STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

Law Court Docket No. Cum-26-288

JANE GILBERT, MARK SAYRE, and KAITLIN WEBBER,
Petitioners-Appellees

v.

SHENNA BELLOWS,
in her official capacity as Maine Secretary of State,
Respondent-Appellee,

PROTECT GIRLS' SPORTS IN MAINE,
a registered Ballot Question Committee,
Intervenor-Appellant.

On Appeal from Cumberland County Superior Court
Docket No. AP-2026-10

APPENDIX

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TABLE OF CONTENTS

Table of Contents ..... App. 0001

Docket Record, Cumberland County Superior Court, Docket No. AP-2026-010 ..... App. 0004

Petition for Review of Final Agency Action, March 27, 2026 ..... App. 0010

Petitioners' Brief, April 10, 2026 ..... App. 0048

Secretary of State's Rule 80C Brief, April 17, 2026 ..... App. 0085

Intervenor's Response to Petitioners' Brief, April 17, 2026 ..... App. 0128

Petitioners' Reply Brief, April 22, 2026 ..... App. 0153

Decision and Order, April 24, 2026 ..... App. 0186

Petitioners' Post-Hearing Brief, May 15, 2026 ..... App. 0204

Intervenor's Post Hearing Brief on Remand, May 15, 2026 ..... App. 0260

Presiding Officer McBrien's Recommended Decision, May 21, 2026 ..... App. 0300

Petitioners' Objections to Certain Findings and Conclusions of the Deputy Chief Secretary of State, May 23, 2026 ..... App. 0342

Intervenor's Objections to Presiding Officer's Recommended Decision, May 23, 2026 ..... App. 0351

Secretary of State's Revised Determination of Validity, May 26, 2026 ..... App. 0370

Brief of Intervenor on Final Decision of Secretary of State, June 3, 2026 ..... App. 0415

Post-Remand Superior Court Opening Brief, June 3, 2026 ..... App. 0461

Secretary of State's Post-Remand Rule 80C Brief, June 5, 2026 ..... App. 0523

Petitioners' Post-Remand Response Brief, June 8, 2026 .....App. 0569

Intervenor's Reply Brief on Final Decision of Secretary of State, June 8, 2026 .....App. 0607

Decision and Order, June 11, 2026 .....App. 0638

ADDITIONAL DOCUMENTS

Determination of Validity (R0001 - R0002) .....App. 0651

Petition (R0014 - R0017).....App. 0653

Instructions to Petition Organizers (R0018 - R0022) .....App. 0657

Instructions to Petition Circulators (R0023 - R0025).....App. 0662

Circulator Affidavit (R0026).....App. 0665

Petition Organization Registration Applications (R0028 - R0051).....App. 0666

Petition Certification Instructions (R0097 - R0100) .....App. 0690

Petition Certification Checklist (R0101) .....App. 0694

Circulator Affidavit - Jordan Albert (R032608) .....App. 0695

Circulator Affidavit - Cairo (R032665).....App. 0696

Circulator Affidavit - Kewechi Chukwuma (R032674) .....App. 0697

Circulator Affidavit – Ummsalaamah Hakeem (R032767) .....App. 0698

Petitioners' Exhibit 2, Topsham Photo (R033713) .....App. 0699

Petitioners' Exhibit 3, Topsham Photo (R033714) .....App. 0700

Petitioners' Exhibit 4, Topsham Video (placeholder) (R033715).....App. 0701

Petitioners' Exhibit 5, Topsham Video (placeholder) (R033716).....App. 0702

Petitioners' Exhibit 9, Saco Photo (R033717).....App. 0703

Petitioners' Exhibit 10, Saco Photo (R033718).....App. 0704

Petitioners' Exhibit 11, Saco Photo (R033719).....App. 0705

Petitioners' Exhibit 13, Saco Video (placeholder) (R033720) .....App. 0706

Intervenor's Exhibit 2, Circulator Affidavit – Cairo (May 5, 2026) .....App. 0707

Justice Deborah Cashman

Date filed: 03/27/2026 CUMBERLAND COUNTY Docket No. AP-26-010

Action: Rule 80C Appeal

A True Copy Attest:
Jennifer Cyr
Clerk

Jane Gilbert
Mark Sayre
Kaitlin Webber

Vs.

Shenna Bellows,
in her official capacity as Maine Secretary of State

Protect Girls Sports in Maine - Intervenor

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Date of Entry

Mar. 30	Received 03/27/26 Petition for Review of Final Agency Action with Exhibits A-D filed.
Mar. 30	Filing fee paid.
Mar. 31	On 03/31/26. Case sent to Justice Cashman for review.

Apr 2	On 04/02/26 Case returned
Apr 2	Received 04/01/26 Protect Girls Sports in Maine's Motion to Intervene Pursuant to 21-A M R S § 905 and M R Civ P 80C along with incorporated proposed order and certificate of service filed
Apr 2	Received 04/02/26 Petitioners' Motion for Admission of Counsel Pro Hac Vice along with proposed order filed Filing fees paid
Apr 7	Received 04/03/26. Entry of Appearance of Jonathan R Bolton AAG on behalf of Shenna Bellows, in her official capacity as Maine Secretary of State filed.
Apr 7	Received 04/03/26 Joint Motion for Scheduling Order along with proposed order filed
Apr 7	Received 04/06/26 Agency Record filed
Apr 7	On 04/07/26 Case sent to Justice Deborah Cashman for review
Apr 10	Received 04/08/26. Petitioners' Motion to Supplement the Record with copies of affidavits marked as Exhibits A-J to the motion and thumb drive containing video attachments referenced in the Exhibits filed
Apr 10	Received 04/10/26 Respondent Secretary of State's letter regarding the Agency Record filed on 04/06/26. Attached to the letter is a thumb drive meant to replace the thumb drive previously filed
Apr 10	Received 04/10/26 Petitioners' Brief along with copies of affidavits marked as Exhibit A-J to the Brief filed
Apr 10	Received 04/10/26 Challenge Summary Table and Tables 1-21 filed

Apr 21 Received 4/17/26
Secretary of State's Combined Rule 80C Brief and Response to Motion to Take Additional Evidence with Exhibits A & B filed

Apr 21 Received 04/17/26
Proposed Intervenor's Response to Petitioners Brief and Opposition to Petitioners' Motion to Supplement the Record filed with exhibits 1 & 2 filed.

Apr 21 Received 04/21/26
Order on Motion to Intervene (Cashman, J dated 04/13/26) Upon Consideration GRANTED. Copies sent to parties/counsel on 04/21/26

Apr 21 Received 04/21/26
Order on Petitioners' Motion for Admission of Counsel *Pro Hac Vice* (Cashman, J. dated 04/13/26) GRANTED The Clerk shall incorporate this Order on the docket by reference pursuant to M R Civ P 79(a) Copies sent to parties/counsel on 04/21/26

Apr 21 Received 04/21/26.
Scheduling Order (Cashman, J dated 04/13/26) See order for more detailed information Pursuant to M.R Civ P. 79(a), the clerk is hereby directed to incorporate this order by reference in the docket Copies sent to parties/counsel on 04/21/26

Apr 22 Received 04/22/26
Secretary of State's Unopposed Motion to Correct an Omission in the Agency Record along with a proposed order filed Attached to the filing is a thumb drive that contains the agency record with the proposed additions

Apr 22 Received 04/22/26
Petitioners' Reply Brief filed

Apr 22 Received 04/22/26
Petitioners' Original Affidavits (Exhibits A, B, C, D, E, G, H, I, J of the Petitioners' Brief) filed

Apr 24 Received 04/24/26
Order on Secretary of State's Unopposed Motion to Correct an Omission in the Agency Record (Cashman, J dated 04/23/26) The Court GRANTS the motion The Clerk shall note this Order on the docket by reference pursuant to M R Civ P 79(a). SO ORDERED Copies sent to parties/counsel on 04/24/26

Apr 24	Received 04/24/26 Decision and Order (Cashman, J dated 04/24/26) For the foregoing reasons, the entry is this matter is REMANDED to the Secretary of State for further proceedings consistent with this Order, which may include correcting the concessions identified herein, taking new evidence, and developing further findings of fact as necessary The Secretary is ordered to issue a new Determination of Validity within 30 days of this Order The clerk is directed to incorporate this order into the docket by reference M.R Civ P 79(a) Copies sent to parties/counsel on 04/24/26
May 27	Received 05/27/26 Letter from Intervenor's Attorney Timothy Woodcock, Esq requesting a status Conference with the Court at the very earliest opportunity Attached to the Request is Exhibit A (copy of Secretary of State's Final Decision)
May 27	On 05/27/26. Case sent to Justice Cashman for review
May 28	On 05/28/26. **Status conference by Zoom set for Thursday 05/28/26 at 3pm.** Zoom info as follows - meeting ID 958 9605 0866, passcode 316 643 Parties/counsel notified by email from the clerk
May 28	On 05/28/26 Status conference held by Zoom Petitioners' were represented by Christopher Dodge, Esq , and Ben Stafford, Esq. Respondent was represented by John Bolton, AAG and Intervenor was represented by Timothy Woodcock, Esq and Janna Gau, Esq Status conference digitally recorded in Portland CR#8 (3 02pm-3 39pm)
May 29	Received 05/29/26 The parties' proposed Agreed Scheduling Order on Post-Remand Proceedings Filed
May 29	Received 05/29/26 Order on Agreed Scheduling Order on Post-Remand Proceedings (Cashman, J dated 05/29/26) See order for more detailed information Copies sent to parties/counsel on 05/29/26

June 3	Received 06/02/26 Secretary of State's Supplemental Agency Record - composed of Volumes 1-3, along with a thumb drive containing electronic portions of the agency record and PDF copies of the Volumes 1-3 filed
June 3	Received 06/02/26. Secretary of State's Consented-to Motion to Seal Volume 3 of the Supplemental Agency Record along with proposed Order filed
June 4	Received 06/04/26 Petitioners' Post-Remand Opening Brief and Cross-Appeal filed
June 4	Received 06/04/26 Brief of Intervenor, Protect Girls Sports In Maine Ballot Question Committee, On Final Decision of Secretary of State on Remand From This Court filed (Original received/stamped in on 06/05/26)
June 8	Received 06/08/26 Secretary of State's Post-Remand Rule 80C Brief filed
June 9	Received 06/09/26 Reply Brief of Intervenor, Protect Girls Sports in Maine Ballot Question Committee, on Final Decision of Secretary of State on Remand From This Court filed. (Original received/stamped in on 06/10/26)
June 9	Received 06/09/26 Petitioners' Post-Remand Response Brief filed
June 11	Received 06/11/26 Decision and Order (Cashman, J dated 06/11/26) The Committee's appeal is DENIED The Secretary's Revised Determination of Validity is AFFIRMED The clerk is directed to incorporate this order into the docket by reference M R Civ P 79(a). Copies sent to parties/counsel on 06/11/26
June 12	Received 06/11/26 Intervenor, Protect Girls' Sports in Maine's Notice of Appeal filed Appeal fee of $175 00 paid Date-stamped copies of the Notice of Appeal were sent to parties/counsel on 06/12/26

June 12 On 06/12/26
Copies of Intervenor's Notice of Appeal, appeal checklist and docket record were sent to the Clerk of the Law Court on 06/12/26

June 12 Received 06/12/26
Order on Consented-To Motion to Seal Volume 3 of the Supplement Agency Record (Cashman, J dated 06/12/26) The Court GRANTS the motion Under M R Civ P 79(b)(1) it is hereby ORDERED that Volume 3 of the Supplemental Agency Record be segregated from the publicly available records of the Court And kept under seal The Clerk shall note this Order on the docket by reference pursuant to M R Civ.P 79(a) SO ORDERED Copies sent to parties/counsel on 06/12/26

June 15 On 06/15/26
Record on appeal sent to the Clerk of the Law Court on 06/15/26 Attested copies of the docket record were sent to parties/counsel on 06/15/26

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
DOCKET NO. _____

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

PETITION FOR REVIEW OF FINAL AGENCY ACTION

EXPEDITED ELECTION MATTER UNDER TITLE 21-A M.R.S. § 905 AND RULE 80C

Pursuant to Title 21-A M.R.S. § 905, 5 M.R.S. § 11001, and Maine Rule of Civil Procedure 80C, Petitioners Jane Gilbert, Mark Sayre, and Kaitlin Webber hereby petition this Court for review of Secretary of State Shenna Bellows's March 17, 2026 decision to approve a ballot question based on the citizen initiative entitled, "An Act to Designate School Sports Participation and Facilities by Sex" (the "Ballot Initiative"). As set out below, while the Secretary properly invalidated thousands of submitted petition signatures, thousands of additional signatures were improperly validated. When these errors are corrected, the Ballot Initiative will be below the 67,682 valid signature threshold necessary to qualify for the ballot.

The Secretary's determination that the sponsor of the Ballot Initiative submitted the requisite number of signatures should therefore be vacated or, in the alternative, the matter should be remanded to the Secretary for further consideration. In support of this Petition and the relief requested herein, Petitioners state as follows:

NATURE OF THE CASE

1. Maine law sets forth a comprehensive and commonsense set of rules that govern the collection of signatures for ballot initiatives. *See generally* 21-A M.R.S. §§ 901–906; Me. Const. art. IV, pt. 3, §§ 18, 20, 22. These rules demand that the various actors involved in the signature gathering process—circulators, notaries, and voters themselves—do so in a manner that ensures the integrity of the petition process.

2. The Law Court has stressed that "[s]ignatures *must* be obtained by qualified petition circulators . . . *according to an established procedure*." *Reed v. Sec'y of State*, 2020 ME 57, ¶ 3, 232 A.3d 202 (citing *Me. Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶¶ 3, 10, 19, 795 A.2d 75); *see also We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 20 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022) (explaining that proponents of an initiative "*must* file a *valid* petition with a sufficient number of signatures with the Secretary" (emphases added)). The Law Court has likewise affirmed repeatedly that signatures collected or submitted in violation of the procedures set forth in Maine law, which exist to "preserve the integrity of the . . . process," *cannot* be validated. *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 14, 795 A.2d 75 (recognizing that as "early as 1917, we held that verification of the signatures and the subsequent oath taken by the circulator is an 'indispensable accompaniment[] of a valid petition,' and, accordingly, that the invalidation of signatures lacking this prerequisite is necessary") (quoting *In re Op. of the Justices*, 103 A. 761, 767 (1917)); *see also Knutson v. Sec'y of State*, 2008 ME 124, ¶ 20, 954 A.2d 1054; *In re Op. of the Justices*, 174 A. 846, 847–48 (Me. 1934); *In re Op. of the Justices*, 95 A. 869, 874–76 (Me. 1915).

3. But the Ballot Initiative campaign at issue here—an operation funded and supported largely by out-of-state interest groups and individuals—fell short of these requirements at nearly every turn, often in troubling ways that call into question the legitimacy of the Ballot Initiative.

The Secretary properly invalidated 8,659 signatures submitted by the proponents of the Ballot Initiative due to some of these failures—but the Secretary nonetheless concluded in her March 17, 2026 Determination of Validity that 71,033 signatures were "valid" and thus that the Ballot Initiative petition exceeded the necessary threshold of 67,682 signatures by a margin of 3,351. *See* Determination of Validity of a Petition for Initiated Legislation Entitled: "An Act to Designate School Sports Participation and Facilities by Sex," **Ex. A** at 2 ("Determination of Validity").[1]

4. Petitioners allege on information and belief that circulator affidavits and oaths infected by fraudulent misrepresentations—and a series of other critical deficiencies in the submitted petition—require that thousands of additional signatures be invalidated, resulting in the Ballot Initiative proponents failing to achieve the requisite number of *valid* signatures. Indeed, in just the short few days since the Secretary's March 17, 2026 Determination of Validity, Petitioners—registered Maine voters—identified a series of grave violations of core requirements of Maine's initiative procedures that were overlooked in the initial determination.

5. Some of these petition violations are simple but material oversights. *See* 21-A M.R.S. § 905. For example, Petitioners identified hundreds of apparent instances where the same person signed the initiative petition twice—yet *both* signatures were counted. These hundreds of examples are in addition to many other duplicate signatures already invalidated in the initial determination.

6. Petitioners also identified a troubling pattern of statutory and constitutional violations in connection with circulator obligations. Affidavits submitted by at least four circulators who came from out-of-state to support the Ballot Initiative facially fail to affirm consent

[1] While Petitioners are including certain exhibits with this Petition to aid the Court, they reserve the right to identify or introduce additional evidence upon production of the agency record. *See* M.R. Civ. P. 80C(e), (j); *infra* note 2.

to jurisdiction of this State—in violation of the obligation imposed upon them by Maine law. *See* 21-A M.R.S. § 903-A(4)(D); Consent Order, *We the People PAC v. Bellows*, Case No. 1:20-cv-489 (D. Me. Feb. 9, 2020), ECF No. 88 (hereinafter "Consent Order"). These individuals, who accordingly were not authorized to circulate petitions in Maine, collected well over a thousand signatures on validated petitions. Moreover, Petitioners have obtained evidence—in some cases *video evidence*—that several circulators failed to witness signatures and then fraudulently submitted affidavits stating that they had—in plain violation of Maine law. Me. Const. art. IV, pt. 3, § 20; *see* 21-A M.R.S. § 902. These violations implicate hundreds of validated signatures, and potentially far more.

7. Petitioners identified a host of other petition issues that should result in the invalidation of even more previously-validated petitions—including but not limited to failures to accurately complete mandatory fields on petition pages, as well as discrepancies among notarizations and dates. And, finally, Petitioners also assert a series of problems with individual voter signatures on validated petitions—including missing dates and addresses, and the validation of signatures by individuals who do not appear to be registered to vote in Maine at all. Together, these invalid signatures further require invalidation of thousands more signatures.

