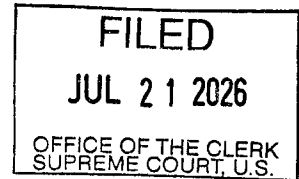


ORIGINAL

No. 26-414



In the Supreme Court of the United States

ANDRE MARTINEZ-FERRATE, ET AL

PETITIONER

v.

STATE OF UTAH, ET AL

RESPONDENTS

*ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS OF
THE TENTH CIRCUIT*

PETITION FOR WRIT OF CERTIORARI

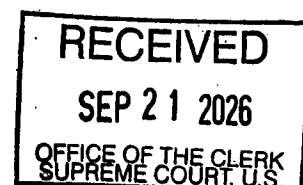
ANDRE MARTINEZ-FERRATE

Petitioner, Pro Se

1314 East Maple Park Ct.

Draper, UT 84020

andreferrate@proton.me



QUESTIONS PRESENTED

1. Whether Presidential Elector Candidates suffer a concrete and particularized injury sufficient to establish Article III standing when state officials remove them from the general election ballot after determining that their Pledged Presidential Candidate is constitutionally ineligible.
2. Whether a State may deny ballot access to qualified Presidential Elector Candidates by adjudicating the constitutional eligibility of their Pledged Presidential Candidate where state law identifies the Presidential Electors, not the presidential nominee as the relevant ballot candidates.
3. Whether the decision below conflicts with this Court's precedents recognizing that exclusion from the ballot and burdens on political participation constitute judicially cognizable injuries under Article III.
4. Whether allowing individual States to determine presidential eligibility in a manner that excludes otherwise qualified Presidential Elector Candidates creates the very state-by-state inconsistency that this Court cautioned against in *Trump v. Anderson*.

PARTIES TO THE PROCEEDINGS

Petitioners include Andre Martinez-Ferrate, Gian Martinez-Ferrate, and Marilyn Westenskow (Elector Candidates) - The following are the Respondents: State of Utah, Office of the Lieutenant Governor, Diedre Henderson, Acting Deputy Director of Elections, Shelly Jackson, Acting Director of Elections, Ryan Cowley in their official capacity. A corporate disclosure statement is not required because Andre Martinez-Ferrate et al, are not a corporation. See Sup. Ct. R. 29.6.

STATEMENT OF RELATED CASES

Plaintiff Pro Se Andre Martinez-Ferrate et al. are aware of no directly related proceedings arising from the same trial-court case as this case other than those proceedings appealed here.

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OF THE TENTH CIRCUIT

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This petition presents a recurring and important question in presidential-election law: whether a State may exclude a qualified slate of Presidential Electors from the ballot by adjudicating the constitutional eligibility of their pledged presidential candidate. The Tenth Circuit did not resolve that question. Instead, it dismissed this case on the lack of Article III Standing.

That ruling conflicts with settled precedent recognizing that election disputes are capable of repetition yet evading review, and it leaves unresolved a question that has already produced inconsistent results across multiple States. This Court's review is warranted

to resolve that conflict and provide clear guidance on the limits of state authority in presidential elections.

Petitioners are qualified presidential elector candidates who complied with all requirements under Utah law to appear on the general-election ballot. Petitioners submitted 1,451 valid signatures, exceeding the statutory requirement of 1,000 signatures.

Despite Petitioners' compliance with all statutory requirements, the Utah Election Division excluded Petitioners from the ballot based solely on its determination that their pledged presidential candidate was allegedly ineligible under Article II of the Constitution.

Utah's law does not authorize state officials to adjudicate presidential eligibility in this manner. Moreover, under Utah law, the candidates on the ballot are the Presidential Electors - not the presidential or vice-presidential nominees.

Utah statutes explicitly confirm that votes cast for President and Vice President are counted as votes for Presidential Electors, and that presidential nominees themselves are not ballot candidates under state law. By adjudicating the eligibility of a non-candidate and using that determination to exclude qualified elector candidates, Utah acted beyond its statutory authority.

On February 27, 2026 , the United States Court of Appeals for the Tenth Circuit stated, "Plaintiffs have not clearly alleged facts sufficient to establish an injury in fact. Therefore, they have no standing and our analysis need go no further. Accordingly, the district court's dismissal of the complaint is AFFIRMED." (App.1a) That ruling allows States to exclude qualified

presidential elector candidates from the ballot by unilaterally determining that their pledged presidential candidate is disqualified from appearing on the ballot, despite the absence of congressional authorization.

