

**STATE OF MAINE
MAINE SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

Law Court Docket No. Cum-26-288

**Jane Gilbert et al.
v.
Secretary of State et al.**

**Brief of Amici Curiae Sofia Pride, Jason McNeill, Matthew Couture
and Molly Curtis**

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AMICUS BRIEF OF PETITION SIGNERS AND CIRCULATORS

This brief is filed on behalf of Maine residents and registered voters who exercised their right to initiate legislation pursuant to Article IV, Part Third, Section 18 of the Maine Constitution. Sofia Pride is a registered Falmouth voter. Jason McNeill and Matt Couture are registered Brunswick voters. Molly Curtis is a registered Newburgh voter.

Matt Couture, Jason McNeill, and Sofia Pride all signed petitions to place the citizen initiative, “An Act to Designate School Sports Participation and Facilities by Sex” (“the Ballot Initiative”) on the ballot for the November 2, 2026, general election. Molly Curtis circulated petitions in support of the Ballot Initiative and gathered 162 signatures. Pride, McNeill, Couture and Curtis are collectively referred herein as “signatories.”

Although the signatories support the Ballot Initiative and would like the opportunity to vote for it at the general election, they also believe that, whether they support this proposed legislation or not, Maine voters should have the opportunity to vote on it.

I. EACH OF SIGNED PETITIONS FOR THE BALLOT INITIATIVE THAT THE SECRETARY INVALIDATED.

On December 12, 2025, Jason McNeill, signed a petition circulated by Cairo in support of “An Act to Designate School Sports Participation and Facilities by Sex.” Through no fault of his own, the Secretary has invalidated McNeill’s signature.

On December 12, 2025, Matt Couture, signed a petition circulated by Cairo in support of “An Act to Designate School Sports Participation and Facilities by Sex.” Through no fault of his own, the Secretary has invalidated his signature.

McNeill and Couture affixed their signatures in the presence of Circulator Cairo. R. 00563. They understand the Secretary invalidated all the petition signatures collected by Cairo on the grounds that, although Cairo signed a circulator affidavit agreeing to submit to Maine’s jurisdiction and although she appeared at the May 12 hearing before the Secretary’s Hearing Officer, Cairo did not indicate her submission to Maine’s jurisdiction soon enough.

McNeill and Couture also understand that when Cairo appeared before the Hearing Officer to testify, no one asked her any questions about her petitions because no one, not even the Secretary, challenged any of the signatures she gathered. They are deeply troubled that because of Cairo’s supposed error (which they understand is being contested), the Secretary chose to punish **them**—the voters—and to destroy

their lawful expression and “vote” to put the Ballot Initiative out to the public for discussion and debate.

On November 11, 2025, Sofia Pride signed a petition circulated by Ryan McMann in support of “An Act to Designate School Sports Participation and Facilities by Sex.” R 009636. Her signature has not been invalidated. She signed the petition so that all Maine residents could consider the merits of the Ballot Initiative and so that Maine voters could vote on it, one way or the other, in the November 2026 general election.

By the Secretary’s own count, 67,150 Maine voters validity signed petitions, expressing their constitutionally empowered intent that the voters can consider, discuss, and vote on the merits of the Ballot Initiative at the November 2026 general election ballot. Pride is one of those 67,150 Maine voters and she objects to the Secretary’s effective invalidation of her signature on the grounds set forth below.

Molly Curtis is a Newburgh resident and voter. She strongly supports the Ballot Initiative. Curtis circulated petitions so that Maine voters could express their support for the Ballot Initiative. She worked hard to find Maine voters who would sign petitions supporting the placement of the Ballot Initiative on the November 2026 general election ballot. Curtis gathered 162 signatures in support of the Ballot Initiative. R. 018037-018046.

For the reasons set forth below, Curtis objects to the Secretary's decisions which threaten to frustrate the intent of the 162 voters who signed the petitions she circulated to place the Ballot Initiative on the November 2026 general election ballot.

II. THE SECRETARY IS REQUIRED TO APPLY THE STANDARDS GOVERNING THE INITIATIVE POWER

When Maine voters amended the Maine Constitution to add the initiative and referendum powers, they were reinvesting themselves with the power of direct democracy. The Law Court has acknowledged the significance of this change: “By the amendment the people reserved to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature, and also reserved power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by joint action of both branches of the legislature.” *Farris ex rel. Dorsky v. Goss*, 143 Me. 227, 230-231, 60 A.2d 908 (1948). “In short, the sovereign which is the people has taken back, subject to the terms and limitations of the [Initiative Amendments], a power which the people vested in the legislature when Maine became a state.” *Id.* 143 Me. at 231.