8. Accordingly, when the dust settles on the "whole" record, it will be clear that the proponents of the Ballot Initiative have simply failed to qualify "An Act to Designate School Sports Participation and Facilities by Sex" for the November 2026 ballot. For this reason and those set forth in greater detail below, Petitioners respectfully request that the Court declare the Secretary's March 17, 2026 Determination of Validity contrary to law and vacate the decision.[2]

[2] Absent instruction from the Court or an agreement among the parties otherwise, Petitioners intend to move for a limited remand to the Secretary for additional fact-finding, revised determinations

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this petition for review pursuant to 4 M.R.S. § 103(3)(A); 5 M.R.S. § 11001(1); and 21-A M.R.S. § 905(2).

10. The Court may exercise personal jurisdiction over the Secretary of State because this action seeks review of final action taken by the Secretary in her official capacity as Secretary of State of Maine. *See Palesky*, 1998 ME 103, ¶ 5, 711 A.2d 129 (first citing 21-A M.R.S. § 905; and then citing M.R. Civ. P. 80C).

11. Venue is proper in Cumberland County pursuant to 5 M.R.S. § 11002(1)(A) because one or more of the Petitioners resides in Cumberland County.

PARTIES

12. Petitioner Jane Gilbert is a registered voter in the State of Maine and resides in Augusta, in Kennebec County.

13. Petitioner Mark Sayre is a registered voter in the State of Maine and resides in Portland, in Cumberland County.

14. Petitioner Kaitlin Webber is a registered voter in the State of Maine and resides in Lewiston, in Androscoggin County.

15. Petitioners are aggrieved by the Secretary's March 17, 2026 Determination of Validity because that decision approved a ballot initiative that failed to satisfy the requirements of Maine law and, in doing so, advanced a discriminatory measure to the November ballot. As Maine voters, Petitioners have a direct interest in ensuring that only lawfully qualified measures appear

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on these serious issues, and a revised Determination of Validity. *See, e.g.*, *Palesky v. Sec'y of State*, 1998 ME 103, ¶ 14, 711 A.2d 129 (approving of this procedure); *Jones v. Sec'y of State*, 2020 ME 113, ¶¶ 3–4, 238 A.3d 982 (similar).

on the ballot and that the initiative process is administered in accordance with the Maine Constitution and Title 21-A. *See* 21-A M.R.S. § 905(2).

16. Respondent Shenna Bellows is sued in her official capacity as Secretary of State for the State of Maine. She is the constitutional officer charged with administering Title 21-A, Chapter 11, which governs direct petitions for citizen-initiated legislation, and is responsible for determining whether sponsors of citizen-proposed initiatives have submitted a sufficient number of petitions signed by lawful Maine voters to qualify the proposed measure for the ballot.

LEGAL BACKGROUND

I. Citizen-proposed ballot measures must comply with mandatory requirements that safeguard the integrity of the process.

17. The Maine Constitution provides that any qualified voter may propose new legislation directly to the people—but only after proponents of a citizen initiative have satisfied a series of requirements set forth in Maine law. Me. Const. art. IV, pt. 3, §§ 18, 20, 22.

18. Section 18, itself added to the Constitution through a referendum approved by the people in 1908, sets forth the relevant procedures. *See id.*[3] It provides, as relevant:

> 1. Petition procedure. The electors may propose to the Legislature for its consideration any bill, resolve or resolution . . . by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State . . . .
>
> 2. Referral to electors unless enacted by the Legislature without change; number of signatures necessary on direct initiative petitions; dating signatures on petitions; competing measures. For any measure thus proposed by electors, the number of signatures shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition. . . .

Me. Const. art. IV, pt. 3, § 18.

[3] *See also* Me. State Leg., Constitutional Provisions for Maine's Citizen Initiative and People's Veto (updated through 130th Leg.), https://perma.cc/Q7VS-NYHS.

19. Section 18 and other constitutional provisions—discussed in more detail below—provide the core mandates that govern the initiative process, but "the Maine Constitution also grant[s] the Maine Legislature the authority to carry out those constitutional mandates," and the "Legislature has exercised that authority by delineating the procedure by which a party may introduce an initiative." *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 10, 795 A.2d 75; *see generally* 21-A M.R.S. §§ 901–05.

20. The Constitution and governing statutes further grant the Secretary specific rulemaking authority with respect to ballot initiatives—that is, authorization to issue mandatory instructions and forms as necessary to govern the process. *See* 21–A M.R.S. §§ 901, 903; *see also Me. Taxpayers Action Network*, 2002 ME 64, ¶ 12, 795 A.2d 75 (describing Secretary's power to oversee process).

21. Maine law governing the initiative process thus consists of constitutional, statutory, and administrative rules that serve as mandatory thresholds that proponents of a ballot initiative generally *must* satisfy to successfully place the question before the people. These requirements safeguard the integrity of the initiative process, ensure its proper usage, and protect against fraud.

22. The ballot initiative process begins with a written application on the "form designed by the Secretary," which must contain "the names, residence addresses, e-mail addresses, telephone numbers and signatures of 5 voters," as well as "the full text of the proposed law and a summary that explains the purpose and intent of the direct initiative in both electronic and printed formats." 21-A M.R.S. § 901; *see also* **Ex. B** (Ballot Initiative Application).

23. The applicant must sign the application "in the presence of the Secretary of State, the Secretary of State's designee or a notary public." 21-A M.R.S. § 901. Within 15 business days of receiving an application, the Secretary must "either reject the application or provide a first

revised draft of the initiative legislation to the applicant." *Id.*[4] Once a petition is approved, proponents of the measure may begin to circulate the petition to garner the signatures required to advance the proposal. *See* Me. Const. art. IV, pt. 3, § 18.[5]

24. The Secretary must prepare and issue the specific "written petition" forms upon which the signatures are to be collected, as well as instructions that circulators must follow when completing and circulating them. *See* 21-A M.R.S. §§ 901–03.

25. The Constitution defines the "written petition" as "one or more petitions . . . with the original signatures of the petitioners . . . attached," Me. Const. art. IV, pt. 3, § 20, and prescribes the minimum number of valid signatures that must be lawfully collected by petition circulators to advance the proposal—10% of the total vote for Governor cast in the last gubernatorial election. *See id.* § 18. That figure is currently 67,682. **Ex. A** at 2. Only "electors"—lawful Maine voters—can sign petitions. Me. Const. art. IV, pt. 3, § 18; *see also id.* § 20 ("'electors' mean[s] the electors of the State qualified to vote for Governor").

26. Statutory law in turn defines circulation as the process by which "a circulator of a petition solicits signatures for the petition by presenting the petition to the voter, asking the voter

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[4] Grounds for rejection include failure to conform the proposed petition to the prescribed forms or "the essential aspects of the drafting conventions established for the Maine Revised Statutes," such as bill titles and headnotes, conformity to numbering systems, and avoidance of purely testimonial provisions. 21-A M.R.S. § 901. This review process can involve multiple iterations, with the Secretary required to review subsequent drafts within 10 business days and provide revised drafts or suggestions for conformity with State law. *Id.* The applicant must give written consent to the final language before the petition form is designed. *Id.*

[5] Certain filing deadlines are constitutionally prescribed. *See* Me. Const. art. IV, pt. 3, § 18(2) (requiring submission "by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the Legislature in first regular session or on or before the 25th day after the date of convening of the Legislature in second regular session"). Additionally, petitions may not be filed "later than 18 months after the date the petition form was" first reviewed and approved for circulation by the Secretary of State. *Id.*

to sign the petition and personally witnessing the voter affixing the voter's signature to the petition." 21-A M.R.S. § 903-A.

27. Prior to circulating any petitions for an initiative, a petition organization must "register with the Secretary of State on a form prescribed by the Secretary[.]" 21-A M.R.S. § 903-C. The form must include the ballot question the organization will circulate, contact information for the organization, designated agent(s) for the organization and their contact information, and a list containing the names of all individuals hired by the petition organization to assist in circulating petitions. *Id.* The list must be updated and resubmitted when completed petitions are filed. *Id.*

28. Proponents of a ballot measure must provide each circulator with "a copy of the laws and rules governing the circulation of petitions for a direct initiative or people's veto as provided by the Secretary of State." 21-A M.R.S. § 903-A. The Secretary must supply this information when approved petition forms are provided. *Id.*

29. The Secretary similarly is required to prepare instructions to inform the signer and circulator of a petition of the statutory and constitutional requirements. 21-A M.R.S. § 903. The instructions must describe "conditions that have been held to invalidate either individual signatures or complete petitions" and be "printed on the petition." *Id.*; *see also* **Ex. C** ("Instructions to Petition Circulators for Initiative Petitions") (rev. July 2023).

30. The law also states that a "person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact statement . . . prior to that voter signing the petition." 21-A M.R.S. § 901-A. The summary must be as it appears on a publicly accessible website established by the Secretary of State." *Id.*

31. Each petition circulated to voters, accordingly, must display at the top, in type no smaller than 16 points, the statement "Freedom of Citizen Information: Before a registered voter

signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement," with the summary prepared by the Secretary directly below this statement. *Id.* Each petition page must also include "a space at the top right or left corner . . . filled in with the name of the circulator collecting signatures on that petition and a unique identifying number." *Id.* Circulators must use the form prescribed by the Secretary. *See* 21-A M.R.S. §§ 901, 903-A.

32. The Constitution separately sets specific requirements around the dating of voter signatures: "The date each signature was made shall be written next to the signature on the petition," and a "signature is not valid if it is dated more than one year prior to the date that the petition was filed." Me. Const. art. IV, pt. 3, § 18.

33. Each circulator must complete an oath—as to each petition they submit—attesting that the signatures on the petition are valid and were properly gathered. To that end, each petition must be "verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be." Me. Const. art. IV, pt. 3, § 20; *see also* 21-A M.R.S. § 902.

34. As a further safeguard, "[t]he oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths." Me. Const. art. IV, pt. 3, § 20. Upon administering that oath, a notary witnessing the oath must affix a notarial certificate on each petition. *See* 21-A M.R.S. § 902.[6] Each petition page must then be submitted to municipal

[6] Section 903-E specifies persons who are *not* authorized to administer an oath or affirmation to a petition circulator: "A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation to the circulator of a petition under section 902 if the notary public or other generally authorized person is (A) providing

registrars for certification of the voters in accordance with the Constitution. *See id.* (incorporating Me. Const. art. IV, pt. 3, § 20). Registrars who receive improperly verified petitions are directed by the statute to return them without certification. 21-A M.R.S. § 902. The law also expressly states that the Secretary may invalidate a petition "if [she] is unable to verify the notarization of that petition." *Id.* § 905. The statute requires comprehensive record-keeping, with municipal clerks required to maintain logs of submitted petitions, and notaries required to keep records of administered oaths. *Id.* § 902.

35. Circulators must also file an affidavit at the time petitions are submitted to the Secretary. The circulator affidavit must provide: (A) the "circulator's printed name, the physical address at which the circulator resides and the date the circulator signed the affidavit," (B) that the circulator read the information provided by the Secretary and understands the laws governing the circulation of petitions in the State, (C) that the circulator was a resident of the State and a registered voter in the State at the time of circulating the petition, and (D) that the circulator understands that the circulator can be prosecuted for violating the laws governing the circulation of petitions, "including the requirement that the circulator truthfully executed the affidavit." 21-A M.R.S. § 903-A.

36. The Secretary is presently enjoined from enforcing the provisions of Maine law that require circulators to be residents of Maine—but, notably, *only* if sufficient other safeguards are in place to ensure that out-of-state circulators comply with Maine law. *See We the People PAC*, 40 F.4th at 26; *see also infra* Factual Allegations § III-B. To that end, the *only* non-resident circulators

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any other services, regardless of compensation, to initiate the direct initiative or people's veto referendum for which the petition is being circulated, or (B) providing services other than notarial acts, regardless of compensation, to promote the direct initiative or people's veto referendum for which the petition is being circulated." 21-A M.R.S. § 903-E.

authorized to circulate initiative petitions are those who are (a) otherwise qualified and (b) who have agreed to submit to the jurisdiction of Maine for purposes of petition circulation issues. *See id.* at 20; *see also infra* Factual Allegations § III-B (discussing *Bellows* and subsequent consent order). Accordingly, the affidavit form prepared by the Secretary permits circulators to either affirm their Maine residency in compliance with the Constitution or, alternatively, affirm that they agree to submit to jurisdiction of the State. *See generally* **Ex. D** (Circulator Affidavit).

37. The Law Court has repeatedly emphasized that circulator responsibilities are "'pivotal' to the circulation process." *Knutson*, 2008 ME 124, ¶ 23, 954 A.2d 1054 (quoting *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 13, 795 A.2d 75); *see also Reed*, 2020 ME 57, ¶ 4, 232 A.3d 202 (citing *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 11, 795 A.2d 75). Thus, it has held that the mandates of Maine law related to petition circulation cannot be disregarded and signatures collected in violation of applicable legal requirements *cannot* be counted. *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 21, 795 A.2d 75 (explaining that longstanding jurisprudence requires voiding petitions that fail to comply with the law); *see also, e.g.*, *Knutson*, 2008 ME 124, ¶ 20, 954 A.2d 1054 ("When a petition is tendered to the Secretary that does not meet the requirements of the petition laws, it must be voided").

II. This Court must reverse or modify the Secretary's approval of petitions that fail to satisfy the governing legal requirements.

38. Section 905 sets forth the review provisions for petitions submitted in support of a proposed ballot measure. Under that provision, the Secretary first reviews all petitions for compliance with the requirements of Maine law and then must determine the "validity of the petition and issue a written decision stating the reasons for the decision within 30 business days from the date of filing of a written petition." 21-A M.R.S. § 905(1).

39. The provision then prescribes review of the Secretary's decision by this Court: As relevant here, "any" voter is permitted to "appeal the decision of the Secretary of State by commencing an action" to this Court "in accordance" with Rule 80C of the Maine Rules of Civil Procedure within 10 days of the Secretary's decision. 21-A M.R.S. § 905(1).

40. The relevant review provisions direct this Court to "[r]everse or modify the decision [of the Secretary] if the administrative findings, inferences, conclusions or decisions are: (1) in violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4) affected by bias or error of law; (5) unsupported by substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion." 5 M.R.S. § 11007(4)(B); *see* M.R. Civ. P. 80C(c).

41. To facilitate construction of a proper record and efficient resolution of the proceeding, the Court has the power to correct or modify the administrative record. *See* 5 M.R.S. § 11006. To that end, the Court "may order the taking of additional evidence before the agency" or consider such additional evidence itself upon application for leave to present such evidence. *Id.* The Court also may "[r]emand the case for further proceedings, findings of fact or conclusions of law or direct the agency to hold such proceedings or take such action as the court deems necessary." 5 M.R.S. § 11007(4)(B); *see also* M.R. Civ. P. 80C(c); *Palesky*, 1998 ME 103, ¶ 14, 711 A.2d 129; *Jones*, 2020 ME 113, ¶ 35, 238 A.3d 982.

42. If the "whole" record shows that the total number of legally valid signatures is less than the number required under the Constitution to advance the measure, the Secretary's decision must be reversed or modified accordingly. *See Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054 (directing entry of judgment vacating Secretary's decision).

FACTUAL ALLEGATIONS

I. Following failed legislative efforts to enact anti-trans measures, interest groups with out-of-state roots applied to put such measures on the ballot.

43. The Legislature has recently and repeatedly considered and rejected proposals that, like the Ballot Initiative, would discriminate against children on the basis of gender by banning or limiting the ability of transgender student athletes to participate in sports. Last year, for example, the Legislature rejected eight such proposals.[7]

44. Maine has also faced heavy pressure from the federal government to change its policies around transgender athletes in sports—but the Governor and the executive branch have steadfastly adhered to existing Maine law, which prohibits discrimination based on gender identity. *See* Me. Human Rights Act, 5 M.R.S. § 4551 *et seq.*

45. The conflict between Maine and the Trump Administration over the former's policies reached a head last year when the executive director of the Maine Principals' Association—which governs high school sports in Maine—announced that it would continue to allow female transgender athletes to compete in girls' sports, despite President Trump's February 2025 executive order calling for a ban on such policies.

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[7] Steve Mistler, *Maine Senate Votes Down Bills Barring Transgender Athletes from Participating on Girls' Sports Teams*, Maine Public Radio (June 16, 2025), https://perma.cc/4247-ULYA (noting defeat of LD 233, An Act to Prohibit Biological Males from Participating in School Athletic Programs and Activities Designed for Females When State Funding is Provided to the School; LD 868, An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools; LD 1002, An Act to Protect Children's Identification by Requiring Public Schools to Use the Name and Gender Specified on a Child's Birth Certificate; LD 1134, An Act to Prohibit Males from Participating in Female Sports or Using Female Facilities; LD 1704, An Act to Prohibit a School Administrative Unit from Adopting a Policy that Allows a Student to Use a Restroom Designated for Use by the Opposite Sex. LD 1337, An act to Amend Maine Human Rights Act Regarding Female Athletes and Safety in Women's Single-sex Shelters; LD 1432, An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act; and LD 380, An Act to Amend Certain Laws Regarding Gender-affirming Health Care Services).