If Utah's ruling is allowed to stand, it will mark the first time that qualified presidential elector candidates who fulfilled every legal requirement for ballot access were excluded solely based on a State's determination regarding their pledged presidential candidate. This action prevented voters from casting ballots for a qualified slate of electors who met all state-mandated requirements for ballot access.

In addition, even if the Utah Election Division could consider challenges to our Pledged Candidate's eligibility, which it cannot, there are various reasons they misapplied the law, and why their decision needs to be reversed.

First, the decision below misapplies Article III standing by holding that Petitioners suffered no cognizable injury despite being excluded from the presidential ballot as qualified presidential elector candidates. Petitioners challenge the deprivation of their own constitutional rights to ballot access, political association, and participation in the electoral process not an entitlement to hold office or the rights of their pledged presidential candidate. The decision below improperly conflates the jurisdictional inquiry with the merits of Petitioners' claims and conflicts with this Court's standing and ballot-access precedents.

Second, the decision below permits States to exceed their constitutional authority by excluding qualified

presidential elector candidates based solely on a State's independent determination of the constitutional eligibility of their pledged presidential candidate. Because Presidential Electors, not Presidential Nominees, are the candidates appearing on the ballot under Utah law, the State's actions burdened Petitioners' constitutional rights and invited inconsistent state-by-state determinations concerning presidential elections.

Third, this case presents exceptionally important and recurring questions concerning the constitutional limits of state authority in presidential elections and the need for uniform national standards governing ballot access for Presidential Electors. Absent this Court's review, States will remain free to adopt conflicting constitutional interpretations that produce unequal treatment of presidential elector candidates, undermine the uniform operation of the Electoral College, and allow these recurring constitutional questions to evade meaningful judicial review.

OPINIONS BELOW

United States Appeals Court of the Tenth Circuit Judgment is reproduced at App.1a The Utah District Court Memorandum and Order is reproduced at App. 8a.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1). The United States Court of Appeals for the Tenth Circuit entered judgment on February 27, 2026. This petition is timely under Rule 13.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The relevant constitutional and statutory provisions are at App.16a.

STATEMENT

This case arises from the removal of independent Presidential Elector Candidates from the Utah general election ballot by the Utah Elections Division. Petitioners, Andre Ferrate-Martinez et al. (Elector Candidates), were among the five qualified independent Elector Candidates pledged to Presidential Candidate. The Utah Election Division removed the Petitioners based on the alleged ineligibility of Pledged Candidate, despite no statutory authority permitting such action.

Over the last couple of years, lawsuits or administrative challenges have been filed in some States seeking to keep Elector Candidates from appearing on those States' presidential general election ballots. In other States, secretaries of states and/or election board officials have, without any due process, simply removed Pledged Candidates name from the presidential general election ballot. Finally, other States who have allowed Pledged Candidate on their presidential general election ballots either with his name listed or as a write-in.

In the following States, voters can cast a vote for Elector Candidates by selecting Pledged Candidates name since it will be listed on the ballot:

- Washington

- Iowa
- Massachusetts
- Idaho
- Mississippi
- Kentucky
- Minnesota

In the following States, voters can cast a vote for
Electoral Candidates via write-in by writing Pledged
Candidates name on ballot:

- Alabama
- Florida
- Colorado
- Delaware
- Georgia
- Illinois
- Kansas
- Maine
- Maryland
- Texas
- New Hampshire
- North Carolina
- Ohio
- Oregon
- Maine
- Michigan
- Montana
- Pennsylvania
- Rhode Island
- Vermont

- Washington DC
- West Virginia
- Wyoming

In multiple States, presidential elector candidates who fulfilled or exceeded all state-mandated requirements for ballot access were nevertheless excluded from the ballot based on state determinations regarding their pledged presidential candidate:

- New Jersey
- Wisconsin
- Utah
- Tennessee
- Nebraska

The common rationale underlying these actions is that state officials may evaluate the eligibility of a pledged presidential candidate and use that determination to exclude otherwise qualified elector candidates from the ballot.

The challenge in the State of Utah has become ripe for review by this Court since the United States Court of Appeals for the Tenth Circuit affirmed with the lower court and Utah Election Division's Final Decision to remove Pledged Candidate from running for the Office.