The Law Court has since repeatedly emphasized that both the courts and those executive officials charged with administering initiatives and referenda and required to implement them to promote, not to impede, the voters' exercise of these sovereign lawmaking powers. As the Law Court made clear that these amendments “**must** be liberally construed to facilitate, rather than to handicap, the people’s exercise of their sovereign power to legislate.” *McGee v. Sec’y of State*, 2006 ME 50, ¶ 25, 896 A.2d 933.

At two points in this litigation, the Secretary submitted briefs to the Superior Court. The first was filed before the Superior Court remanded for a hearing and the second was filed with the Superior Court after this matter was returned to the Superior Court. The Secretary also confirmed and wholly adopted the Presiding Officer’s post-hearing Recommended Decision. Although in her briefs, the Secretary made detailed arguments and cited considerable case law and statutory authority, at no point did she demonstrably apply, or even acknowledge, the Law Court’s constitutionally based directives for administering the voters’ exercise of **their** initiative powers.

This was error. The Law Court articulated these standards both to respect the voters’ powers of direct democracy and to ensure that courts and responsible officials would both be guided by those standards and held accountable for failing

to apply them. The Secretary's failure to acknowledge and apply these standards emboldened her to invalidate signatures and, in effect, to disenfranchise Pride, McNeill, Couture, Curtis and every other Maine voter who signed the petition. *Maine Taxpayer Action Network v. Sec'y of State*, 2002 ME 64, ¶ 23, 795 A.2d 75 (Dana, J., concurring) (invalidation of petition signatures disenfranchises elector-signatories).

Maine statute 21-A M.R.S. § 904(4) makes it a criminal offense for an elector to “knowingly” sign more than one petition for the same measure. Pride, McNeill, Couture and Curtis are concerned that future voters who become aware of the Secretary's casual invalidation of thousands of elector signatures because of non-material circulator error, may conclude that the best way to avoid disenfranchisement on future petitions is to sign several. The Secretary is creating this risk by making it clear to the tens of thousands of persons who signed petitions to put the Ballot Initiative on the November ballot that she will invalidate their signatures arbitrarily and for no good reason.

When Pride, McNeill, Couture and Curtis signed their names to the Ballot Initiative petitions, they were exercising their constitutional rights, as provided by art. IV, pt. 3, § 18, to show support for the Ballot Initiative and to implement their

considered view that Maine voters should have the opportunity to discuss and debate this proposed legislation and, on November 3, 2026, vote for or against it.

In addition to exercising their constitutional rights as electors, Pride, McNeill, Couture and Curtis were also exercising their rights to petition the government and to freely express their views on what they all view as an important matter of public policy. The Secretary's invalidation of their signatures severely burdened—in fact, effectively eliminated—their right to petition the government as protected by the First Amendment to the U.S. Constitution and by art. I, § 15 of the Maine Constitution.

The Secretary's invalidation also thwarted Pride, McNeill, Couture and Curtis's free expression of their views as protected by the First Amendment to the U.S. Constitution and by art. I, § 4 of the Maine Constitution. See, *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182,199-2300(1999); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 246 (1995); *Meyer v. Grant*, 486 U.S. 414, 421-22 (1988).

Pride, McNeill, Couture and Curtis also believe that, unless the Secretary is acting pursuant to a clear and specific constitutional directive, when considering the invalidation of petitions based on the acts or omissions of third parties, including circulators, she should only invalidate petitions as a last, not a first, resort.

The Secretary should invalidate elector signatures only after fully and demonstrably applying the constitutional standards for the protection and encouragement of the voters' exercise of their sovereign lawmaking rights as set forth in *McGee*, *Farris*, and other similar decisions.

Although the Secretary claims that she is protecting the integrity of the initiative, she is undermining it. Pride, McNeill, Couture and Curtis's frustration with the Secretary's invalidation of their signatures and those of thousands more Maine voters has undermined confidence in the initiative and referendum process and faith in the ability of Maine citizens to employ direct democracy to effect change.

WHEREFORE, Sofia Pride, Jason McNeill, Matthew Couture and Molly Curtis respectfully request this honorable Court to reverse the order of the Superior Court and allow the Ballot Initiative to appear on the November 2026 ballot and for such other just and appropriate relief.

June 22, 2026

/s/ Cynthia A. Dill
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CERTIFICATE OF SERVICE

I, Cynthia Dill, hereby certify that I sent a copy of this Amici Curiae to counsel for
Appellant and Appellee by email.

June 22, 2026

/s/ Cynthia A. Dill
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