46. On April 16, 2025, the U.S. Department of Justice filed a lawsuit against Maine's Department of Education, claiming Maine's policies "fail[] to comply with" federal civil rights laws. *See* Complaint, *United States v. Maine Department of Education*, No. 1:25-cv-00173 (D. Me. Apr. 16, 2025), ECF No. 1. The Trump administration also directed the U.S. Department of Agriculture to freeze federal funding for certain educational programs in Maine to coerce Maine to discriminate against transgender Mainers.

47. Against this backdrop, a group called "Protect Girls Sports in Maine" applied to place the Ballot Initiative—formally titled "An Act to Designate School Sports Participation By Sex"—on the November 2026 ballot. The Ballot Initiative, in essence, seeks to force school sports programs and facilities to mandate that participation or use be limited by sex *at birth*—vitiating existing anti-discrimination protections. *See generally* **Ex. B**. The Secretary approved the application for the Ballot Initiative on November 3, 2025.[8]

Three groups registered to circulate petitions for the measure: "Morning in America II," based in Cave Creek, Arizona; "1st Amendment Pros LLC," based in Sheridan, Wyoming; and "Phil Hendricks (DBA Mainely Strategies)," based in Saint Albans, Maine. *See id.* The sole Maine-based proponent of the petition has already been implicated in an ethics probe related to the Ballot Initiative based on a reported phone call wherein he offered "under the table" bonus payments to a circulator tied to also collecting straw contributions for a gubernatorial candidate.[9]

48. These organizers, in turn, recruited a large number of circulators—many from outside of Maine—to collect signatures across the State. *See generally id.* On February 2, 2026,

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[8] *See* Me. Sec'y of State, Current Citizen Initiatives and Citizen Vetoes, https://www.maine.gov/sos/elections-voting/peoples-veto-or-citizens-initiative-resources/current-citizen-initiatives-and-peoples-vetoes (last visited Mar. 27, 2026).

[9] *See generally* Michael Shepherd, *Maine Republican hit with ethics complaint over a top staffer's phone call*, Bangor Daily News (Feb. 5, 2026), https://perma.cc/QB43-QXVC.

the circulators submitted 8,067 petition sheets purporting to contain 79,692 valid signatures of Maine voters to the Secretary. Upon information and belief, more than half the submitted signatures came from out-of-state circulators, who—as described below—were prone to violating Maine's circulator laws and requirements.

II. The Secretary properly invalidated large numbers of petition signatures, but nonetheless certifies the Ballot Initiative.

49. The Secretary is afforded only a brief window to review a voluminous number of petitions—30 business days to complete her review of tens of thousands of signatures. *See* 21-A M.R.S. § 905. Even operating under these time constraints, the Secretary readily (and correctly) discerned that many of the signatures, and in some instances entire petition sheets, were fatally flawed and legally invalid. For example, some of the submitted forms were so flawed that they exclusively contained signatures already deemed invalid by municipal registrars. *See* **Ex. A** (Determination of Validity) at 1 n.1 (noting "[three] petition forms were submitted that contained only signatures that were certified as *invalid* by municipal registrars or included no municipal certification" at all).

50. During the review, the Secretary ultimately found thousands more signatures that were invalid due to statutory and constitutional deficiencies. More than 5,000 signatures were invalid because municipal officials could not certify that the person lived in the required municipality; more than 1,600 signatures were duplicates; more than 500 signatures were rejected because the circulator swore that they witnessed the signature *before* the voter had actually signed the petition form; and nearly 500 more were invalid because the circulator *never* submitted the mandatory affidavit in which they must swear to abide by the state's signature gathering laws. *See id.*

51. Although the Secretary was diligent in identifying this substantial number of invalid signatures, she nonetheless erred in validating a substantial number of additional signatures that reflected similar constitutional and/or statutory deficiencies. Further still, evidence obtained by Petitioners here reflects substantial circulator fraud and potential signer fraud—of which the Secretary was presumably unaware—that requires further invalidation of thousands of signatures.

III. Petitioners uncover evidence of fraudulent circulator oaths and other serious circulator problems that require invalidation of their petition sheets.

52. Petition forms and circulator affidavits are public records under Maine law. Petitioners have obtained and reviewed copies of these materials. Petitioners have also obtained sworn affidavits from individuals who witnessed incidents that make clear that many circulators submitted fraudulent oaths and affidavits—in some cases reflecting suspicious patterns that warrant close scrutiny by the Court and further scrutiny by the Secretary.

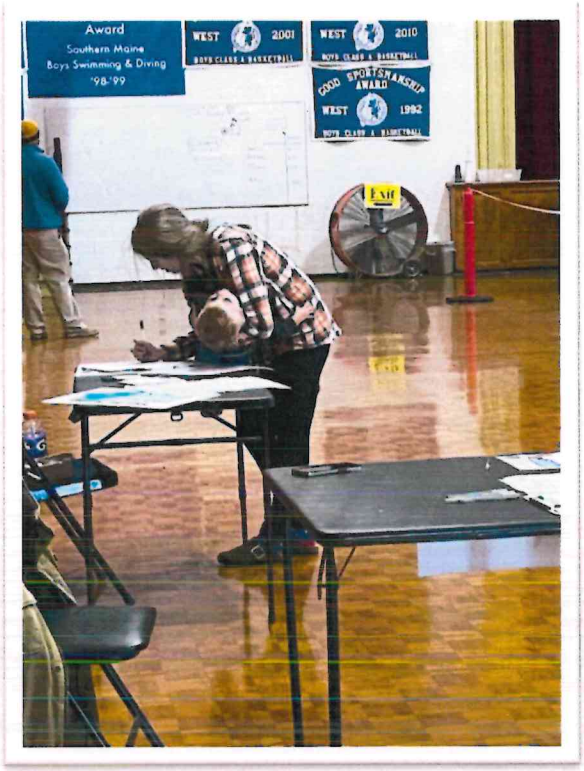
A. Several circulators fraudulently affirmed that they witnessed all signatures collected on their petitions.

53. Maine law requires every circulator to verify by oath or affirmation that the circulator personally witnessed all signatures on the petition. *See* Me. Const. art. IV, pt. 3, § 20 (petitions must be "verified as to the authenticity of the signatures by the oath of the circulator *that all of the signatures to the petition were made in the presence of the circulator* and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be") (emphasis added); 21-A M.R.S. § 902 ("The circulator of a petition must sign the petition and verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator *personally witnessed all of the signatures to the petition* and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be . . .") (emphasis added).

54. The Secretary's instructions likewise state that the circulator "must personally witness each voter sign the petition" and "may not leave the petitions unattended at a location, or attended by someone other than yourself." *See* **Ex. C** (Instructions to Petition Circulators for Initiative Petitions) at 2.

55. Petitioners have obtained photographic and video evidence showing that several circulators left petition forms unattended for substantial periods of time, or otherwise allowed unknown individuals to sign or mark petition forms without the circulator present. In particular, videos taken by members of the public, and citizens tabling in public areas for other causes, show a widespread trend of the Ballot Initiative's circulators leaving their petition sheets unattended while members of the public approached those sheets and wrote on them—without the circulator present to confirm compliance with Maine law or to observe how these individuals marked up the petition sheets.[10]

[10] Elias Vasquez #1 (Nov. 4, 2025), https://app.box.com/s/fbh5pe9fu7iitzz9mz4dxbk217nzjszm; Elias Vasquez #2 (Nov. 4, 2025), https://app.box.com/s/5ixkme01s3ghhaz5179y5kb97qpglwpm; Susan Mays (Nov. 4, 2025), https://app.box.com/s/nrbi5dil8cfpnieyhd3mo0lbbp7jm3d2. The videos are also accessible here: https://app.box.com/s/noopvvfxku9bgs4k4xxvkba9hpqpzprk. Petitioners provide hyperlinks to the videos for the Court's convenience in this pleading, but also intend to submit the videos and other supplemental evidence in a manner consistent with Rule 80C of the Maine Rules of Civil Procedure and other applicable rules of this Court. *Supra* note 2.



56. Upon information and belief, and other factual investigation, Petitioners have specifically identified at least two circulators—Elias Vasquez and Susan Mays—who left their petition sheets unattended and permitted members of the public to write on them without supervision. Upon information and belief, witnesses will testify—and further evidence is likely to show—that additional circulators also allowed their petitions to be drawn on outside of their presence. Those circulators therefore falsely swore that they personally witnessed all signatures collected on those petition forms.

57. Upon information and belief, there are approximately 800 validated signatures on petition forms circulated by the above circulators who left petitions unattended. That estimate is likely to prove conservative as more facts emerge about this widespread problem. Because the circulators identified to date did not personally witness all signatures on those petition forms, the circulator oaths were false, and the signatures collected on those petition forms are invalid. *See*

Knutson, 2008 ME 124, ¶¶ 27–28, 954 A.2d 1054; *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 12, 795 A.2d 64.

B. Petitioners have identified at least four out-of-state circulators failed to properly consent to Maine jurisdiction on their circulator affidavits.

58. The Constitution requires that a circulator "must be a resident of this State . . . whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor." Maine Const. art. IV, pt. 3, § 20. Statutory law similarly requires that circulators be "a resident of the State and a registered voter in the State at the time of circulating the petition." 21-A M.R.S. § 903-A(4)(C). Both provisions are mandatory and leave no discretion for enforcement. The Law Court has stressed that these provisions "enhance[] the integrity of the initiative process," including by "provid[ing] the State with jurisdiction over the circulators . . . if there is a question as to the validity of the signatures collected." *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165 (rejecting constitutional challenge to these provisions).

59. The foregoing provisions are subject to a federal Consent Order that limits their enforcement—but only in part. *See* Consent Order. Specifically, in affirming an earlier preliminary injunction order, the First Circuit held in 2022 that these laws are likely unconstitutional to the extent they *categorically* forbid out-of-state circulators and unregistered individuals (including Mainers) from serving as circulators, because less restrictive means would serve the State's interest in ensuring the integrity of the citizen initiative process. *See generally We the People PAC v. Bellows*, 40 F.4th 1, 26 (1st Cir. 2022); *but see also Hart*, 1998 ME 189, ¶¶ 10–11, 715 A.2d 165.

60. To resolve that dispute, the Secretary entered into a Consent Order that permanently enjoins her from enforcing the in-state circulator requirement, but ***only*** as to circulators "who (a) *agree to submit to the personal jurisdiction of Maine* for purposes of any investigation or

prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions; (b) maintain up-to-date contact information with the Maine Secretary of State's office, by whatever means identified by the Secretary of State's office, for the duration of any petition drive for which they circulation petitions, which drive includes the collection of signatures and review of those signatures by the Secretary of State's office; and (c) are responsive to requests for information from the Secretary of State's office for the duration of the petition drive, as defined above." Consent Order ¶ 2 (emphasis added).

61. The requirement that out-of-state circulators consent to jurisdiction in Maine—and more broadly agree to be helpful in resolving requests for information from the Secretary—is a mandatory part of Maine's scheme for ballot initiatives. For example, Maine law requires that the circulator "understands that [they] can be prosecuted under section 904 for violating the laws governing the circulation of petitions, including the requirement that the circulator truthfully executed the affidavit." 21-A M.R.S. § 903-A(4)(D); *see also id.* § 903-A(4)(A)–(C), (5) (setting forth other strict requirements for regulating and registering circulators), *id.* § 902 (similar); *id.* § 904 (setting forth criminal penalties for circulator violations). And as the Law Court has broadly observed, "the integrity of the initiative and referendum process in many ways hinges on the trustworthiness and veracity of the circulator." *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 13, 795 A.2d 75. The present requirement that out-of-state circulators submit to jurisdiction in Maine facilitates compliance with these critical statutory requirements.

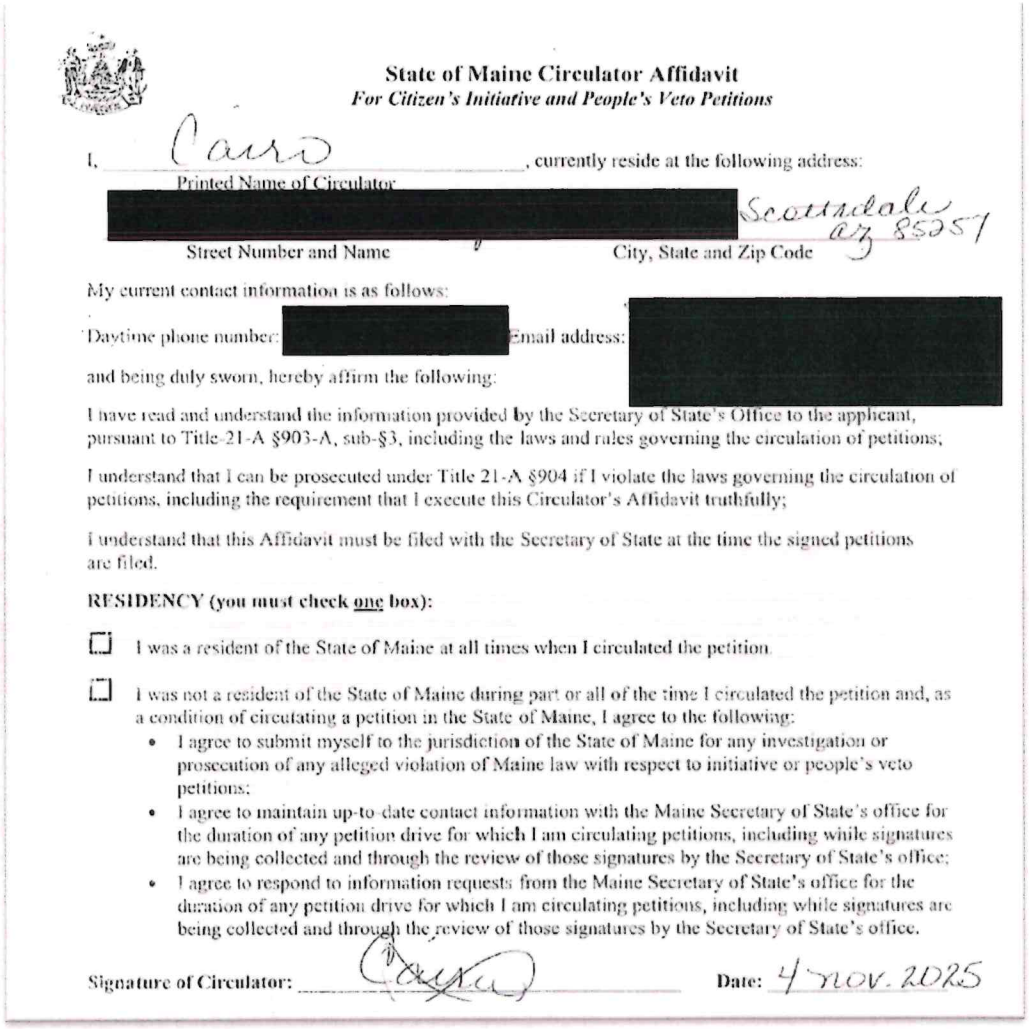
62. To that end, in the wake of the *We the People PAC* Consent Order, the formal "Instructions to Petition Circulators for Initiative Petitions" promulgated by the Secretary in July 2023 make clear that "[c]irculators who are not Maine residents *must* agree to submit to the jurisdiction of the State of Maine, to keep current their contact information, and to respond to any

information requests from the Secretary of State, in the Circulator Affidavit[.]" **Ex. C** (emphasis added).

63. Maine also amended its circulator affidavit form to state that circulators "must" check a box confirming they are a Maine resident *or* that they consent to jurisdiction in Maine and agree to other requirements set forth in § 903-A(4)(D). *See* **Ex. D** (Circulator Affidavit).

64. Upon information and belief, and based upon a review of the circulator affidavits, at least four circulators—Jordan Albert, Kewechi Chukwuma, Ummsalaamah Hakeem, and a circulator who listed only the name "Cairo"—responsible for approximately 1,520 validated signatures listed an out-of-state address on the circulator affidavit, and failed to affirm by oath that they are either Maine residents *or* consented to Maine's jurisdiction for purposes of any investigation into alleged violations of Maine law with respect to the ballot initiative.

65. The below screenshot (**Ex. D**) reflects an example from "Cairo," who lists their residence as Scottsdale, Arizona (street address, telephone number, and email address have been redacted).



State of Maine Circulator Affidavit
For Citizen's Initiative and People's Veto Petitions

I, Cairo, currently reside at the following address:
Printed Name of Circulator

[redacted] Scottsdale AZ 85251
Street Number and Name City, State and Zip Code

My current contact information is as follows:

Daytime phone number: [redacted] Email address: [redacted]

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title 21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check one box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:

- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: Cairo **Date:** 4 nov. 2025

66. As the screenshot above reflects, circulators like "Cairo" have failed to satisfy the *We the People PAC* Consent Order's "carveout" from Maine's still extant—and mandatory—residency requirements. *See* Maine Const. art. IV, pt. 3, § 20; 21-A M.R.S. § 903-A(4)(D). They have also failed to fully and properly complete the circulator affidavit, as required by § 903-A, particularly with respect to the requirement that they acknowledge an understanding of possible criminal penalties under § 904.

67. In doing so, they have frustrated Maine's legitimate interest in clearly establishing legal jurisdiction over out-of-state circulators *prior* to any disputes arising over the petition gathering process, including as to any necessary criminal prosecutions under § 904. *See Hart*, 1998

ME 189, ¶ 13, 715 A.2d 165; *cf. We the People PAC*, 40 F.4th at 20 (recognizing legitimate state interest in ensuring circulators consent to jurisdiction); *Nader v. Brewer*, 531 F.3d 1028, 1037 (9th Cir. 2008) ("Federal courts have generally looked with favor on requiring petition circulators to agree to submit to jurisdiction.").