The respondents in this case include three parties: The State of Utah including; Diedre M. Henderson, Shelly Jackson; Ryan Cowley. Concerning the appointment of Electors of the President and Vice President of the United States, the U.S. Constitution creates and defines the Electoral College as the only

process by which each State's Electors vote by ballot to elect the President and Vice President of the United States.

No state may add qualifications beyond those stated in the U.S. Constitution for ballot eligibility of Utah Elector Candidates for the President and Vice President of the United States, and may not directly or indirectly infringe upon federal constitutional protections; see e.g., *United States Term Limits, Inc. v. Thornton*, 514 U.S. 779, 827, 115 S.Ct. 1842, 1866 (1995).

On February 29, 2024 , Six independent Presidential Elector Candidates ("Elector Candidates") jointly submitted 1,451 signatures of Utah voters to qualify those Six Elector Candidates as Utah independent Electors at the November 5, 2024 general election; the Six Elector Candidates submitted nomination papers specifically for the U.S. Constitutionally defined office of "Elector of President and Vice President of the United States." U.S. Const. art. II, § 1.

The Utah election Code requires submission of 1,000 signatures in the aggregate from Utah voters. *Utah Stat. § 20A-9-502 (5)(a)(A)*

This case concerns an issue of exceptional national importance: whether a State may remove qualified presidential elector candidates from the ballot by determining that their Pledged Presidential Candidate is constitutionally ineligible, and then avoid judicial review by arguing that those elector candidates suffered no legally cognizable injury.

The decision below effectively holds that presidential elector candidates possess no independent constitutional rights when State officials remove them from the ballot based upon a determination directed at another individual. That conclusion conflicts with this Court's ballot-access jurisprudence and threatens the uniform administration of presidential elections throughout the United States.

I. UTAH'S REMOVAL OF PETITIONERS FROM THE PRESIDENTIAL BALLOT

Petitioners sought placement on Utah's 2024 general-election ballot as Presidential Elector Candidates pledged to Dr. Shiva Ayyadurai. Petitioners complied with Utah's statutory procedures governing presidential elector nominations.

Before the general election, however, officials within the Utah Office of the Lieutenant Governor determined that Dr. Shiva was allegedly constitutionally ineligible to seek the Office of President because he was not a "natural born Citizen."

Based solely upon that determination, Utah refused to recognize Petitioners as presidential elector candidates and excluded them from the general-election ballot.

The State did not allege that Petitioners themselves were constitutionally disqualified, failed to satisfy Utah's ballot-access requirements, or were otherwise ineligible to serve as Presidential Electors. Instead, Petitioners were removed solely because Utah independently adjudicated the constitutional qualifications of their Pledged Presidential Candidate.

II. THE UNITED STATES APPEALS COURT OF THE TENTH CIRCUIT AND THE UTAH DISTRICT COURT PROCEEDINGS

Petitioners commenced this action pursuant to 42 U.S.C. §1983, alleging violations of the First Amendment, the Fourteenth Amendment, and the Due Process Clause.

Petitioners sought declaratory, injunctive, and monetary relief arising from Utah's exclusion of their names from the presidential ballot. The district court never reached the merits of Petitioners' constitutional claims.

Instead, the court concluded that Petitioners lacked Article III standing because they possessed no legally protected right to become Presidential Electors and therefore had suffered neither an injury in fact nor an injury capable of judicial redress.

The court further concluded that because Dr. Shiva was not himself a party, Petitioners could not challenge the legality of Utah's determination regarding his constitutional eligibility.

Accordingly, the district court dismissed the complaint for lack of subject-matter jurisdiction. Petitioners appealed. The Court of Appeals affirmed. This Petition follows.

III. WHY THIS CASE MATTERS

This controversy extends far beyond Utah. During the 2024 presidential election cycle, States adopted markedly different approaches concerning presidential

elector candidates pledged to the same presidential candidate.

Some States permitted those elector candidates to appear on the ballot. Others permitted votes through write-in procedures.

Still others including Utah excluded otherwise qualified elector candidates based upon independent determinations concerning the constitutional eligibility of their pledged presidential candidate. The resulting patchwork of inconsistent state practices demonstrates the precise danger this Court warned against in *Trump v. Anderson*: permitting individual States to impose differing constitutional judgments affecting the conduct of national presidential elections.

