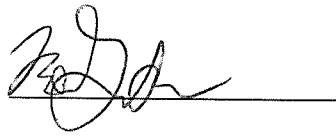
### **RIPENESS**

6. Upon appeal to the United States Supreme Court, this issue is ripe, both because the Petitioner's participation in the Insurrection is an existing disqualification and because consideration of the issue of the Fourteenth and Twentieth Amendments

has a profound effect on the 2024 election, as well as Petitioner's decisions on his pending criminal charges.

Intervenor therefore advises the Court that the action of the Respondent must be reversed and that this Court may not settle the question of how Congress must be required to take official notice of the disqualification of the Petitioner for holding federal office pursuant to Section 3 of the Fourteenth Amendment.

Respectfully submitted this 3<sup>rd</sup> day of January 2024,

A handwritten signature in black ink, appearing to read "M. Bindner", is written over a horizontal line.

Michael G. Bindner  
Pro Se  
14448 Parkvale Road, #6  
Rockville, Maryland 20853  
240-810-9268  
[mbindner@umd.edu](mailto:mbindner@umd.edu)

## Certificate of Service

I certify that on this 3<sup>rd</sup> day of January 2024, the foregoing was served via First Class Mail, and a courtesy copy via email on all parties and their counsel of record.

Bruce W. Hepler, LLC  
c/o Bruce W. Hepler & Benjamin E.  
Hartwell  
75 Pearl Street, Ste 201  
Portland, ME 04101  
[Brucehepler1@gmail.com](mailto:Brucehepler1@gmail.com)  
[Ben.hartwell.law@gmail.com](mailto:Ben.hartwell.law@gmail.com)

Kimberley Rosen, Thomas Saviello and  
Ethen Strimling  
c/o Benjamin Gaines, Esq.  
PO Box 1023  
Brunswick ME 04011  
[ben@gains-law.com](mailto:ben@gains-law.com)

Gessler Blue LLC  
c/o Scott E. Gessler  
7350 E. Progress Place, Ste 100  
Greenwood Village, CO 80111  
[sgessler@gesslerblue.com](mailto:sgessler@gesslerblue.com)

Clayton Henson  
7341 Patch Court  
Canal Winchester, OH 43110  
[Clayton.henson@djfp24.com](mailto:Clayton.henson@djfp24.com)

Dhillon Law Group, Inc.  
c/o Gary M. Lawkowski  
2121 Eisenhower Avenue, Ste 608  
Alexandria, VA 22314  
[glawkowski@dhillonlaw.com](mailto:glawkowski@dhillonlaw.com)

Paul Gordon  
16 Taylor Street  
Portland, ME 04102  
[PaulGordonMaine@gmail.com](mailto:PaulGordonMaine@gmail.com)

Office of the Secretary  
Attn: Shenna Bellows, Secretary of State  
148 State House Station  
Augusta, ME 04333-0148  
[sos.office@maine.gov](mailto:sos.office@maine.gov)

Demi Kouzounas  
361 Seaside Ave.  
Saco, ME 04072  
[demiforme@gmail.com](mailto:demiforme@gmail.com)

Office of the Maine Attorney General  
Attn: Jason Anton, Assistant Attorney  
General  
6 State House Station  
Augusta, ME 04333  
[Jason.anton@maine.gov](mailto:Jason.anton@maine.gov)

Mary Anne Royal  
141 Lebanon Road  
Winterport, ME 04496  
[Kayakmomma3@gmail.com](mailto:Kayakmomma3@gmail.com)

I certify that on this 3<sup>rd</sup> day of January 2024, the foregoing was served via First Class Mail, and a courtesy copy via email the Intervenor and their counsel of record.

Michael Soboleski  
11 Snowy Ridge Road  
Philips, ME 04966  
[Michael.soboleski@legislature.maine.gov](mailto:Michael.soboleski@legislature.maine.gov)

Professor Mark A. Graber  
c/o Jeffrey Neil Young, Esq.  
Solidarity Law, PLLC  
9 Longmeadow Road  
Cumberland Foreside, ME 04110

STATE OF MAINE  
KENNEBEC, ss

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-24-01

**DONALD J. TRUMP**

*Petitioner,*

v.

**SHENNA BELLOWS**, *in her official  
Capacity as Secretary of State of Maine*  
*Respondent.*

**AMICUS BRIEF BY**  
Michael G. Bindner

### INTRODUCTION

This brief is filed, Amicus Curie in support of the Petitioner to advise the Court of additional constitutional provisions not included in either Petitioner's filing. In short, the text of the Twentieth Amendment provides a solution to this matter which requires that petitioner be granted ballot access in all jurisdictions but is not entitled to serve until his disqualification under the Fourteenth Amendment is removed pursuant to Section 3 of this Amendment.