68. By failing to properly comply with Maine's strict circulator registration and regulation provisions, as modified by the Consent Order, these circulators could not lawfully collect or submit petition signatures, and those signatures accepted by the Secretary must be invalidated. *See Me. Taxpayers Action Network*, 2002 ME 64, ¶ 13, 795 A.2d 75. Accordingly, the approximately 1,520 validated signatures on the petitions circulated by these unauthorized circulators are invalid and must be rejected.

C. An out-of-state circulator responsible for a large number of signatures failed to include their "printed name" on the circulator affidavit, as required by law.

69. Maine law requires that each circulator affidavit include, among other things, "[t]he circulator's printed name." 21-A M.R.S. § 903-A(4)(A). This requirement is prescribed in mandatory terms. *Id.* ("[A] person who circulates a petition *shall* execute and affidavit that *must* include the circulator's printed name . . . .") (emphases added).

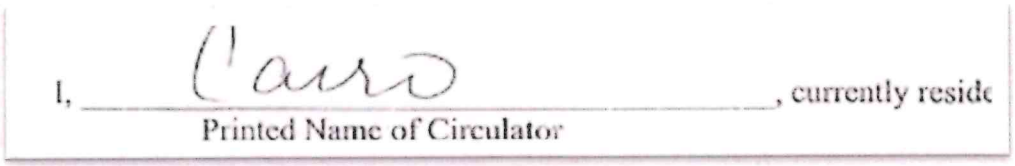
70. Section 903 does not specifically define "printed name," but the Secretary's instructions state that each petitioner must, in addition to meeting other requirements, "Sign name as it appears on the voting list" in addition to providing the voter's accompanying "printed name." **Ex. C** (emphasis added). This requirement tracks the Maine Constitution, which vests responsibility with local registrars to confirm existing registrations of the individuals who circulators claim signed their petitions on the "voter list," and further defines a "circulator" as a "person who solicits signatures for written petitions, and . . . whose name must appear on the *voting list* of the [municipality] of the circulator's residence." Me. Const. art. IV, pt. 3, § 20 (emphasis

added). While the residency requirement for circulators is itself enforceable subject to the Consent Order, these provisions make clear that the "printed name" requirement *cannot* be understood as a mere formality; the requirement is, rather, part-and-parcel with the verification procedure mandated by the Constitution. *See id.* § 22.

71. Further supporting this understanding, the statute governing voter registration requires a person registering to vote to provide their "legal name," set out "in one of the following combinations": (1) first and last name; (2) first initial, middle name and last name; or (3) first name, middle name or middle initial, and last name." 21-A M.R.S. § 152(1)(A). Similarly, the provision governing identification of candidates on ballots provides that, at the very least, a candidate be identified by a first name, or at least an initial, middle name, and last name. *See* 21-A M.R.S. § 601(2)(H).

72. Petitioners are aware of no case in which a court has included that the printed name requirement—whether for voters or for circulators—is satisfied with *only* a first name or a last name. *Cf. In re Op. of the Justs.*, 116 Me. 557, 770 (1917) (concluding that petition signatures could be counted where initials were used in place of a first name, in addition to a full last name).

73. On information and belief, there are 1,472 signatures on petitions submitted by a specific out-of-state circulator whose affidavits do not have a proper printed name and are therefore invalid. In one instance, for example, the circulator recorded a single name.


I, Clara, currently reside
Printed Name of Circulator

Ex. D.

74. It is unclear whether "Cairo" is the circulator's first or last name and, in either event, it is not compliant with the requirement that a circulator provide their printed name. Because these petition forms submitted by this circulator was not accompanied by a valid and complete affidavit containing the circulator's full, printed name, the petition sheets submitted by these circulators are invalid and the signatures they contain must be rejected.

D. Evidence shows that some circulators did not afford voters the required opportunity to read the text of the Ballot Initiative.

75. Maine law requires that a "person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact statement required by section 901 prior to that voter signing the petition." 21-A M.R.S. § 901-A(1).

76. Petitioners have received reports and evidence indicating that at least one circulator (Hope Angel), and potentially others, did not afford signatories this legally-required opportunity, but instead routinely folded their petition sheets to obscure the Ballot Initiative language.

77. Upon information and belief, Hope Angel submitted at least 688 validated signatures, some or all of which are likely to require invalidation upon presentation of evidence showing that failed to provide voters the opportunity to read the Ballot Initiative summary, in direct violation of Maine law.

78. Petitioners are continuing to investigate the facts surrounding this occurrence and intend to present substantiating evidence in due course; they further reserve the right to supplement their evidence and allegations regarding this issue as proceedings advance, including with respect to any remand for further investigation by the Secretary.

E. Numerous circulator affidavits contained critical errors, including missing notarization dates, conflicting notarization and circulator signature dates, and omitted notary commission numbers.

79. In addition to the problems above, numerous other circulator affidavits contain critical errors not identified by the Secretary in her review.

80. *First*, Maine law requires circulators to "execute an affidavit,"—the circulator's affidavit—which carries the connotation that the affidavit must be sworn before a notary or other official authorized to swear oaths. *See* 21-A M.R.S. § 903-A(4); *see also* Me. Judicial Branch, Legal Glossary, https://perma.cc/U3KS-YEF2 ("Affidavit: A written statement made voluntarily and *signed under oath by the person making the statement*. The oath must state the affiant (the individual signing) affirms, under penalty of perjury, that the facts contained in the affidavit are true." (emphasis added)). The Circulator Affidavit itself confirms that its contents must be "sworn" by the circulator. *See* **Ex. D**.

81. Under Maine law, a notary *must* record the date on which they undertook a notarial act on the accompanying notarial certificate, which is found on the bottom portion of the circulator affidavit. *See* 4 M.R.S. § 1916(1)(B) ("A notarial act must be evidenced by a certificate. The certificate must: . . . Be signed *and dated* by the notarial officer . . ." (emphasis added)); *see also* Me. Dep't of the Sec'y of State, *Notary Public Handbook and Resource Guide* 15, https://perma.cc/JHP9-2YZN ("**Date all notarizations.** Often, a notarial statement has a place to insert a date, but regardless, a notarial statement date is necessary. The notarial statement date should be the same date, in the case of a jurat, as the signer's dated signature."). The circulator affidavit itself, again, makes this clear by including a "date" field in the relevant notarial certificate space. *See* **Ex. D**.

82. Upon information and belief, there are at least 1,200 validated signatures submitted by circulators whose affidavits did not include a date of notarization in the notarial certificate.

These affidavits therefore fail to comply with a basic, but essential, element of Maine's regime for ensuring the integrity of ballot initiative petitions. Because the relevant circulators therefore did not submit qualifying circulator affidavits, the signatures submitted by these circulators are invalid. *See* 21-A M.R.S. § 902; *see also* 4 M.R.S. § 1927 (preserving Secretary's authority to "reject initiative petitions under the Title 21-A on the basis of improper notarization" notwithstanding rules otherwise governing the validity of notarial acts).

83. *Second*, and relatedly, Maine law requires notarial certificates to be executed "contemporaneously" with the notarial act of swearing a signatory to an oath and witnessing their signature. *See* 4 M.R.S. § 1916(1)(A) ("A notarial act must be evidenced by a certificate. The certificate must . . . [b]e executed contemporaneously with the performance of the notarial act[.]"). In other words, a circulator's signature swearing to the oath on their affidavit and a notary's signature affirming that the circulator swore the relevant oath must be contemporaneous. In particular, "[a]fter administering the oath to the circulator, the notary public or other authorized person must sign the notarial certificate on the petition while in the presence of the circulator." 21-A M.R.S. § 902. Upon information and belief, however, there are at least 800 validated signatures submitted by a circulator whose affidavit signature occurred at least one day (and sometimes more) apart from the necessary notarial act, as reflected on the certificate. These underlying affidavits, on their face, fail to comply with the contemporaneous requirements and therefore are invalid. As a result, the signatures submitted by these circulators are likewise invalid. *See id.* ("If the petitions submitted to the registrar are not signed and verified in accordance with this paragraph, the registrar may not certify the petitions and is required only to return the petitions.").

84. Similarly, upon information and belief, there are an additional approximately 2,100 validated signatures submitted by two circulators where the notary dated the notarial certificate in a different year from the date on which the circulator signed the affidavit. On their face, these petitions do not comply with the contemporaneous requirements, and these additional 2,100 signatures are invalid for the same reason under 4 M.R.S. § 1916(1)(A) and 21-A M.R.S. § 902.

85. *Third*, the circulator affidavit form *requires* inclusion of a commission number on the notarial certificate if an out-of-state notary completes it. *See* **Ex. D** (Circulator Affidavit) ("Commission number (if not Maine)"). That requirement makes good sense; while the Secretary and other Maine officials have greater information about registered *Maine* notaries, their ability to investigate out-of-state notaries is more limited, and thus *requires* a specific commission number to reliably identify the notary. Circulators and the notaries who verify their affirmations are not free to dispense with requirements promulgated by the Secretary to ensure integrity of initiative process. *See* 21-A M.R.S. §§ 901, 903-C. Oath and affidavit requirements are mandatory precisely because they facilitate "assurance" that signatures comply with Maine law. *See Knutson*, 2008 ME 124, ¶¶ 11–12, 954 A.2d 1054 (discussing case law). Failure to comply with a mandatory requirement is grounds for invalidation. *See id.*

86. Upon information and belief, there are at least 500 validated signatures submitted by circulators who relied upon an out-of-state notary for their circulator affidavits, but where the notary failed to supply the required commission number.

87. In sum, the Secretary should have rejected the following: (1) approximately 1,200 signatures collected by circulators lacking a notarial date on their circulator affidavit; (2) approximately 800 signatures collected by circulators who failed to execute their circulator affidavit contemporaneously with a notarial act; (3) approximately 2,100 signatures collected by

circulators whose circulator affidavit signatures are dated with different years than the relevant notarial act; (4) approximately 500 signatures collected by circulators who relied upon an out-of-state notary who failed to supply a necessary commission number; and (5) approximately 688 signatures collected and submitted by circulators who failed to provide the voter the opportunity to read the Ballot Initiative summary.

F. Several circulators later notarized forms in direct violation of Maine law.

88. Maine law prohibits anyone who "provides services other than notarial acts" that "promote" a ballot initiative from administering the oath or affirmation to circulators. *See* 21-A M.R.S. § 954-A; 4 M.R.S. § 1904(5). This is because to do so would create a conflict of interest and would invite "fraudulent notarizations." *Reed*, 2020 ME 57, ¶ 17, 232 A.3d 202. "A notarial act performed in violation" of prohibitions of Maine law "is voidable." 4 M.R.S. § 1904(6).

89. Upon information and belief, at least two individuals acted in clear violation of these provisions by first circulating petitions in support of the Ballot Initiative and subsequently administering circulator affidavits to *other* circulators. For example, Robert J. De Clercq circulated a petition sheet in support of the Ballot Initiative as early as November 14, 2025 and then notarized the circulator affidavits of Jean Reagan and Marc Boisse on November 19, 2025. Mr. De Clercq also notarized a number of circulator oaths on individual petition pages. Patrick Harrison likewise circulated petition sheets and subsequently notarized the affidavits of Laura Lossie, in addition to notarizing circulator oaths on individual petition pages.

90. Notarizing these circulator affidavits and oaths after circulating petitions was unlawful under both § 954-A and § 1904. The Law Court reached that precise conclusion in *Reed*, holding that two notaries who first "provided nonnotarial services to [a ballot initiative] campaign by circulating petitions" could not then lawfully notarize petition sheets for the same campaign at a later time. *See* 2020 ME 57, ¶ 19, 232 A.3d 202. That holding compels the same result here.

91. Because De Clercq and Harrison, after circulating petition sheets in support of the Ballot Initiative, were prohibited from providing notarial services to the Ballot Initiative campaign, any circulator affidavits (and petition sheets) they notarized are invalid. Because these relevant circulators therefore lacked proper affidavits, they were not qualified to gather signatures and their petition forms must be rejected.

92. Upon information and belief, at least over 200 signatures validated by the Secretary should be invalidated on this basis.

IV. The record reflects additional violations and deficiencies that require invalidating additional signatures.

A. Hundreds of voters not identified by the Secretary signed more than once.

93. Additional unlawful signatures are apparent from the face of petitions validated by the Secretary. First and foremost, on information and belief, hundreds of signatures currently in the validated count are pure duplicates—*i.e.*, some voters signed the petition twice. These are in addition to duplicative signatures already identified by the Secretary.

94. There is no question here that a single voter cannot sign twice in support of a single ballot initiative. *See* **Ex. A** (invaliding 1651 "duplicate[]" signatures identified by the Secretary's office); *see also* Me. Const. art IV, pt. 3, §§ 18, 20; *see also* 21–A M.R.S. § 904 (prescribing class E crime for knowingly voting more than once on an initiative petition).

95. These hundreds of validated signatures are invalid as a matter of law.

B. Numerous petition forms lack properly executed circulator oaths or were signed *after* the circulator attested they had personally observed the signature.

96. The Constitution's black-letter definition of "written petition" includes the requirement that it be "verified as to the authenticity of the signatures by the oath of the circulator[.]" Me. Const. art. IV, pt. 3, § 20. The circulator must swear to the authenticity of the signatures before a notary for each petition sheet and as to each signature. *See* 21-A M.R.S. § 902.

Accordingly, a petition sheet without a properly completed or notarized oath from the circulator as to the authenticity of the signatures is not constitutionally or statutorily valid.

97. Upon information and belief, there are at least 14 validated signatures submitted on petition sheets that were signed by a circulator but were not signed by a notary *at all*, meaning they were not properly sworn to as required by Maine law. *See id.* These signatures are invalid as a matter of law.

98. Relatedly, the oath contained on each petition sheet requires circulators to attest that "all signatures to the petition *were* made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be[.]" Me. Const. art. IV, pt. 3, § 20 (emphasis added); *see* 21-A M.R.S. § 902 (similar). The circulator must also swear to having "personally witnessed" the signature. *Id.* Plainly, a circulator cannot swear to having personally witnessed a voter's signature *before* that signature exists. The oath itself makes this clear by using the past tense, meaning the person swears to having witnessed events that have already occurred in the past rather than in the future.

99. Upon information and belief, there are more than 300 validated signatures dated as having been made *after* the circulator swore their oath on the petition sheet. Because the circulator's oath in these instances cannot serve to prove the circulator "personally witnessed" the voter's signature, those signatures are invalid.

C. Hundreds of voter signatures should be invalidated because they lack required date information or predate the permissible circulation period.

100. Among the minimum requirements for a petition signature to be valid, the Constitution requires that "[t]he date each signature was made *shall* be written next to the signature on the petition." Me. Const. art. IV, pt. 3, § 18(2) (emphasis added). In view of the term "shall,"

this requirement is "mandatory." *Hann v. Merrill*, 305 A.2d 545 (Me. 1972), *see also* 1 M.R.S. § 71 ("Shall . . . indicate[s] a mandatory duty, action or requirement").

101. Upon information and belief, over 50 signatures were deemed valid despite the fact that they lacked the constitutionally mandated date. Me. Const. art. IV, pt. 3, § 18(2). Because these signatures lack the required date, they are invalid and must be rejected.

102. In addition to being a stand-alone constitutional requirement, the date also plays a second critical role in assessing the validity of signatures because "[a] signature is not valid if it is dated more than one year prior to the date that the petition was filed in the office of the Secretary of State." *Id.* Thus, in the petition context, even a properly dated signature ceases to have legal effect after one year and can no longer be counted.

103. Upon information and belief, over 200 validated signatures contain a date from more than one year before the petitions were submitted to the Secretary. The petition sheets were submitted to the Secretary on February 2, 2026 and so must be dated no earlier than February 2, 2025. Any signature dated earlier than February 2, 2025 is, by the plain language of the Constitution, "not valid." *Id.*

D. Voter signatures not accompanied by the residence of the voter, as required by law, must be invalidated.

104. The Secretary also erred by validating signatures where the voter did not, as required, list their current, "actual" residence on the petition form promulgated by the Secretary.

105. The Constitution requires that all voters who sign in support of a petition be "electors of the State qualified to vote for Governor," and those voters must be verified by the registrar of the municipality in which they are registered. Me. Const. art. IV, pt. 3, § 20; *see also id.* § 18. To carry forward this requirement, Section 902 requires circulators to "verify by oath or affirmation . . . that to the best of the circulator's knowledge and belief each signature is the

signature of the person whose name it purports to be," and to subsequently submit petitions containing voter signatures to the registrar for certification of the registrations. 21-A M.R.S. § 902.

106. The petition form promulgated by the Secretary, in turn, requires the voter's "Actual Street Address," (*i.e.*, where they currently reside) and the "Municipality" in which they are registered. *See* 21-A M.R.S. § 901(3-B) (mandating use of form promulgated by Secretary).[11] As the Secretary's form suggests, the voter's current, "actual" address is a critical component of the verification process required by the Constitution to ensure that signers are eligible voters at the time they signed the petition. Me. Const. art. IV, pt. 3, § 20 (requiring a "determination of whether the petitioners are qualified voters"). Even where a registrar may be able to confirm that a voter exists on the municipality's list, the failure to provide the voter's current residence removes the "minimal assurance" that the voter was in fact eligible to vote at the time they signed the petition. *Knutson*, 2008 ME 124, ¶ 13, 954 A.2d 1054.

107. At least 100 individuals failed to provide their current residence address when signing the petition form. These signatures should be invalidated or, alternatively, reviewed for further determinations of validity by the Secretary of State.