Absent review by this Court, States will remain free to reach conflicting conclusions concerning identical presidential candidates, producing inconsistent treatment of presidential elector candidates and unequal access to the ballot throughout the Nation.

IV. THE NORTH STAR

The Office of President is elected by all the people, and there are sufficient mechanisms - “people, electors, political parties, and Congress” – who can intervene to prevent an “ineligible” candidate from holding the Office.

The Respondents' actions are severely flawed, and a close analysis reveals how a low-level election official can create the law “on-the-fly” that gets percolated

upward, and rubber-stamped by agency heads. In approaching this analysis, the work of one of the leading scholars on ballot access and the rights of States to adjudicate qualifications of the Presidency, provides a “North Star” (emphasis added):

“States lack any power to evaluate qualifications in congressional elections, **and any power to evaluate qualifications in presidential elections arises solely from the force of its own statutes.** Because of the review of qualifications that occurs in the people, electors, political parties, and Congress, **the need for the state to review is slight.**”

Based on this North Star, the Utah Election Division’s actions have no basis in any State statute that allows the State of Utah to remove a presidential candidate from the ballot and to stop the candidate’s running for the Office based on that candidate being “ineligible” to hold the Office.

Therefore, the action did not concern the signatures or procedural sufficiency of the nomination papers, but instead centered on the State’s determination of the eligibility of the pledged presidential candidate. This claim exceeds the State’s authority. This Court has recognized that States may not exclude candidates from the ballot based on their own interpretations of federal constitutional qualifications. See *Trump v. Anderson*, 601 U.S. 100 (2024). Allowing such determinations

would result in inconsistent state-by-state outcomes in a national election.

This ruling affected the Petitioners' First and Fourteenth Amendment rights and exceeded the Division's statutory authority under Utah law. It imposed a non-statutory condition on ballot access by evaluating the eligibility of a pledged presidential candidate, rather than the qualifications of the Petitioners themselves, without procedural due process or clear legal authorization. Similar efforts in other states have produced inconsistent outcomes, further demonstrating the lack of uniform standards across jurisdictions.

This case exemplifies the type of inconsistent state-level determinations this Court cautioned against in *Trump v. Anderson*. The Commission's action warrants review to clarify the limits of state authority in presidential elections and to ensure uniform application of federal election law.

The Utah Election Division failed to serve or challenge the actual candidates - namely, the five Utah residents who submitted nomination papers to appear as candidates for the Office of Elector in the November 5, 2024 general election. No defect was alleged or proven as to their nomination papers or qualifications under Utah law.

In addition, the Utah Election Division's action is inconsistent with this Court's guidance in *Trump v. Anderson*, which cautioned against inconsistent

state-by-state enforcement of federal constitutional provisions in presidential elections. That concern has materialized, as States have taken divergent approaches to similar situations involving presidential elector candidates, with some excluding elector slates based on their own determinations and others permitting ballot access under comparable circumstances.

The Utah District Court issued its initial decision on May 15, 2025. The United States Court of Appeals for the Tenth Circuit subsequently affirmed the exclusion of Petitioners from the ballot. App. 8a.

That decision rests on a fundamental legal error. Petitioners satisfied all statutory requirements for ballot access as presidential elector candidates. No defect was alleged in their nomination papers or qualifications.

Instead, the State excluded Petitioners by evaluating the eligibility of their pledged presidential candidate and using that determination to deny ballot access. Under Utah law, however, the relevant candidates are the Presidential Electors, not the presidential nominee.

No Utah statute authorizes state officials to adjudicate the eligibility of a presidential candidate as a basis for excluding otherwise qualified elector candidates. By doing so, the State imposed a non-statutory condition on ballot access and exceeded its authority.

In fact, the decisions of the Utah Election Division and the United States Court of Appeals for the Tenth

Circuit have contributed to the inconsistent state-by-state outcomes this Court sought to avoid.

REASONS FOR GRANTING THE PETITION

This case presents recurring questions concerning the constitutional rights of presidential elector candidates, the limits of state authority in presidential elections, and the proper application of Article III standing. The decision below deprives presidential elector candidates of any judicial remedy whenever a State excludes them from the ballot by determining that their pledged presidential candidate is constitutionally ineligible.