### THE TWENTIETH AMENDMENT

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, **or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified**; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

ALBUSTA COURTS  
JAN 11 '24 PM 2:15

### **APPLICABILITY TO BALLOT ACCESS**

1. A plain reading of the text anticipates that a president who is not qualified to serve may be elected President by the Electoral College. Because such election traditionally depends on nomination by the President's party, ballot access must be provided in Maine's Republican Primary.

### **APPLICABILITY TO THE PETITIONER**

2. The Petitioner cannot be considered immune from the text of the Fourteenth Amendment as claimed by the Petitioner in paragraphs 21 d. and 21 e of his complaint. The plain language of the Twentieth Amendment clearly implies that a President-Elect can be held not qualified to serve and that this qualification can be overcome. It strains credulity to conclude that the Amendment applies to any other disqualification than the one specified in Section 3 of the Fourteenth Amendment.

### **JURISDICTION**

3. This Court's jurisdiction does not include the power to force the Congress to consider disqualification under Section 3 of the Fourteenth Amendment as part of the counting of Electoral votes. This power can only be exercised by the Supreme Court of the United States as part of the inevitable appeal of this case after consideration by the Supreme Judicial Court of the State of Maine.

Intervenor therefore advises the Court that the action of the Respondent must be reversed and that this Court may not settle the question of how Congress must be required to take official notice of the disqualification of the Petitioner for holding federal office pursuant to Section 3 of the Fourteenth Amendment.

Respectfully submitted this 8th day of January 2024,

  
Michael Bindner

---

Michael G. Bindner  
Pro Se  
14448 Parkvale Road, #6  
Rockville, Maryland 20853  
240-810-9268  
[mbindner@umd.edu](mailto:mbindner@umd.edu)



## Certificate of Service

I certify that on this 8th day of January 2024, the foregoing was served via First Class Mail, and a courtesy copy via email on all parties and their counsel of record.

Bruce W. Hepler, LLC  
c/o Bruce W. Hepler & Benjamin E.  
Hartwell  
75 Pearl Street, Ste 201  
Portland, ME 04101  
[Brucehepler1@gmail.com](mailto:Brucehepler1@gmail.com)  
[Ben.hartwell.law@gmail.com](mailto:Ben.hartwell.law@gmail.com)

Gessler Blue LLC  
c/o Scott E. Gessler  
7350 E. Progress Place, Ste 100  
Greenwood Village, CO 80111  
[sgessler@gesslerblue.com](mailto:sgessler@gesslerblue.com)

Dhillon Law Group, Inc.  
c/o Gary M. Lawkowski  
2121 Eisenhower Avenue, Ste 608  
Alexandria, VA 22314  
[glawkowski@dhillonlaw.com](mailto:glawkowski@dhillonlaw.com)

Office of the Secretary  
Attn: Shenna Bellows, Secretary of State  
148 State House Station  
Augusta, ME 04333-0148  
[sos.office@maine.gov](mailto:sos.office@maine.gov)

Office of the Maine Attorney General  
Attn: Jason Anton, Assistant Attorney  
General  
6 State House Station  
Augusta, ME 04333  
[Jason.anton@maine.gov](mailto:Jason.anton@maine.gov)

Kimberley Rosen, Thomas Saviello and  
Ethen Strimling  
c/o Benjamin Gaines, Esq.  
PO Box 1023  
Brunswick ME 04011  
[ben@gains-law.com](mailto:ben@gains-law.com)

I certify that on this 8<sup>th</sup> day of January 2024, the foregoing was served via First Class Mail, and a courtesy copy via email the Intervenor and their counsel of record.


Michael Soboleski  
11 Snowy Ridge Road  
Philips, ME 04966  
[Michael.soboleski@legislature.maine.gov](mailto:Michael.soboleski@legislature.maine.gov)

Counsel for Citizens for Responsibility  
and Ethics in Washington  
1331 F Street, NW, Ste 900  
Washington, DC 20004  
[jmaier@citizensforethics.org](mailto:jmaier@citizensforethics.org)

Professor Mark A. Graber  
c/o Jeffrey Neil Young, Esq.  
Solidarity Law, PLLC  
9 Longmeadow Road  
Cumberland Foreside, ME 04110

c/o Amy Dieterich, Esq.  
Skelton, Tantor & Abbott  
500 Canal Street  
Lewiston, ME 04240  
[adietrich@sta-law.com](mailto:adietrich@sta-law.com)

By:

  
Michael Bindner

Michael G. Bindner  
Pro se  
14448 Parkvale Road, #6  
Rockville, Maryland 20853  
240-810-9268  
[mbindner@umd.edu](mailto:mbindner@umd.edu)