E. Scores of validated signatures are not in fact from registered Maine voters.

108. The Constitution requires that any petition signatories be registered voters. *See Me.* Const. art. IV, pt. 3, § 20. Upon information and belief, hundreds of validated signatures are in fact from individuals who are not registered to vote in Maine. These signatures are invalid as a matter of law.

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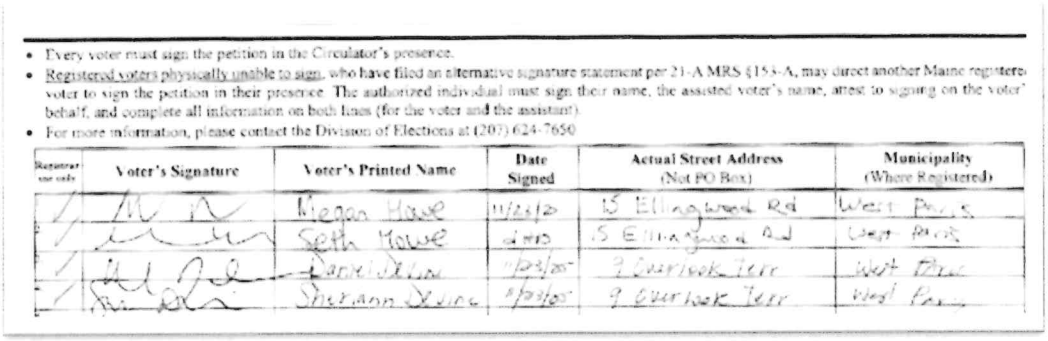
[11] The Secretary's instructions to circulators states: "Absence of an address or use of a mailing address will not automatically invalidate the signature, but *may* invalidate it if the registrar cannot determine who the voter is based on the signature alone." **Ex. C** at 2. But the instructions do not require the registrar to confirm that a voter's registration is current—reflecting the individual's actual place of residence at the time of the signature. *See id.*

F. Numerous signatures appear suspicious and require further review by the Secretary.

109. Upon information and belief, and based upon a preliminary review of the petition sheets produced by the Secretary in response to an open records requests, a substantial number of individual voter signatures appear suspicious, calling into question whether or not they in fact reflect the signatures of bona fide Maine voters, as required by Maine law. *See* 21-A M.R.S. § 902.

110. Below are examples of signatures that appear to be written by the same hand on behalf of several signatories and that are otherwise illegible:



- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §155-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
		Megan Howe	11/22/25	15 Ellingwood Rd	West Paris
		Seth Howe	11/22/25	15 Ellingwood Rd	West Paris
		Daniel Dolan	11/23/25	9 Overlook Terr	West Paris
		Shannon Dolan	11/23/25	9 Overlook Terr	West Paris

111. Petitioners are continuing to review similarly suspicious signatures and expressly reserve the right to present additional evidence regarding suspicious or fraudulent signatures as these proceedings continue, including as to any remand for further investigation by the Secretary.

V. The violations and deficiencies above require invalidating signatures that bring the ballot measure substantially below the necessary threshold for ballot placement.

112. Under the Maine Constitution, a direct initiative petition must contain valid signatures equal to but not less than 10% of the total vote for the Governor race in the last gubernatorial election preceding the filing of the petition. Me. Const. art. IV, pt. 3, § 18(2). Following this formula, the Secretary determined that a minimum of 67,682 signatures are needed to place a ballot initiative on the November 2026 ballot.

113. The Secretary issued her Determination of Validity on March 17, 2026, finding that 71,003 signatures were valid and 8,659 signatures were invalid. In other words, the Secretary determined that the Ballot Initiative's backers met the necessary threshold by just 3,351 signatures.

114. As set forth above, Petitioners have identified thousands of additional signatures that were either incorrectly determined to be valid as a matter of law, or that must be invalidated in view of evidence showing that the relevant circulators engaged in fraud by falsely swearing to having witnessed every signature. Upon information and belief, Petitioners contend that the foregoing challenges will conservatively invalidate at least 7,000 signatures, and potentially significantly more.

115. Once those invalid signatures are excluded from the Secretary's original valid-signature count, the total remaining number of valid signatures falls substantially below the constitutionally required minimum to be deemed valid. Me. Const. art. IV, pt. 3, § 18(2).

CLAIM FOR RELIEF

REVERSAL OR VACATUR OF SECRETARY OF STATE DECISION TO VALIDATE INITIATIVE PETITION (21-A M.R.S. § 905, 5 M.R.S. § 11001, RULE 80C)

116. Petitioners repeat and reallege Paragraph 1 through Paragraph 115 as if fully set forth herein.

117. This Court must "[r]everse or modify the decision" of the Secretary, including any "findings, inferences, conclusions" or other decisions that are contrary to law, in excess of her statutory authority, based upon unlawful procedures, affected by any error of law, unsupported by substantial evidence, or "arbitrary or capricious or characterized by abuse of discretion." 5 M.R.S. § 11007(4)(C); M.R. Civ. P. 80C(1); *see also, e.g.*, *Knutson*, 2008 ME 124, ¶ 8, 954 A.2d 1054 (citing *Palesky*, 1998 ME 103, ¶ 9, 711 A.2d 129). The Court is also empowered to "[r]emand the case for further proceedings, findings of fact or conclusions of law or direct the agency to hold

such proceedings or take such action as the court deems necessary." 5 M.R.S. § 11007(4)(B); *Palesky*, 1998 ME 103, ¶ 14, 711 A.2d 129.

118. As set forth above, the Secretary erred in validating the numerous categories of signatures that suffer from a fatal legal defect. As further set forth above, video and photographic evidence reveals that several circulators falsely swore to having personally witnessed the signatures they submitted for verification, and in doing so violated Maine law.

119. Thus, upon information and belief, the number of previously validated signatures that must be invalidated pursuant to Maine law deprives the proponents of "An Act to Designate School Sports Participation and Facilities by Sex" of the required number of valid signatures (67,682) to validate the measure for inclusion on the November 2026 ballot. *See* Me. Const. art. IV, pt. 3, § 18 ("For any measure thus proposed by electors, the number of signatures shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition.").

120. The Secretary's March 17, 2026 determination of validity therefore violates Article IV, Part 3, Sections 18 and 20 of the Maine Constitution as well as its implementing statutes, *see id.* § 22; 21-A M.R.S. §§ 901–05. When the whole record is considered, the Secretary's Determination of Validity is further unsupported by the evidence.

WHEREFORE, Petitioners request that this Court:

A. Declare the Secretary's March 17, 2026 Determination of Validity contrary to Article IV, Part 3, Sections 18 and 20 of the Maine Constitution;

B. Declare the Secretary's March 17, 2026 Determination of Validity contrary to Maine Revise Statutes, Title 21-A, Sections 901 to 905;

C. Reverse and vacate the Secretary's March 26, 2026 Determination of Validity;

D. Remand the March 17, 2026 Determination of Validity to the Secretary to correct the errors identified herein and, as appropriate, to investigate the substantial evidence of circulator fraud identified herein;

E. Grant such other relief as is just and proper.

Dated: March 27, 2026

Respectfully submitted,

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** Pro Hac Vice Application Forthcoming*

STATE OF MAINE
CUMBERLAND COUNTY

SUPERIOR COURT
DOCKET NO. AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

PETITIONERS' BRIEF

TABLE OF CONTENTS

INTRODUCTION 1

STATEMENT OF FACTS AND PROCEDURAL HISTORY 2

I. Following failed legislative efforts to enact anti-trans measures, interest groups with out-of-state roots applied to put such measures on the ballot. 2

II. The Secretary's office properly invalidated large numbers of petition signatures but nonetheless certifies the Ballot Initiative. 6

III. Petitioners uncover significant evidence of fraudulent circulator oaths and other serious circulator problems. 7

A. Several circulators fraudulently affirmed that they witnessed all signatures collected on their petitions 7

B. Petitioners have identified at least four out-of-state circulators who failed to properly consent to Maine jurisdiction on their circulator affidavits. 9

C. An out-of-state circulator responsible for a large number of signatures failed to include their full name on the circulator affidavit. 10

D. At least two circulators later notarized circulator affidavits and petition sheets, despite the clear conflict of interest. 11

E. The Ballot Initiative's circulators violated Maine law in other respects. 11

IV. Additional violations and deficiencies also require invalidating signatures. 12

V. Petitioners raise twenty-one distinct challenges to the Petition. 12

ARGUMENT 13

I. Challenge 1: The petition organizations violated Maine law, requiring either invalidation of the Ballot Initiative altogether or, at minimum, remand for investigation into their compliance. 13

II. The Ballot Initiative's signature gathering effort was plagued with circulator misconduct and error that requires invalidating large numbers of signatures. 16

A. Challenge 2: Signatures submitted by circulators who falsely swore to personally witness each signature are legally invalid. 17

B. Challenge 3: Signatures submitted by circulators who failed to submit to Maine's jurisdiction are legally invalid. 18

C. Challenge 4: Petition sheets submitted by "Cairo" are not valid. 20

D. Challenges 5 & 6: Petition sheets and circulator affidavits notarized by individuals who previously circulated petitions are invalid. 20

E. Challenge 7: Signatures submitted by circulators who obscured the ballot initiative summary should be invalidated. 22

F. Challenges 8–11: Circulators committed disqualifying affidavit errors. 22

III. Many other signatures must be invalidated due to failure to comply with Maine law. 24

A. Challenge 12: Additional duplicate signatures must be invalidated. 24

B. Challenge 13: Petition forms lacking properly executed oaths are invalid. 25

C. Challenge 14: Petition forms lacking properly executed circulator oaths and circulator oaths lacking dates are invalid. 25

D. Challenges 15–17: Hundreds of signatures should be invalidated because they lack required date information or predate the permissible circulation period. 25

E. Challenge 19: Signatures should be invalidated because they do not appear to be from registered Maine voters. 26

F. Challenge 19: Numerous suspicious signatures require further review 27

G. Challenges 20 & 21: Signatures lacking municipality information must be invalidated, while signatures lacking any "actual" address should be invalidated or further investigated. 29

IV. The Court should either rule that the Ballot Initiative be removed from the ballot or, alternatively, remand to the Secretary for further review. 30

CONCLUSION 30

TABLE OF AUTHORITIES

Page(s)

Cases

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5 M.R.S. § 11006 33

13-C M.R.S. § 1501 14

13-C M.R.S. § 1502 14

21-A M.R.S. § 354 ..... 27, 32

21-A M.R.S. § 901-A 12, 23

21-A M.R.S. § 902 ..... *passim*

21-A M.R.S. § 903-A 10, 21

21-A M.R.S. § 903-C ..... *passim*

21-A M.R.S. § 903-E 11, 22, 23

21–A M.R.S. § 904 25

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INTRODUCTION

Maine law sets forth a comprehensive and commonsense set of rules that govern the collection of signatures for direct initiatives. *See generally* Me. Const. art. IV, pt. 3, §§ 18, 20, 22; 21-A M.R.S. §§ 901–906. These rules demand that the actors involved in the signature gathering process—petition organizations, circulators, notaries, and voters themselves—do so in a manner that ensures the integrity of the petition process. The Law Court has stressed that circulators, in particular, serve a "pivotal" role in the direct initiative process, as "the integrity of the initiative and referendum process in many ways hinges on the trustworthiness and veracity of the circulator[s]." *Me. Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶ 13, 795 A.2d 75 ("*MTAN*"). Accordingly, the Law Court consistently demands *strict* adherence to circulator rules, which constitute a "key component of the petition process." *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 13, 954 A.2d 1054. Simply put, "[s]ignatures *must* be obtained by qualified petition circulators . . . according to an established procedure." *Reed v. Sec'y of State*, 2020 ME 57, ¶ 3, 232 A.3d 202 (per curiam) (citing *MTAN*, 2002 ME 64, ¶¶ 3, 10, 19) (emphasis added). When a circulator, or any other relevant actor, "does not meet the requirements of the petition laws," the relevant petition sheets or signatures "must be voided." *Knutson*, 2008 ME 124, ¶ 20.

The initiative at issue here—*An Act to Designate School Sports Participation and Facilities by Sex* ("Ballot Initiative")—ran afoul of Maine's petition rules at nearly every turn, often in troubling ways that call into question the legitimacy of the Ballot Initiative. The Secretary's office properly invalidated 8,659 signatures submitted by the Ballot Initiative's proponents due to some of these failures, but still determined that 71,033 signatures were "valid" and that the Ballot Initiative exceeded the necessary threshold of 67,682 signatures by a margin of 3,351. R.01–02.

Petitioners have identified 21 grounds for invalidating additional signatures. *See* Challenge Summary Tbl. Some of these challenges reflect simple but material oversights—additional

duplicate signatures, missing circulator oaths on petition sheets, improperly completed or missing notarizations, and blank petition fields that Maine law requires to be completed. But Petitioners have also identified a troubling pattern of constitutional and statutory violations in connection with circulators and petition organizations. This includes circulators who falsely swore to witnessing each signature they collected—sworn statements contradicted by video and photo evidence—as well as out-of-state circulators who failed to submit to Maine's jurisdiction, circulators who notarized affidavits and petition sheets despite ethical conflicts, and signatures bearing obvious indicia of fraud or falsification. And it also includes failures by each petition organization that hired these circulators to properly adhere to Maine's registration rules. In total, Petitioners contend that 55,098 additional signatures require invalidation, including 53,424 attributable to registration errors by the Ballot Initiative's petition organizations; 10,283 attributable to circulator or notary misconduct or errors; and 1,301 attributable to other errors and deficiencies on the petition sheets.

The consequence of these widespread violations and petition errors is clear: the proponents of the Ballot Initiative petition fell *far* below the statutorily threshold for obtaining ballot access. Accordingly, the Court should declare the Secretary's March 17, 2026 Determination of Validity contrary to law, vacate the decision, and remand with instructions to decertify the Ballot Initiative. Alternatively, the Court may remand to the Secretary for further investigation and a new determination of validity in view of the evidence and arguments presented by Petitioners.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

I. Following failed legislative efforts to enact anti-trans measures, interest groups with out-of-state roots applied to put such measures on the ballot.

Over the past year, Maine has faced heavy pressure from the Trump Administration to change its policies around transgender athletes in sports. *See* Pet. ¶¶ 44–46. Even so, the Legislature has repeatedly debated and rejected proposals that, like the Ballot Initiative, would

discriminate against children based on gender. *See id.* ¶ 43. Against this charged backdrop, a group called "Protect Girls Sports in Maine," led by Leyland John Streiff of Brunswick and backed by out-of-state billionaire Richard Uihlein, applied to place the Ballot Initiative on the November 2026 ballot. R.03. The Ballot Initiative seeks to force school sports programs and facilities to mandate that participation or use be limited by sex at birth—vitiating Maine's existing anti-discrimination protections. *See* R.04–05.

Four groups applied to circulate petitions for the measure. The first, "Morning in America II," is based in Cave Creek, Arizona and operated by Timothy F. Mooney, who has faced criminal charges in other states related to past circulating efforts.[1] R.42–43. The second, "Canyon State Marketing," is also affiliated with Mr. Mooney. R.30–35.[2] The third organization is "Phil Hendricks (DBA Mainely Strategies)." R.36–41, R.44–45. The record contains two registrations from Mainely Strategies with different addresses, though both list Philip Hendricks as their designated agent. *Id.* Mr. Hendricks has been named in an ethics probe based on a reported phone call wherein he offered "under the table" bonus payments to a Ballot Initiative petition circulator.[3] The final petition organization, "1st Amendment Pros LLC," is registered to an address in Sheridan, Wyoming. R.28–29. The organization's registration address—a small storefront at 30 N. Gould Street in Sheridan—has been repeatedly tied to scams and fraudulent schemes.[4] Between

[1] Bridger Beal-Cvetko, *Arizona Man Faces Criminal Charges Tied to Collecting 2nd District Election Signatures*, KSL (Dec. 22, 2023), https://perma.cc/66QL-92E6; Bridger Beal-Cvetko, *13 Charged in Fraud Case Tied to 2nd District Election Signature-Gathering*, KSL (Apr. 5, 2024), https://perma.cc/7YSU-5JXP.

[2] Canyon State Marketing's status as a petition organization is unclear. Its registration form is in the record, R.30–35, but it is not listed as a petition organization on the Secretary's website, as required by law, *see* 21-A M.R.S. § 903-C; *see also infra* Argument § I. Petitioners are unsure whether this constitutes mere oversight by the Secretary, or indicates that Canyon State Marketing was rejected as a petition organization.

[3] *See generally* Michael Shepherd, *Maine Republican Hit with Ethics Complaint over a Top Staffer's Phone Call*, Bangor Daily News (Feb. 5, 2026), https://perma.cc/QB43-QXVC.

[4] Ashleigh Snoozy, *Another Scam Recorded from Business Related to 30 N. Gould St. Registered Agent*, The Sheridan Press (May 27, 2025), https://perma.cc/B3NX-T43P.

2019 and 2024 more than 260,000 businesses registered at the address, "including criminals, suspected North Korean sanctions evaders, and those with wealth of dubious origin."[5] The address is tied to dozens of fake companies charged with COVID-19 relief fraud.[6] The group's Wyoming registration papers do not list anyone associated with the entity beyond a representative at "Registered Agents Inc.," a company that reportedly uses the Sheridan storefront to register anonymous LLCs "with fake personas" that "mask[] the identity of who owns a company."[7]

The registration forms for the petition organizations contain notable irregularities. To start, it is clear that three of the registration forms were completed by the same person on behalf of distinct organizations, as shown below.