If allowed to stand, the decision invites inconsistent state-by-state determinations in presidential elections, undermines the uniform administration of federal elections, and conflicts with this Court's precedents concerning ballot access, political participation, and Article III standing.

This Court's review is warranted

I. THE STATE OF UTAH'S DECISION MISAPPLIES ARTICLE III STANDING

The district court dismissed Petitioners' complaint on the ground that Petitioners suffered no injury in fact because they possessed no legal right to become Presidential Electors. The court further concluded that Petitioners' alleged injuries were not redressable because no judicial order could confer Presidential Electorship upon them.

That reasoning fundamentally misunderstands the injury alleged.

Although Petitioners acknowledge that Article III requires an injury in fact, traceability, and redressability, *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992), exclusion from the ballot itself constitutes the concrete injury challenged here.

Petitioners did not allege merely that they desired to serve as Presidential Electors. Rather, they alleged that they were denied the opportunity to participate in the electoral process as qualified presidential elector candidates after state officials imposed an extra-statutory barrier to ballot access. Petitioners sought review of the State's exclusionary action itself.

The constitutional injury therefore arose from exclusion from the ballot and deprivation of participation in the electoral process, not from any asserted entitlement to hold office.

This Court has repeatedly recognized that restrictions on ballot access, political participation, and electoral association constitute concrete injuries capable of judicial review. This Court has long recognized that restrictions on ballot access burden both candidates and voters because they limit political association and voter choice. *Anderson v. Celebrezze*, 460 U.S. 780, 786-88 (1983).

Likewise, this Court has held that restrictions preventing candidates from obtaining ballot access

implicate First and Fourteenth Amendment interests. *Bullock v. Carter*, 405 U.S. 134, 142-44 (1972).

A litigant need not prove entitlement to ultimate electoral success to establish standing; exclusion from the electoral process itself constitutes a judicially cognizable injury.

By requiring Petitioners to demonstrate a legal entitlement to serve as Presidential Electors before recognizing any injury, the decision below transforms standing doctrine into a merits determination. Article III does not require a plaintiff to prove the merits of his constitutional claim before obtaining judicial review.

Indeed, this Court has consistently distinguished the existence of a concrete injury from the ultimate validity of the underlying constitutional claim. Petitioners alleged that state officials prevented them from appearing on the presidential ballot through an allegedly unconstitutional application of state law. Those allegations are sufficient to invoke the judicial power of the federal courts.

The decision below therefore conflicts with this Court's standing jurisprudence by collapsing the distinction between jurisdiction and the merits.

II. PETITIONERS ASSERTED THEIR OWN CONSTITUTIONAL RIGHTS, NOT THOSE OF THEIR PLEDGED PRESIDENTIAL CANDIDATE

The district court also concluded that because Dr. Shiva Ayyadurai was not a party to the litigation,

Petitioners could not challenge the State's determination regarding his constitutional eligibility. That conclusion mischaracterizes Petitioners' claims.

Petitioners do not seek to vindicate the constitutional rights of another individual. Rather, Petitioners seek redress for injuries personally suffered by them.

Petitioners were themselves candidates for the constitutionally recognized office of Presidential Elector. Their names were excluded from the ballot. Their political association was burdened. Their participation in the presidential election was prevented.

Their opportunity to compete for election as Presidential Electors was extinguished. These injuries belong to Petitioners.

The State's determination regarding the eligibility of their pledged presidential candidate merely supplied the rationale for excluding Petitioners from the ballot. It did not transform Petitioners' constitutional claims into those of a third party.

Indeed, the constitutional protections afforded by the First and Fourteenth Amendments extend independently to candidates, political participants, and voters alike. Petitioners therefore possess standing to challenge governmental action directed against them, even if that governmental action was triggered by an administrative determination regarding another individual.

The contrary conclusion effectively insulates state election officials from judicial review whenever they

choose to burden one group of constitutional actors by making findings concerning another.

Nothing in Article III permits such a result.

III. THE STATE OF UTAH'S DECISION CONFLICTS WITH THIS COURT'S BALLOT-ACCESS JURISPRUDENCE

This Court has long recognized that ballot-access restrictions implicate fundamental constitutional interests. See *Lubin v. Panish*, 415 U.S. 709, 716–19 (1974) (States may regulate elections but may not impose unnecessary burdens that effectively exclude otherwise qualified candidates from the ballot). Election regulations are evaluated by balancing the State's regulatory interests against the burdens imposed on constitutional rights. *Burdick v. Takushi*, 504 U.S. 428, 433–34 (1992).

