

TARRANT, GILLIES, MERRIMAN & RICHARDSON

44 EAST STATE STREET
POST OFFICE BOX 1440
MONTPELIER, VT 05601-1440

GERALD R. TARRANT
PAUL S. GILLIES
CHARLES L. MERRIMAN
DANIEL P. RICHARDSON

(802) 223-1112
FAX: (802) 223-6225

SARAH R. JARVIS

June 29, 2012

VIA ELECTRONIC FILING AND HAND DELIVERY
Jud-supremecourtbriefs@state.vt.us

Catherine Gattone, Docket Clerk
Vermont Supreme Court
109 State Street
Montpelier, Vermont 05609-0801

Gerald Trudell and Myron Dorfman v. State of Vermont et al.
Supreme Court Docket No. 2011-311

Dear Cathy:

Enclosed is Appellants' Request for Expedited Hearing and Decision in the above matter.

Thank you.

Sincerely,


Charles L. Merriman

Enclosure

cc: Gerald Trudell
Keith T. Aten, Esq. (via e-mail only katen@atg.state.vt.us)
Micaela L. Tucker, Esq. (via e-mail only at mtucker@atg.state.vt.us)
Erica Wolf, Jill Stein for president (via email only at wolf@jillstein.org)

Appellants timely appealed to the decision, but then hit a financial snag. Appellants did not have sufficient funds to pay for a transcript of the hearing. Happily, Appellees and Court counsel agreed to allow Appellants additional time to raise money to pay for the transcript. The money was eventually raised and the appeal proceeded. However, due to extensions granted to both sides,¹ the case was not ready to be scheduled for argument until June 12, 2012.

The “second Thursday after the first Monday in June” fell on June 14, 2012 this year. As was the case with Trudell in 2010, a number of independent candidates failed to meet the new deadline.

1. Presidential candidate Ross C. “Rocky” Anderson met the deadline insofar as his campaign team handed in “statements of nomination” containing over 1,000 signatures. However, because some of the names next to the signatures were not certified by town clerks as required by 17 V.S.A. 2402 (a)(4), the Secretary of State’s office has refused to place Anderson on the 2012 General Election Ballot in Vermont.²

2. The undersigned attorney has received a number of calls and emails from Jill Stein, M.D.’s campaign staff. Dr. Stein is the Green Party’s candidate for the President of the United States. See <http://www.jillstein.org/>. On information and belief, Dr. Stein’s campaign staff failed to meet the deadline here at issue. On information and belief, the office of the Secretary of State has refused to place Dr. Stein on the 2012 General Election Ballot in Vermont.

3. On information and belief, other candidates were denied ballot access this year due to the deadline change.

¹ Both Appellants and Appellees sought and received additional time to file their briefs. Appellants’ attorney acknowledges his responsibility for the additional delay in these proceedings.

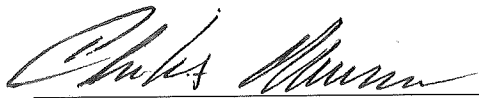
² The certification requirement of Section 2402 (a)(4) applies to independent candidates but not to major party candidates. For this reason and on other grounds, Anderson filed a complaint for declaratory and injunctive relief in Washington Superior Court seeking to have the law declared unconstitutional. Anderson et al. v. State et al, Wash. Sup. Ct., Docket No. 480-6-12 Wncv.

Conclusion.

The primary elections fall on August 28, 2012 this year. At the request of Dr. Stein, Appellants agreed to ask, and respectfully request, that the Court set a hearing in this matter in the month of July and issue a decision before the primary elections. If the Court can accommodate this request, and assuming that the Court strikes the challenged statute as unconstitutional, Dr. Stein, Mr. Anderson, and their respect supporters will be accorded their constitutional rights of association and expression guaranteed to them by the First and Fourteenth Amendment of the United States Constitution and Articles 7th and 8th of the Vermont Constitution.

Dated at Montpelier, Vermont, this 29th day of June, 2011.

APPELLANTS

BY: 
Charles L. Merriman
Attorneys for Plaintiffs
Tarrant, Gillies, Merriman & Richardson
P.O. Box 1440
Montpelier, Vermont 05601-1440

cc: Gerald Trudell (by e-mail only)
Micaela Tucker, Esq.
Keith Aten, Esq.
Erica Wolf, Jill Stein for President (by email only)