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:
Protect Girls Sports in Maine
An Act to Designate School Sports Participation by Sex

Contact information for petition organization:
Name of Petition Organization: Morning in America II
Mailing address: 4034S North 51st Street
Cave Creek, AZ 85331

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:
Protect Women's Sports in Maine Protect Girls Sports in Maine
An Act to Designate School Sports Participation by Sex

Contact information for petition organization:
Name of Petition Organization: 1st Amendment Pros LLC
Mailing address: 30 N Gould ST Ste R Sheridan, WY 82801

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:
Protect Girls Sports in MAINE
An Act to Designate School Sports Participation and Facilities by Sex

Contact information for petition organization:
Name of Petition Organization: Phil Hendricks (DBA Mainely Strategies)
Mailing address: 14 Melody Ln, St Albans, ME 04971

[5] Spencer Woodman, *Millions in Covid Relief Funds Went to Shadowy Companies Registered at a Wyoming Storefront that Hundreds of Thousands of Firms Used as an Address*, Int'l Consortium of Investigative Journalists (Mar. 4, 2025), https://perma.cc/R84T-QXE7; Will Fitzgibbon, Debbie Cenziper & Alice Crites, *The Gatekeepers Who Help Open America to Oligarchs and Scammers*, Int'l Consortium of Investigative Journalists (Apr. 5, 2022), https://perma.cc/BK7H-3A2S.

[6] *See supra* note 5; *see also* Charles P. Pierce, *Wyoming Appears to Be in the Middle of an Economic Boom—of Corporate Malfeasance*, Esquire (Mar. 7, 2025), https://www.esquire.com/news-politics/politics/a64092943/wyoming-storefront-covid-relief-funds/.

[7] William Turton & Dhruv Mehrotra, *The Secrets Factory*, Wired (Mar. 5, 2024), https://www.wired.com/story/registered-agents-inc-fake-personas/.

R.28, 42, 44. None "include a statement indicating the method by which the individuals hired to assist in circulating petitions are being compensated," 21-A M.R.S. § 903-C(1)(D), though Canyon State Marketing indicated by email that its circulators were paid "my [sic] the signature," R.30. Extrinsic evidence suggests paid circulators were paid per signature, greatly increasing the incentive to commit fraud. *See* Ex. F ("Madanes Aff.") ¶ 5.[8]

It is also apparent that "1st Amendment Pros LLC"—the purportedly Wyoming-based entity—did not include a true "street address or post office box." 21-A M.R.S. § 903-C(1)(B). The organization's CEO—Joe Richard Pool III (a/k/a Joe "Trey" Pool)—appears to reside in California. Remarkably, over a *quarter million businesses*, including anonymous LLCs and fraudulent businesses, are registered at the same modest storefront as 1st Amendment Pros LLC, shown below, undercutting the notion that it is a true place of business for the petition organization.

Moreover, these entities did not meet other necessary prerequisites to transact business in Maine, *see* 21-A M.R.S. § 903-C(1), including compliance with Maine's registration laws for out-of-state LLCs, *see* 31 M.R.S. § 1622 (prohibiting foreign LLCs from conducting activities in Maine "until its statement of foreign qualification is filed in the records of the Secretary of State"). Based upon

[8] State and federal courts have upheld bans on per-signature payment because they tend to promote fraud. *E.g.*, *Prete v. Bradbury*, 438 F.3d 949 (9th Cir. 2006); *Initiative & Referendum Inst. v. Jaeger*, 241 F.3d 614 (8th Cir. 2001); *AZ Petition Partners LLC v. Arizona*, 530 P.3d 1144 (Ariz. 2023).

a search of the Secretary's Corporate Search website, none of these out-of-state entities obtained the necessary qualifications for transacting business in Maine. Petitioners have found no evidence that "Mainely Strategies," the sole Maine-based entity, is registered to transact business either.

These various unregistered petition organizations, in turn, recruited circulators to collect signatures across the State. *See* Tbl. 1. On February 2, 2026, the circulators submitted 8,067 petition sheets purporting to contain 79,692 valid signatures of Maine voters. R.01–02. More than half the submitted signatures came from out-of-state circulators, who—as described below—were prone to violating Maine's circulator laws and requirements.[9]

II. The Secretary's office properly invalidated large numbers of petition signatures but nonetheless certifies the Ballot Initiative.

The Secretary's staff is afforded only a brief period to review tens of thousands of signatures. *See* 21-A M.R.S. § 905. Even so, they readily discerned that many signatures, and even entire petition sheets, were legally invalid. R.01 & n.1 (noting "[three] petition forms were submitted that contained only signatures that were certified as *invalid* by municipal registrars or included no municipal certification" at all (emphasis added)). During its review, the Secretary's office invalidated 8,659 signatures due to statutory and constitutional deficiencies. *See* Pet. ¶ 50.

Although the Secretary's staff was diligent in identifying this substantial number of invalid signatures, there remain a substantial number of additional signatures that contain similar constitutional or statutory deficiencies. Further still, evidence obtained by Petitioners reflects substantial circulator fraud and potential signer fraud—of which the Secretary's office was presumably unaware—that requires further invalidation of thousands of signatures.

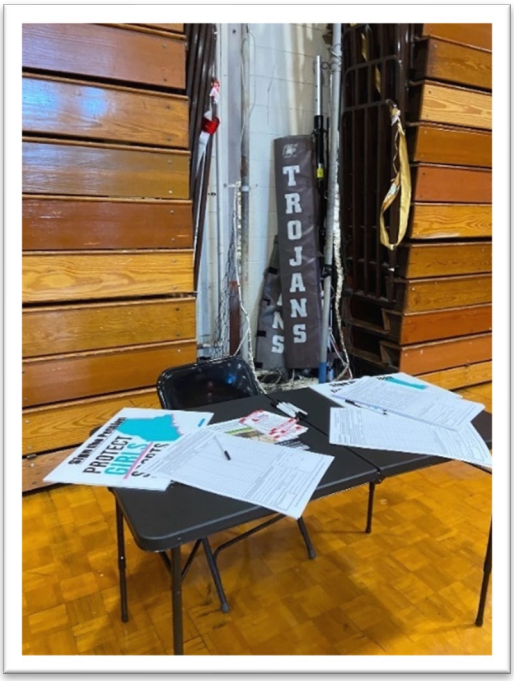
[9] *See* Ex. A (Affidavit of Jillian McLeod-Tardiff) ("McLeod-Tardiff Aff."); Ex. B (Affidavit of Mary Henderson) ("Henderson Aff."); Ex. C (Affidavit of Deb Considine) ("Considine Aff."); Ex. D (Affidavit of Amy Stubbs) ("Stubbs Aff."); Ex. E (Affidavit of Gabriel LaSalle) ("LaSalle Aff."); Madanes Aff.; Ex. G (Affidavit of Tammy Taylor) ("Taylor Aff."); Ex. H (Affidavit of Roy Gott) ("Gott Aff."); Ex. I (Affidavit Mike Hein) ("Hein Aff."); Ex. J (Affidavit Cynthia Grimm).

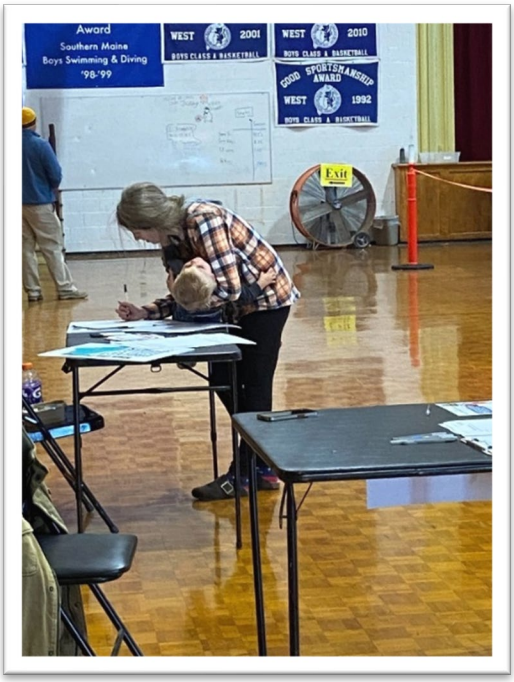
III. Petitioners uncover significant evidence of fraudulent circulator oaths and other serious circulator problems.

A. Several circulators fraudulently affirmed that they witnessed all signatures collected on their petitions

Every circulator must verify by oath or affirmation that they personally witnessed all signatures on the petition. *See* Me. Const. art. IV, pt. 3, § 20. The Secretary's instructions also require that the circulator "must personally witness each voter sign the petition" and "may not leave the petitions unattended at a location, or attended by someone other than yourself." R.24.

But video and photographic evidence, in addition to sworn testimony, shows that several circulators left petition forms unattended for substantial periods of time and allowed unknown individuals to sign or mark petition forms without the circulator present. In particular, videos taken by members of the public, and citizens tabling in public areas for other causes, show several circulators leaving their petition sheets unattended while unknown persons approached those sheets and marked them—without the circulator present to confirm compliance with Maine law or to observe how these individuals marked up the petition.

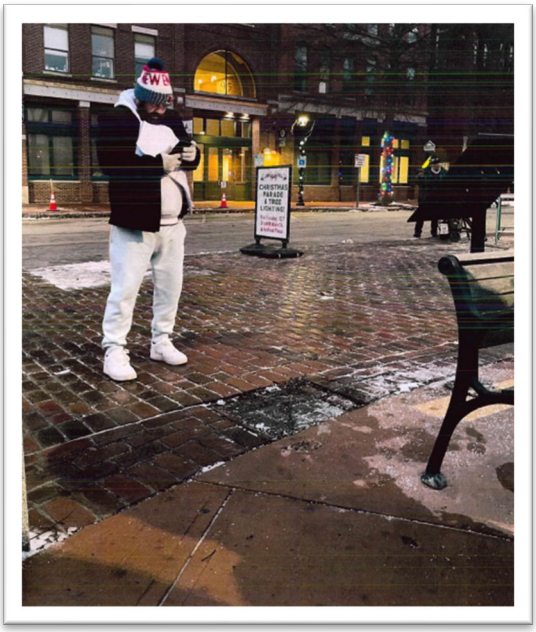




For example, video and photographic evidence shows that circulator Elias Vasquez, an out of state circulator from Texas, repeatedly left his petition sheets unattended while collecting signatures in Topsham. *See* McLeod-Tardiff Aff. ¶¶ 7–10; Henderson Aff. ¶¶ 5–8; Considine Aff. ¶¶ 5–9. During this time, witnesses observed people approach the petition sheets and mark them while unattended. McLeod-Tardiff Aff. ¶¶ 13-14; Henderson Aff. ¶ 7; Considine Aff. ¶ 9. Even so, Mr. Vasquez swore—falsely—that he "personally witnessed all of the signatures to the petition." R.27459, R.27471, R.27479, R.27532, R.27536, R.27540, R.27544, R.27548, R.27552, R.27556.[10] Similarly, sworn testimony, supported by video and photographic evidence shows that circulator Susan Mays left petition sheets unattended in Saco while members of the public marked them. *See* Stubbs Aff. ¶¶ 6–12; LaSalle Aff. ¶¶ 6–9. Yet she too falsely swore that she personally witnessed each signature to the petition. *See* R.24071, R.24075, R.24091, R.24095, R.24159, R.24175, R.24179, R.24183, R.24187.[11] In Auburn, circulator Adam Turner handed his petition sheets to members of the public standing in line for beverages at a Christmas tree ceremony and walked off to look at his phone while the petitions sheets were passed down the line and marked up by the public, outside of Mr. Turner's presence. *See* Grimm Aff. ¶¶ 7–10. Thus, he also swore falsely on his petition sheets that he personally witnessed each signature he collected. R.1477, R.1388. The signatures affected by this malfeasance are identified in Table 2. *See* Tbl. 2.

[10] Video evidence of Mr. Velasquez leaving his petition sheets unattended can be found here. *See* Elias Vasquez #1 (Nov. 4, 2025), https://app.box.com/s/fbh5pe9fu7iitzz9mz4dxbk217nzjszm; Elias Vasquez #2 (Nov. 4, 2025), https://app.box.com/s/5ixkme01s3ghhaz5179y5kb97qpglwpm.

[11] Video evidence of Ms. Mays leaving her petition sheets unattended can be found here. *See* Susan Mays (Nov. 4, 2025), https://app.box.com/s/nrbi5dil8cfpnieyhd3mo0lbbp7jm3d2.

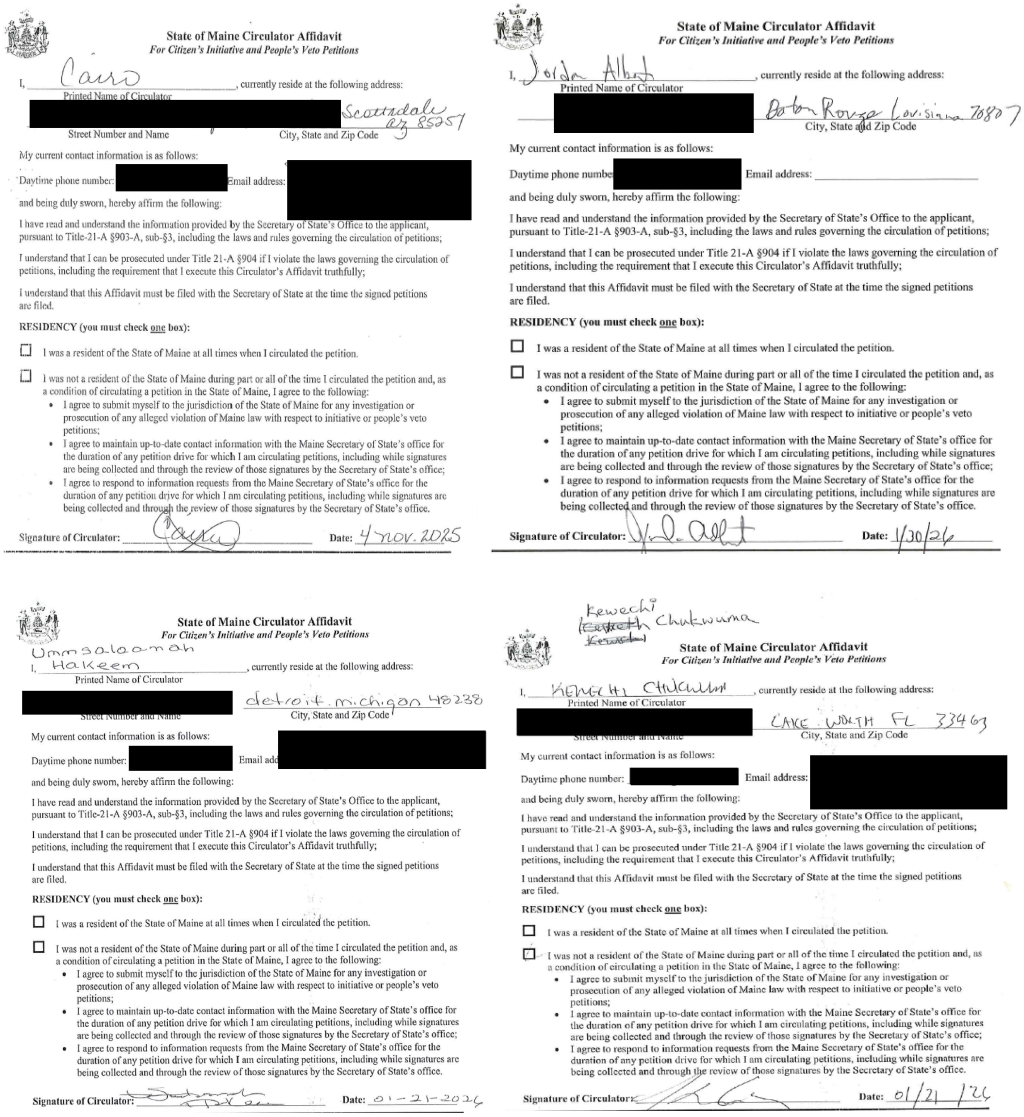


Evidence shows other suspicious circulator conduct. For example, several individuals witnessed Carrie Sandstrom Faulkingham circulating petition sheets outside of a December 9, 2025 schoolboard meeting in Sullivan. *See* Taylor Aff. ¶ 4; Gott Aff. ¶¶ 4–5. But she is *not* a qualified circulator, and no petition sheets were submitted in her name.

B. Petitioners have identified at least four out-of-state circulators who failed to properly consent to Maine jurisdiction on their circulator affidavits.

Circulators must either be Maine residents *or* affirmatively consent to jurisdiction in Maine. *See* Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. § 903-A(4)(C); *see also infra* Argument § II.B (discussing Consent Order). This is reflected on the circulator affidavit form that each circulator is required to complete and notarize. R.26. The form makes clear that "a condition of circulating a petition in the State of Maine" is "agree[ing] to submit . . . to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law." *Id.* The record reflects, however, that at least four out-of-state circulators responsible for approximately 1,520 signatures failed to submit to Maine's jurisdiction—the circulator affidavits below reflect

the circulator's failure to check the required box—yet still had their submissions counted. *See* R.32665, R.32608, R.32767, R.32674; *see also* Tbl. 3 (identifying impacted signatures).