Restrictions affecting candidates necessarily burden political association, political expression, voter choice, and the orderly functioning of representative government.

Those principles apply with particular force in presidential elections.

Presidential elections occupy a unique position within our constitutional structure. Although States possess authority to regulate many aspects of election administration, that authority remains subject to constitutional limitations and cannot be exercised in a

manner that arbitrarily burdens federal constitutional rights.

Here, Utah imposed a condition for ballot access that Petitioners contend appears nowhere in Utah's statutory framework governing presidential elector candidates.

Political participation surrounding ballot access lies at the core of the First Amendment. *Meyer v. Grant*, 486 U.S. 414, 421-22 (1988).

Rather than evaluating Petitioners' qualifications, the State adjudicated the constitutional eligibility of their pledged presidential candidate and used that determination as the basis for excluding Petitioners from the ballot.

If States possess such authority, identical slates of Presidential Electors may be treated differently from one State to another based solely upon differing constitutional interpretations adopted by individual election officials.

That result cannot be reconciled with the national character of presidential elections or with this Court's repeated recognition that federal constitutional standards governing presidential elections should not vary from State to State without clear constitutional or congressional authorization.

IV. THIS CASE PRESENTS AN IMPORTANT AND RECURRING QUESTION OF FEDERAL LAW THAT WARRANTS THIS COURT'S REVIEW

This Court has long recognized that presidential elections occupy a unique place within the Nation's constitutional framework. Unlike elections for purely state offices, presidential elections involve the selection of federal constitutional officers through a process established by Article II and the Twelfth Amendment. Questions affecting presidential ballot access therefore possess exceptional national importance.

The questions presented here are neither isolated nor hypothetical. During the 2024 presidential election cycle, multiple States reached different conclusions concerning whether presidential elector candidates pledged to the same presidential candidate could appear on the general-election ballot. Some States permitted ballot access, others permitted votes through write-in procedures, while others excluded otherwise qualified elector candidates based upon independent determinations regarding the constitutional eligibility of their pledged presidential candidate.

The resulting lack of uniformity demonstrates that lower courts and state election officials have adopted materially different approaches to the same constitutional questions.

Such inconsistency is especially problematic because presidential elections are national in character. Voters in one State should not possess substantially different opportunities to support presidential elector candidates than voters in another merely because state officials have adopted conflicting interpretations of federal constitutional requirements.

Absent review by this Court, the same constitutional questions will continue to arise during future presidential elections, producing uncertainty for candidates, electors, voters, and election officials throughout the Nation.

Only this Court can establish uniform constitutional standards governing the authority of States to exclude presidential elector candidates from the ballot.

V. THE DECISION BELOW THREATENS THE UNIFORM OPERATION OF THE ELECTORAL COLLEGE

The Constitution establishes a single national process for selecting the President of the United States.

Although each State appoints Presidential Electors in the manner directed by its legislature, that authority exists within the framework established by the Federal Constitution.

The decision below effectively authorizes each State to determine whether presidential elector candidates may appear on its ballot by independently evaluating the constitutional eligibility of the presidential candidate to whom those electors are pledged.

Such authority has no discernable limiting principle.

If permitted to stand, one State could conclude that a presidential candidate satisfies Article II while another concludes otherwise.

One State could exclude an entire slate of Presidential Electors.

Another could permit those same electors to appear on the ballot. Still another could permit only write-in votes.

The result would be a patchwork of conflicting constitutional determinations affecting a single national election. This Court has repeatedly emphasized that the election of the President requires national uniformity in the interpretation of federal constitutional requirements. Permitting fifty States to independently determine presidential eligibility for ballot-access purposes invites precisely the type of inconsistent administration that undermines public confidence in presidential elections.

This case therefore presents an ideal vehicle for clarifying the constitutional limits on state authority before the next presidential election cycle.

VI. PETITIONERS' CLAIMS ARE CAPABLE OF REPETITION YET LIKELY TO EVADE REVIEW

Although the 2024 presidential election has concluded, the constitutional questions presented remain live.

Presidential elections occur on fixed constitutional timelines that make complete judicial review extraordinarily difficult before the election has passed.

