



Ten Post Office Square
8th Floor South PMB #706
Boston, MA 02109
617.227.0548
www.consovoymccarthy.com

December 7, 2018

Hon. Lance E. Walker
U.S. District Court, District of Maine
Margaret Chase Smith Federal Building & Courthouse
202 Harlow Street
Bangor, ME 04401

Re: *Baber v. Dunlap*, Docket No. 1:18-CV-00465(LEW)

Dear Judge Walker:

This firm represents Gov. Paul R. LePage in connection with the above-captioned matter. Gov. LePage will leave office on January 2, 2019. Because he has waived service of the Complaint, this means he will not be Governor at the time a responsive pleading would be due in this case. The Governor also expects that the ongoing recount will not be completed before the change in administration, leaving any certification decision to the next administration. Because of these circumstances, the Governor did not participate in the recent argument and does not anticipate filing any formal pleadings in this case during the remainder of his term.

The Governor notes, however, that he does not agree with the Secretary's defense of ranked-choice voting. As the Amended Complaint notes, the Governor has always viewed ranked-choice voting as an affront to the long tradition of elections by a plurality in this State—a precedent initiated following the state's failure to elect by majority a governor in 1880. Ranked-choice voting is also more complicated and confusing to voters. And, in its short life in Maine, ranked-choice voting already has proven to be more expensive to administer, creating unnecessary delays and ballot security issues. Most importantly, however, ranked-choice voting gives some—but not all—voters the opportunity to cast multiple ballots in the same election, while depriving others of the opportunity to reconsider their vote as candidates are dropped from the election. It is the Governor's view that this process is repugnant to the governing legal principles that each person's vote be counted in every election, as well as the constitutional guarantees of due process and equal protection.

Although the Governor expects there will be no cause for further involvement by him in this case before he leaves office on January 2, he respectfully reserves the right to reconsider if events so require.

Best,

/s/Patrick Strawbridge

Patrick Strawbridge

cc: ECF service list