

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

STATE BALLOT LAW COMMISSION
COMMISSION Docket No. 24-1 and 24-2

BRUCE CHAFEE, KIM JANEY, MARK
BRODIN, ELIZABETH BARTHOLET,
and AUGUSTA MCKUSICK,
Objectors,
v.
DONALD JOHN TRUMP,
Respondent.

MICHAEL S. ROBERTSON, JR., KEVIN
BATT, THERESA MASON, and
STEPHANIE SANCHEZ,
Objectors,
v.
DONALD JOHN TRUMP,
Respondent.

MOTION TO DISMISS OF THE MASSACHUSETTS REPUBLICAN PARTY

Now Comes the Massachusetts Republican Party (“MassGOP”), and respectfully moves for dismissal of the above-referenced Objections and Complaints.

This matter involves two objections brought under M.G.L. c. 55B sec. 5. The Objectors assert that President Trump is ineligible to hold the office of President of the United States under Section Three of the Fourteenth Amendment. As such, the Objectors

ask the State Ballot Law Commission (“Commission”) to remove President Trump’s name as a presidential candidate on the Republican Party primary ballot.

The MassGOP requests that the Objections and Complaints be dismissed because the Objectors failed to serve all necessary parties as required by the Code of Massachusetts Regulations.

FACTUAL AND PROCEDURAL BACKGROUND

The Massachusetts Secretary of State is the chief election official within the Commonwealth. Within the Secretary of State’s office is the Elections Division which is the filing office for nominations for Federal and State elections. In Massachusetts, there are three ways by which a candidate may be placed on a presidential primary ballot: (1) The Chairperson of one’s political party can place an individual on the ballot; (2) nomination papers may be filed with the Elections Division; and/or (3) the Secretary of the Commonwealth can put an individual on the ballot.

President Trump was placed on the presidential primary ballot at the request of the MassGOP. On or about January 4, 2024, objections under M.G.L. c. 55B were brought by the individuals named in these actions objecting to President Trump appearing on the Republican Party presidential primary ballot.

A Pre-Hearing Conference is scheduled before the Commission on January 18, 2024.

ARGUMENT IN SUPPORT OF DISMISSAL

The Objections and Complaints must be dismissed for insufficiency of service of process. “Simultaneously with the filing of any and all paper with the Commission, the party filing such papers shall send a copy thereof to all other parties to the proceedings” 950 CMR

59.02(10). Parties are defined as "...the objector, the respondent, all other candidates for the office (but at a primary for nomination), and the state committee of any affected political party". 950 CMR 59.01(3)(g). Failure to comply with these rules "shall be ground for refusal by the Commission to accept papers for filing." 950 CMR 59.02(10).

As evidenced by the Certificate of Service appended to the Objection and Complaint, the Objectors failed to serve all necessary parties including "all other candidates for the office" and the moving party on this motion to dismiss – The Massachusetts Republican Party.

CONCLUSION

The Commission should dismiss the Objections and Complaints for the foregoing reasons.

Respectfully submitted this 17th day of January 2024.

THE MASSACHUSETTS REPUBLICAN PARTY,
BY THEIR ATTORNEYS,

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CERTIFICATE OF SERVICE

I, Marc R. Salinas, do hereby certify under the pains and penalties of perjury that on this 17th day of January 2024, I served a true copy of the within document via first-class mail, postage pre-paid, to the following counsel of record and interested parties:

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