Challenges involving ballot access frequently become impossible to resolve fully before Election Day.

Absent review after the election, constitutional disputes concerning presidential ballot access may continually evade appellate review.

Petitioners intend to continue participating in future presidential elections and reasonably expect to pursue presidential elector candidacies in subsequent election cycles. Nothing in Utah law prevents the same governmental conduct from recurring.

Indeed, unless this Court provides guidance, state election officials remain free to repeat the precise actions challenged in this litigation whenever similar circumstances arise.

The recurrence of presidential elections every four years, combined with the compressed litigation schedule inherent in election disputes, makes this controversy particularly appropriate for review by this Court.

Without intervention, the constitutional questions presented here will persist while repeatedly escaping definitive resolution.

VII. STATES LACK AUTHORITY TO EXCLUDE PRESIDENTIAL ELECTORS BY ADJUDICATING PRESIDENTIAL ELIGIBILITY

The Constitution assigns to the States the authority to appoint Presidential Electors, but it does not grant States authority to adjudicate the constitutional eligibility of presidential candidates as a condition of ballot access.

This Court's decision in *Chiafalo v. Washington*, 591 U.S. 578 (2020), confirms that States possess significant authority to regulate the conduct of Presidential Electors after they are appointed, including requiring electors to honor their pledges. But *Chiafalo* does not hold that States possess authority to adjudicate the constitutional eligibility of a presidential candidate and, on that basis alone, exclude otherwise qualified presidential elector candidates from the ballot. The authority recognized in *Chiafalo* concerned enforcement of a state law governing appointed electors—not the creation of a new ballot-access qualification based on a State's independent interpretation of Article II. By refusing ballot access to Petitioners because of its own constitutional determination regarding their pledged presidential candidate, Utah exercised a power materially different from the one recognized in *Chiafalo*.

States possess authority to regulate elections, but not to manipulate the electoral process by imposing qualifications or conditions beyond those authorized by federal law. *Cook v. Gralike*, 531 U.S. 510 (2001).

Under Utah law, the relevant candidates are the Presidential Electors themselves. Petitioners complied with all statutory requirements to appear on the ballot, including submission of sufficient signatures. No defect was alleged in Petitioners' qualifications or nomination papers.

Instead, Utah excluded Petitioners based solely on its determination that their Pledged Presidential Candidate was allegedly ineligible under Article II. That determination concerned an individual who is not a candidate for any office under Utah law.

Utah law confirms that votes cast for President and Vice President are counted as votes for Presidential Electors, and that presidential nominees themselves are not ballot candidates. By adjudicating the eligibility of a non-candidate and using that determination to exclude qualified elector candidates, Utah acted beyond its statutory authority.

Allowing States to adjudicate presidential eligibility in this manner would create inconsistent determinations across jurisdictions, undermining the uniform national character of presidential elections. This Court has recognized the importance of avoiding such state-by-state variation in presidential election rules.

This case presents an opportunity for this Court to clarify that States may not exclude Presidential Electors from the ballot by adjudicating the constitutional eligibility of a pledged presidential candidate absent clear congressional authorization.

VIII. THIS CASE PRESENTS AN EXCELLENT VEHICLE FOR RESOLVING THESE QUESTIONS

This case squarely presents the constitutional questions identified in the Questions Presented.

The district court dismissed the action solely on jurisdictional grounds, concluding that Petitioners lacked Article III standing because they possessed no legally protected interest sufficient to establish injury in fact or redressability.

Accordingly, the issues before this Court are cleanly presented.

There are no disputed factual questions that would complicate review. The record is complete. The constitutional issues were fully briefed below.

The legal questions concerning Article III standing, presidential elector candidates, ballot access, and the limits of state authority are purely questions of law.

This Court therefore has before it an appropriate vehicle for resolving recurring constitutional questions that affect the administration of presidential elections throughout the United States.

CONCLUSION

The petition for a writ of certiorari should be granted.

The judgment below should be reversed, or vacated and remanded.

Respectfully submitted,



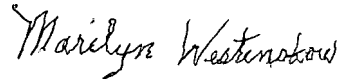
GIAN MARTINEZ-FERRATE

Plaintiff Pro Se



ANDRE MARTINEZ-FERRATE

Plaintiff Pro Se



MARILYN WESTENSKOW

Plaintiff Pro Se