State of Maine Circulator Affidavit
For Citizen's Initiative and People's Veto Petitions

I, Caro, currently reside at the following address:
Printed Name of Circulator
[redacted] Scottsdale AZ 85257
Street Number and Name City, State and Zip Code

My current contact information is as follows:
Daytime phone number: [redacted] Email address: [redacted]

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check one box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:
- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: Caro Date: 4 NOV. 2025

State of Maine Circulator Affidavit
For Citizen's Initiative and People's Veto Petitions

I, Jordan Albert, currently reside at the following address:
Printed Name of Circulator
[redacted] Baton Rouge Lou. Siana 70807
Street Number and Name City, State and Zip Code

My current contact information is as follows:
Daytime phone numbe[redacted] Email address: _____

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check one box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:
- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: Jordan Albert Date: 1/30/26

State of Maine Circulator Affidavit
For Citizen's Initiative and People's Veto Petitions

Ummsalaamah Hakeem, currently reside at the following address:
Printed Name of Circulator
[redacted] detroit. michigan 48238
Street Number and Name City, State and Zip Code

My current contact information is as follows:
Daytime phone number: [redacted] Email add[redacted]

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check one box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:
- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: [redacted] Date: 01-21-2026

Rewachi Chinkwuma
~~Kenneth~~ Rewachi

State of Maine Circulator Affidavit
For Citizen's Initiative and People's Veto Petitions

I, KENNETH CHUKWUMA, currently reside at the following address:
Printed Name of Circulator
[redacted] LAKE WORTH FL 33463
Street Number and Name City, State and Zip Code

My current contact information is as follows:
Daytime phone number: [redacted] Email address: [redacted]

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check one box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:
- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: [redacted] Date: 01/21/26

C. An out-of-state circulator responsible for a large number of signatures failed to include their full name on the circulator affidavit.

Maine law requires that each circulator affidavit include, among other things, "[t]he circulator's printed name." 21-A M.R.S. § 903-A(4)(A). But at least one circulator apparently failed to provide a name that would permit them to be readily identifiable by the Secretary.

Specifically, a circulator responsible for approximately 1,472 validated signatures simply listed their name as "Cairo," *see* Tbl. 4, as shown below on their circulator affidavit, R.32665.

I, Cairo, currently reside
Printed Name of Circulator

It is unclear whether "Cairo" is the circulator's true name at all, or first or last name and, in any case, it is not compliant with the requirement that a circulator provide their name.

D. At least two circulators later notarized circulator affidavits and petition sheets, despite the clear conflict of interest.

Maine law prohibits anyone who "[p]rovid[es] services other than notarial acts" that "promote" a ballot initiative from administering the oath or affirmation to circulators as a notary. *See* 21-A M.R.S. § 903-E; 4 M.R.S. § 1904(5). Yet at least two individuals who circulated petitions in support of the Ballot Initiative later administered oaths to *other* circulators. For example, Robert J. De Clercq circulated a petition sheet in support of the Ballot Initiative as early as November 14, 2025, *see* R.29653, but then notarized the circulator affidavits of Jean Reagan and Marc Boisse on November 19, 2025, *see* R.32855, R.32649, and notarized the circulator affidavit of Suzanne Berlin on January 14, 2026, *see* R.32639. Mr. De Clercq also notarized circulator oaths for nearly four dozen petition sheets, including two dozen on January 11, 2026. *See* Tbls. 5, 6. Patrick Harrington likewise circulated petition sheets as early as November 30, 2025, *see* R.6770, but subsequently on December 7 notarized the circulator affidavit of Paul Fearon and Walter Stevens, *see* R.32737, R.32887, as well as the circulator oaths for several petition sheets. *See* Tbls. 5, 6.

E. The Ballot Initiative's circulators violated Maine law in other respects.

The record and extrinsic evidence reflect yet more problematic conduct by the Ballot Initiative's circulators. For example, Maine law requires that a "person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact

statement required by section 901 prior to that voter signing the petition." 21-A M.R.S. § 901-A(1). Yet a witness observed at least one circulator—Hope Angel—purposefully folding her petition sheets to obscure the initiative summary when collecting signatures in Lewiston. *See* Madanes Aff. ¶¶ 6–7. Ms. Angel submitted 688 validated signatures. *See* Tbl. 7.

Numerous circulator affidavits also contain other critical errors. These include circulator affidavits that lack *any* notarization date, *see* Tbl. 8; that contain notarization dates that are not contemporaneous with execution of the affidavit, *see* Tbls. 9, 10; and that lack the required commission number for out-of-state circulators, *see* Tbl. 11.

IV. Additional violations and deficiencies also require invalidating signatures.

In addition to the circulator-specific problems above, the record also shows a material number of other errors in the Ballot Initiative's petition sheets, including:

- 286 duplicate signatures beyond those already identified, *see* Tbl. 12;
- 14 signatures on petition sheets that lack any notary signature, *see* Tbl. 13;
- 373 signatures made *after* the circulator swore their oath on a petition sheet, *see* Tbl. 14;
- 47 signatures lacking the required date, *see* Tbl. 15;
- 307 signatures dated more than a year prior to their submission to the Secretary, *see* Tbl. 16;
- 39 signatures that impermissibly use "ditto marks" in the date field, *see* Tbl. 17;
- 59 signatures made by individuals who do not in fact appear to be Maine voters, based on a review of just a small portion of the validated signatures, *see* Tbl. 18;
- 31 signatures that bear obvious indicia of fraud, including being written by another signatory to the petition, *see* Tbl. 19a, as well as 1,179 from two circulators who appeared to engage in more systematic signature forging, *see* Tbl. 19b;
- 158 signatures that failed to list *any* current residential address for the voter or impermissibly list a P.O. Box, *see* Tbl. 20;
- 99 signatures that failed to include *any* municipality on the petition, as required, *see* Tbl. 21.

V. Petitioners raise twenty-one distinct challenges to the Petition.o

Petitioners filed this action on March 27, 2026. The Petition raises numerous challenges to the validity of the Ballot Initiative. To aid the Court, Petitioners attach a Challenge Summary

Table, which sets forth each challenge by number and identifies the total number of signatures deemed valid that are subject to challenge. Petitioners also include challenge-specific tables to aid in identifying which petition sheets and signatures are subject to each challenge. *See* Tbls. 1–21.

ARGUMENT

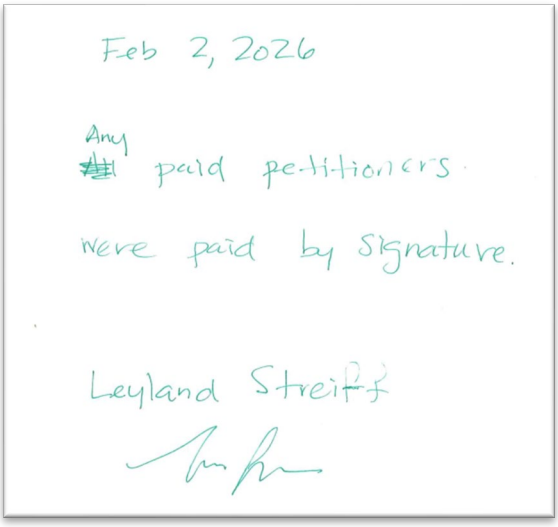
I. Challenge 1: The petition organizations violated Maine law, requiring either invalidation of the Ballot Initiative altogether or, at minimum, remand for investigation into their compliance.

The widespread circulator problems described below should come as no surprise: the Ballot Initiative is itself largely the work of out-of-state organizations with troublesome histories of malfeasance or dubious circulator practices. The record reflects insufficient scrutiny of these organizations, their hiring practices, and their compliance with Maine law. To start, it is troubling that three supposedly distinct petition organizations submitted applications signed by different individuals but written in the same hand. R.28, 42, 44. This raises doubt that these entities "register[ed] with the Secretary of State in accordance with this section." 21-A M.R.S. § 903-C.

Moreover, none of these entities complied with mandatory registration requirements imposed on petition organizations by Maine law. In addition to filing the Petition Organization Registration Application, § 903-C requires that every petition organization "meet[] any other requirement to transact business in this State." 21-A M.R.S. § 903-C(1) (noting this requirement is expressly "in addition" to compliance with § 903-C). For foreign LLCs—like 1st Amendment Pros, Canyon State Marketing, and Morning in America II—that means complying with Maine's registration laws for out-of-state LLCs. *See* 31 M.R.S. § 1622 (prohibiting foreign LLCs from conducting activities in Maine "until its statement of foreign qualification is filed in the records of the Secretary of State"); *see also* 13-C M.R.S. §§ 1501, 1502. But based upon a search of the Secretary's Corporate Search website, none of these out-of-state entities obtained the necessary

qualifications for transacting business in Maine. Nor is there any indication that "Mainely Strategies," the sole Maine-based entity, is registered to transact business either.

Further, none of the four petition organizations complied with the statutory requirement to submit a registration form that "include[s] a statement indicating the method by which the individuals hired to assist in circulating petitions are being compensated." 21-A M.R.S. § 903-C; *see generally* R.28–29, 32–45. While Canyon State Marketing provided this information via email, Maine law is clear that "the registration form" itself must contain this statement—not a separate email to the Secretary's office. 21-A M.R.S. § 903-C. But even if this side email suffices as to Canyon State Marketing, the administrative record reflects no evidence that the other three organizations submitted *any* evidence about how they compensated circulators, or made any effort to do so, as required by law. The record does contain a separate document that purports to list every paid circulator—without identifying the petition organization that hired them—followed by looseleaf page written in green ink stating "Any paid petitioners were paid by signature," and bearing the purported signature of Leyland Streiff—the Ballot Initiative's sponsor. R.46–51.


Feb 2, 2026

Any paid petitioners were paid by signature.

Leyland Streiff

R.51. But this odd submission contains no authentication whatsoever, such as a notarial act, witness statement, or cover letter or email from Mr. Streiff. It is not even clear how this document

was conveyed to the Secretary's office. Moreover, Mr. Streiff is *not* affiliated with any of the petition organizations, and nothing in Maine law says a direct initiative's *sponsor* can cure a p*etition organization*'s noncompliance with § 903-C by scrawling a handwritten note.

Maine law is clear; the petition organization itself must provide a statement regarding how it is compensating paid circulators. Section 903-C requires the petition organization's "registration form" to include a disclosure about how circulators were paid. And that is not merely a technical requirement: Section 903-C also provides that the "registration form[s] must be made available for public inspection" and "posted on the publicly accessible website of the Secretary of State." 21-A M.R.S. § 903-C. Conveying—or purporting to convey—that information by a separate document obscures it from this public disclosure requirement and, as a result, website does not inform Mainers how these petition organizations paid circulators. *See* Dep't of the Sec'y of State, *Current Citizen Initiatives and People's Vetoes*, https://www.maine.gov/sos/elections-voting/peoples-veto-or-citizens-initiative-resources/current-citizen-initiatives-and-peoples-vetoes.[12]

In view of this serial non-compliance with § 903-C, the Court should conclude that all four petition organizations failed to properly register under § 903-C, and hold that circulators paid by these organizations were not properly disclosed and thus never qualified to circulate petitions. That conclusion follows from statute, *see* 21-A M.R.S. § 903-C, and Law Court precedent stressing that circulator laws require strict adherence, *e.g.*, *Reed*, 2020 ME 57, ¶ 19; *MTAN*, 2002 ME 64, ¶ 13; *Palesky v. Sec'y of State*, 1998 ME 103, ¶ 13, 711 A.2d 129. *Knutson* in particular emphasizes that technical compliance with petition laws is required, and that regardless of "[w]hether [any] errors are made in good faith, or are the product of fraud or dishonesty, the law requires the invalidation

[12] The publicly disclosed forms are available under "An Act to Designate School Sports Participation and Facilities by Sex," at the link "Petition Organization Registration Application (PDF)." *See Petition Organization Registration Application*, www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/Petition%20Organization%20Reg%20Apps.pdf (last visited Apr. 10, 2026).

of the petition upon demonstration of noncompliance, regardless of scienter." *Knutson*, 2008 ME 124, ¶ 124. That result follows here. *See* Tbl. 1 (identifying total signatures submitted by each circulator hired by 1st Amendment Pros LLC, Morning in America II, Canyon State Marketing, and Mainely Strategies). At minimum, the Court must remand for the Secretary to investigate whether these organizations registered to transact business in Maine or complied with § 903-C.

Finally, the Court has an additional basis for invalidating signatures collected by paid circulators for 1st Amendment Pros LLC. Section 903-C requires petition organizations to provide a "street address or post office box." 21-A M.R.S. § 903-C(1)(C). But, as noted, 1st Amendment Pros provided an address that is a notorious front for anonymous and fraudulent LLCs. It is not plausible that 30 N. Gould Street in Sheridan—a small storefront address with over a quarter million registered businesses—is the legitimate place of business for 1st Amendment Pros LLC, particularly given that its (apparent) CEO resides in California. The Court should therefore invalidate petition sheets collected by this entity's paid circulators, *see* Tbl. 1, or at minimum remand for the Secretary to determine whether 1st Amendment Pros LLC has provided a bona fide address and complied with Maine's business entity laws.

II. The Ballot Initiative's signature gathering effort was plagued with circulator misconduct and error that requires invalidating large numbers of signatures.

The signature gathering process was beset with circulator misconduct that undermines the validity and integrity of the Ballot Initiative. Maine law permits voters to enact legislation through direct initiative, but in doing so "[s]ignatures *must* be obtained by qualified petition circulators . . . *according to an established procedure*." *Reed*, 2020 ME 57, ¶ 3 (emphases added) (citing *MTAN*, 2002 ME 64, ¶¶ 3, 10, 19). Compliance with circulator regulations is thus an "indispensable accompaniment[] of a valid petition." *MTAN*, 2002 ME 64, ¶ 14 (quoting *Op. of the Justs.*, 116 Me. 557, 103 A. 761, 767 (1917)). Thus, the Law Court demands strict compliance with circulator

rules: "Whether [any] errors are made in good faith, or are the product of fraud or dishonesty, the law requires the invalidation of the petition upon demonstration of noncompliance, regardless of scienter." *Knutson*, 2008 ME 124, ¶ 24. "When a petition is tendered to the Secretary that does not meet the requirements of the petition laws, it must be voided." *Id.* ¶ 20. Here, numerous discrete categories of circulator-related error requiring invalidating large numbers of signatures.

A. Challenge 2: Signatures submitted by circulators who falsely swore to personally witness each signature are legally invalid.

The Secretary's circulator instructions make clear that, by law, "circulators *must* be able to take the oath that is written on the petition and state truthfully that they personally witnessed each person sign the petition." R.19 (emphasis added). As explained above (*supra* Statement of Facts § III.A), several circulators falsely swore to have "personally witnessed all of the signatures to the petition," 21-A M.R.S. § 902, and thus in claiming that "to the best of [their] knowledge and belief[,] each signature is that of the person whose name it purports to be," *id.* Mr. Vasquez and Ms. Mays did *not* personally witness each of the signatures they submitted; video evidence shows individuals marking the petition sheets while left unattended. *See* McLeod-Tardiff Aff.; Henderson Aff.; Considine Aff.; Stubbs Aff.; LaSalle Aff. Mr. Turner also did not personally witness each signature, as photographs—affirmed by sworn testimony—show him leaving his sheets with members of the public, while Mr. Turner wandered off to look at his phone. *See* Grimm Aff.

The signatures gathered by these circulators must be invalidated as a matter of law. *See* Tbl. 2. In *Knutson*, the Law Court agreed with the Secretary that to "personally witness" a signature means that circulators must (1) be in physical proximity to the petition sheets when they being filled out, and (2) actually *aware* of the signatures being made. *See* 2008 ME 124, ¶ 12; *see also id.* ¶ 5 (presence requires "personal and visual oversight"). These circulators violated that rule, as incontrovertible evidence shows. As *Knutson* further holds, the proper remedy is to void the

circulator's petition sheets entirely. *See id.* ¶¶ 14–28 (rejecting Secretary's argument that only the specific signatures made outside the circulator's presence should be stricken). This remedy reflects that these petition sheets "contain circulator's oaths that are inaccurate as to a critical component of compliance" with Maine's petition laws. *Id.* ¶ 28.[13] Accordingly, the 1,338 signatures identified in Table 2 must be invalidated. Separately, on remand, the Court should instruct the Secretary to further investigate events around the school board meeting in Sullivan on December 9, 2025. *See* Taylor Aff.; Gott Aff. As explained, witnesses at the meeting observed an individual circulating petition sheets for the Ballot Initiative, yet no petition sheets were ultimately submitted in her name. Further investigation is therefore necessary to determine if this person in fact collected and submitted signatures despite failing to execute the required circulator affidavit.

B. Challenge 3: Signatures submitted by circulators who failed to submit to Maine's jurisdiction are legally invalid.

The Constitution requires that a circulator "must be a resident of this State . . . whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor." Me. Const. art. IV, pt. 3, § 20; *see also* 21-A M.R.S. § 903-A(4)(C) (same). The Law Court has stressed that these mandatory provisions "enhance[] the integrity of the initiative process," including by "provid[ing] the State with jurisdiction over the circulators . . . if there is a question as to the validity of the signatures collected." *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165 (rejecting constitutional challenge to these provisions).

The foregoing provisions are subject to a federal Consent Order that limits their enforcement—but only in part. *See* Consent Order, *We the People PAC v. Bellows*, No. 1:20-cv-

[13] The Court should reject any argument that only some petition sheets should be invalidated. For one, clear evidence shows these circulators swore their oaths falsely. The Ballot Initiative's proponents should not be allowed to ignore petition witnessing requirements and then argue ambiguity as to *which* specific petitions were left unattended. Indeed, the fact that these circulators swore false oaths in the first place means "the veracity of [their] attestation[s] to other matters is seriously in question." *MTAN*, 2002 ME 64, ¶ 19.

