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September 24, 2020

VIA HAND DELIVERY

Matthew Pollack, Esq.
Clerk of the Law Court
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, ME 04112-4125

Re: *David A. Jones, et al. v. Matthew Dunlap*
Law Court Docket No. CUM 20-227

Dear Mr. Pollack:

In their Motion to Stay the Mandate and for an Injunction Pending Relief from the United States Supreme Court, filed yesterday afternoon, Petitioners-Appellees incorrectly assert that the Secretary of State has “conceded” that this election could proceed using a ranked-choice ballot but then tabulating the votes by a plurality based on voters’ first-choice rankings of the candidates. *See* Pet. Motion at 2 & 7. The Secretary has never agreed, nor would he agree, with that suggestion. Voters who cast a ranked-choice ballot may rank a different candidate as their first choice than the one they would select if the winner was going to be determined by a plurality of first-choice votes. To change the rules by which the election outcome will be determined after ballots are printed and votes have begun to be cast would seriously jeopardize the integrity of this election and undermine public confidence in the validity of the outcome.

The Secretary is prepared to file an opposition to the Motion to Stay to address this and other points more fully, if the Court wishes, but in the meantime we wanted to bring this error to the Court’s attention. Thank you for your prompt attention to this matter.

Sincerely,

Hendra Chyckwala # 9916

PHYLLIS GARDINER
Assistant Attorney General

*for
Phyllis Gardiner*

PG/pac
Enclosure
cc: Counsel of Record (via email)

REGD ME SUPREME JUD CT
SEP 24 '20 AM 10:14