489 (D. Me. Feb. 9, 2020), ECF No. 88. The Consent Order enjoins the residency requirement only as to out-of-state circulators who, among other requirements, "*agree to submit to the personal jurisdiction of Maine* for purposes of any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions." *Id.* ¶ 2 (emphasis added). Accordingly, the residency requirements remain in place, subject only to the carveout in the Consent Order. The continued operation of the residency requirement, as modified by the Consent Order, continues to serve a critical role in ensuring that Maine can effectively enforce its petition laws over circulators, *see* 21-A M.R.S. §§ 902, 903-A(4); *Hart*, 1998 ME 189, ¶ 13, and thus ensures "the integrity of the initiative and referendum process," *MTAN*, 2002 ME 64, ¶13. To that end, the formal circulator instructions issued by the Secretary make clear that "[c]irculators who are not Maine residents *must* agree to submit to the jurisdiction of the State of Maine, to keep current their contact information, and to respond to any information requests from the Secretary of State, in the Circulator Affidavit." R.23. Maine likewise amended its circulator affidavit form to require that circulators "must" check a box confirming they are a Maine resident *or* consent to jurisdiction in Maine and agree to other requirements set forth in § 903-A(4)(D). *See* R.26.

Even so, circulators Jordan Albert, Kewechi Chukwuma, Ummsalaamah Hakeem, and "Cairo" failed to affirm by oath that they are either Maine residents *or* willing to submit to Maine's jurisdiction for purposes of any investigation into alleged violations of Maine law. *See* R.32665, R.32608, R.32767, R.32674. They accordingly failed to bring themselves within the Consent Order's carveout for out-of-state circulators willing to consent to jurisdiction, and thus run afoul of Maine's otherwise still mandatory residency rule. They also failed to comply with 21-A M.R.S. § 903-A's requirement that circulators "execute an affidavit that must" address the residency requirement. These circulators therefore failed to comply with the "established procedure" that

"must" be followed to serve as a "qualified petition circulator[]." *Reed*, 2020 ME 57, ¶ 3. The petition sheets submitted by these circulators, containing 1,520 signatures, must be invalidated as a matter of law. *See* Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. § 903-A(4)(C); *see also* Tbl 3.

C. Challenge 4: Petition sheets submitted by "Cairo" are not valid.

Maine law requires that each circulator affidavit include, among other things, "[t]he circulator's printed name." 21-A M.R.S. § 903-A(4)(A). This requirement serves the State's interest in "requiring circulators to correctly identify themselves in their oath and affidavit," such that Maine officials can "locat[e] circulators within or without the state's borders." *MTAN*, 2002 ME 64, ¶ 20; *cf. Op. of the Justs.*, 103 A. at 771 (explaining that while a full name may not be required, petition signers must at least include initials to indicate their first or middle names). Here, the circulator known only as "Cairo" failed to comply with this rule by failing to list a complete name on their circulator affidavit and petition sheet oaths. R.32665; *see, e.g.*, R.581. On top of that, "Cairo" is one of the circulators who failed to submit to Maine's jurisdiction, which is reason alone for invalidating their petition sheets. Because "Cairo" did not suitably identify themselves or provide a sufficient on their circulator affidavit and petition sheets, any petition sheets submitted by "Cairo" must be invalidated. *See MTAN*, 2002 ME 64, ¶ 20; *see also* Tbl. 4.

D. Challenges 5 & 6: Petition sheets and circulator affidavits notarized by individuals who previously circulated petitions are invalid.

Maine's ballot initiative and notarial laws both prohibit anyone who "[p]rovid[es] services other than notarial acts" that "promote" a ballot initiative from administering the oath or affirmation to circulators. *See* 21-A M.R.S. § 903-E; *see also* 4 M.R.S. § 1904(5). The Law Court has held that this rule protects against "fraudulent notarizations." *Reed*, 2020 ME 57, ¶ 17.

In *Reed*, the Law Court held that two notaries who first "provided nonnotarial services to [a ballot initiative] campaign by circulating petitions" could not thereafter notarize petition sheets

for the same campaign. *Id.* ¶ 19.[14] The record shows that at least two notary-circulators served exactly the same impermissible dual circulator-notary role here. Robert J. De Clercq executed a circulator oath on November 17, 2025 for a petition sheet including signatures he gathered as early as November 14. *See* R.29653. Accordingly, from November 14 onwards, Mr. De Clercq was "not authorized to administer an oath or affirmation to the circulator of a petition" for the Ballot Initiative. 21-A M.R.S. § 903-E; *see also Reed*, 2020 ME 57, ¶ 19. Yet Mr. De Clercq then notarized circulator affidavits for Jean Reagan and Marc Boisse on November 19, *see* R.32855, R.32649, as well the circulator affidavit for Suzanne Berlin on January 14, 2026, *see* R.32639. He also notarized circulator oaths for four dozen petition sheets on November 19, 2025 and January 11, 2026. *See* Tbl. 6. Under Maine's notarial and ballot initiative statutes, as well as the Law Court's holding in *Reed*, these notarial acts are void, meaning that Jean Reagan, Marc Boisse, and Suzanne Berlin never lawfully qualified as circulators and their petition sheets must be invalidated. *See Reed*, 2020 ME 57, ¶¶ 3–4; *see also* Tbl. 5. Furthermore, the "signatures on the petitions [Mr. De Clercq] notarized" after his circulating efforts "are invalid." *Id.* ¶ 9; *see also* Tbl. 6.

Patrick Harrington circulated petition sheets as early as November 30, 2025. *See* R.6770. He subsequently notarized the circulator affidavits of Paul Fearon and Walter Stevens on December 7 and December 8, *see* R.32737, R.32887, and on December 7 also notarized circulator oaths on four petition sheets, *See* Tbl. 6. Because those notarial acts were invalid, Mr. Fearon and Mr. Stevens failed to submit validly notarized affidavits and their petition sheets must be voided, along with those petition sheets where Mr. Harrington failed to provide a valid notarization of the circulator oath. *See* 21-A M.R.S. § 903-E; 4 M.R.S. § 1904(5); *see also Reed*, 2020 ME 57, ¶¶ 3,

[14] *Reed* relied in part on 4 M.R.S. § 954-A, which was repealed when Maine adopted the Revised Uniform Law on Notarial Acts. A substantially identical provision, however, was subsequently. *See* 4 M.R.S. § 1904(5). Maine's ballot initiative laws contain this same prohibition. *See* 21-A M.R.S. § 903-E.

9; Tbl. 5. In total, 314 unique signatures should be invalidated on this basis. *See* Tbls. 5, 6.

E. Challenge 7: Signatures submitted by circulators who obscured the ballot initiative summary should be invalidated.

Maine law requires that a "person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact statement required by section 901 prior to that voter signing the petition." 21-A M.R.S. § 901-A(1). Sworn testimony confirms that circulator Hope Angel repeatedly and intentionally obscured the Ballot Initiative summary when collecting signatures in Lewiston, so as to deprive voters of that opportunity. *See* Madanes Aff. Accordingly, the petition sheets submitted by Ms. Angel, containing 688 signatures, should be invalidated or further investigated upon remand. *See* Tbl. 7.

F. Challenges 8–11: Circulators committed disqualifying affidavit errors.

Finally, the Ballot Initiative's circulators committed other disqualifying errors on their affidavits. *First*, Maine law requires circulators to "execute an affidavit," meaning it must be sworn before a notary or other official authorized to swear oaths. 21-A M.R.S. § 903-A(4); *see also* Pet. ¶ 80. Thus, a circulator affidavit that does not contain a properly executed notarial certificate is not properly executed. *Cf. MTAN*, 2002 ME 64, ¶ 13; *see also* R.26.

For a notarial act to be effective, the notary *must* record the date on which they completed the notarial certificate, which as relevant here is found on the bottom portion of the circulator affidavit. *See* 4 M.R.S. § 1916(1)(B) ("A notarial act must be evidenced by a certificate. The certificate must: . . . [b]e signed *and dated* by the notarial officer . . . ." (emphasis added)); *see also* Me. Dep't of the Sec'y of State, *Notary Public Handbook and Resource Guide* 15, https://perma.cc/4NGY-6L8N (explaining "a notarial statement date is necessary" and "should be the same date, in the case of a jurat, as the signer's dated signature"). There are 1,214 validated signatures submitted by circulators whose affidavits did not include *any* notarization date in the

notarial certificate. *See* R. 32715, R.32614, R.32606, R.32772; Tbl. 8 (affected petition pages). These affidavits fail to comply with a basic, but essential, element of Maine's rules for ensuring the integrity of ballot initiative petitions. Because the relevant circulators did not submit qualifying circulator affidavits, the signatures submitted by these circulators are invalid. 21-A M.R.S. § 902.

Second, Maine law requires notarial certificates to be executed "contemporaneously with the performance of the notarial act." 4 M.R.S. § 1916(1)(A). In other words, a circulator's signature swearing to the oath on their affidavit and a notary's signature affirming that the circulator swore the relevant oath must be contemporaneous. The record, however, shows that several circulators submitted affidavits with signatures dated at least one day (and sometimes more) apart from the notarial act, indicating the notary did not in fact sign the notarial certificate on the affidavit contemporaneously with the circulator. *Id.* The 825 signatures submitted by these circulators are invalid. *See* R.32870, R.32784, R.32617 R.32815, R.32884, R.32640, R.32905; Tbl. 9 (impacted petition pages). Similarly, the record reflects approximately 2,099 validated signatures submitted by two circulators whose affidavits include notarial certificate dates a year apart from the circulator's signature on the affidavit. *See* R.32804, R.32917; Tbl. 10 (impacted petition pages). These affidavits do not satisfy the requirements of Maine's notarial laws. 4 M.R.S. § 1916(1)(A).

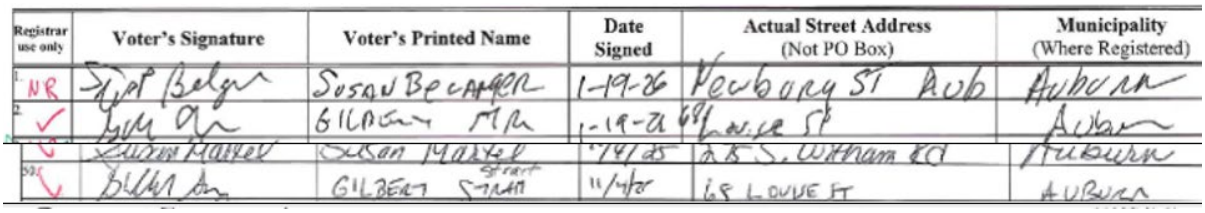
Third, the circulator affidavit form requires a commission number on the notarial certificate if an out-of-state notary completes it. R.26. ("Commission number (if not Maine)"). That requirement makes good sense; while the Secretary and other Maine officials have greater information about registered Maine notaries, their ability to investigate out-of-state notaries is limited, and thus requires a specific commission number to reliably identify the notary. Circulators and the notaries who verify their affirmations are not free to dispense with requirements promulgated by the Secretary to ensure integrity of initiative process. *See* 21-A M.R.S. §§ 901,

903-C. Affidavit requirements are mandatory precisely because they facilitate "assurance" that signatures comply with Maine law. *See Knutson*, 2008 ME 124, ¶¶ 11–12. Failure to comply with a mandatory requirement is grounds for invalidation, *see id.*, and accordingly the petition sheets in Table 11 must be invalidated because their relevant circulator failed to properly execute their affidavit. *See* R.32789. A total of 553 signatures are affected by this error. *See* Tbl. 11.

III. Many other signatures must be invalidated due to failure to comply with Maine law.

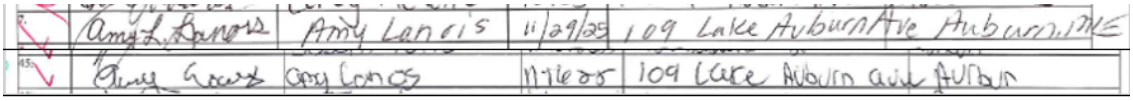
A. Challenge 12: Additional duplicate signatures must be invalidated.

A voter can only sign the petition once. *See* Me. Const. art IV, pt. 3, §§ 18, 20; 21–A M.R.S. § 904(4) (prescribing class E crime for knowingly signing a direct initiative "more than once"). While the Secretary's office already rejected some duplicate signatures, R.01, the record shows several hundred additional duplicates. Several examples of validated duplicate signatures—with page and line numbers noted—are below and a full set can be found in Table 12.



Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
1. NR		SUSAN BECHARD	1-19-26	Peabody ST Aub	Auburn
2. ✓		GILBEAU MR	1-19-26	69 Lowell St	Auburn
✓	Susan Mallet	Susan Mallet	11/4/25	28 S. Witham Rd	Auburn
52. ✓		GILBEAU SUSAN	11/4/25	18 LOUISE ST	AUBURN

(*Comparing 223:2 to 335:50*)



✓	Amy L. Barnes	Amy Lancis	11/29/25	109 Lake Auburn Ave	Auburn, ME
45. ✓		Amy Lancis	11/26/25	109 Lake Auburn Ave	Auburn

(Comparing 319:7 to 294:45)

That many of these duplicate signatures—purportedly from the same voter—use dramatically different signatures is also substantial evidence of signature fraud, as discussed below in Challenge 20. But, in any event, at least one of these duplicates must be invalidated by law.

B. Challenge 13: Petition forms lacking properly executed oaths are invalid.

The Constitution requires that every "written petition" be "verified as to the authenticity of the signatures by the oath of the circulator." Me. Const. art. IV, pt. 3, § 20. The circulator therefore must swear to the authenticity of the signatures before a notary. *See* 21-A M.R.S. § 902. A petition sheet without a properly completed or notarized circulator oath is not constitutionally or statutorily valid. At least 14 validated signatures on petition sheets that were signed by a circulator but were not signed by a notary *at all*. *See* Tbl 13. These signatures are invalid because the circulator did not properly swear to them. *See* Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. § 902.

C. Challenge 14: Petition forms lacking properly executed circulator oaths and circulator oaths lacking dates are invalid.

Relatedly, the circulator oath on each petition sheet requires circulators to attest that "all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be." Me. Const. art. IV, pt. 3, § 20. The circulator must also swear to having "personally witnessed" the signature. 21-A M.R.S. § 902 (similar). Plainly, a circulator cannot swear to personally witnessing a voter's signature *before* that signature even exists. Yet the record shows hundreds of validated signatures dated *after* the circulator swore their oath on the petition sheet, meaning the circulator *could not* have "personally witnessed" the signature prior to swearing their oath. Indeed, the Secretary already invalidated approximately 500 signatures on this basis. R.01. Because the circulator's oath in these instances cannot serve to prove the circulator "personally witnessed" the voter's later-dated signature, these 373 signatures are invalid. *See* Tbl 14.

D. Challenges 15–17: Hundreds of signatures should be invalidated because they lack required date information or predate the permissible circulation period.

Among the minimum requirements for a petition signature to be valid, the Constitution requires that "[t]he date each signature was made *shall* be written next to the signature on the

petition." Me. Const. art. IV, pt. 3, § 18(2) (emphasis added). The record shows that 47 signatures were validated even though they lacked the constitutionally mandated date. *See* Tbl 15. Because these signatures lack the required date, they are invalid and must be rejected.

In addition to being a stand-alone constitutional requirement, the date also plays a critical role in assessing the validity of signatures because "[a] signature is not valid if it is dated more than one year prior to the date that the petition was filed in the office of the Secretary of State." Me. Const. art. IV, pt. 3, § 18(2). Thus, in the petition context, even a properly dated signature ceases to have legal effect after one year and can no longer be counted. The record reveals 307 validated signatures contain a date from more than a year before the petitions were submitted to the Secretary. *See* Tbl. 16. The petition sheets were submitted on February 2, 2026 and so must be dated no earlier than February 2, 2025—signatures dated before then are, by the plain language of the Constitution, "not valid." Me. Const. art. IV, pt. 3, § 18(2).

Finally, 39 validated signatures improperly use "ditto marks" in the date field. *See* Tbl. 17. The Constitution unambiguously requires the date for each signature to be "*written*" next to the signature. *See* Me. Const. art. IV, pt. 3, § 18(2). Section 902 also requires signing petition sheets "in the same manner as . . . nonparty petitions under subsection 345, subsections 3 and 4," 21-A M.R.S. § 902, which makes clear that "[d]itto marks are permitted for residence address and municipality of registration *only*." 21-A M.R.S. § 354(4) (emphasis added). Accordingly, the use of ditto marks beyond these specific fields is expressly forbidden, invalidating these signatures.

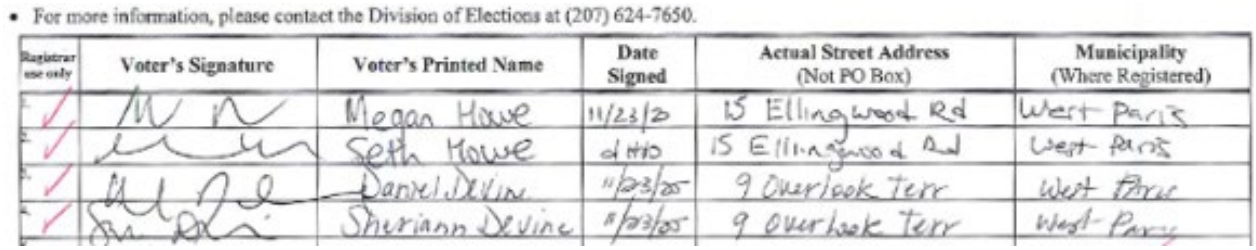
E. Challenge 19: Signatures should be invalidated because they do not appear to be from registered Maine voters.

The Constitution requires that any petition signatories be registered voters. Me. Const. art. IV, pt. 3, § 20. Petitioners have reviewed a February 5, 2026 copy of the public voter list produced by the Secretary and, based upon good faith investigation and comparison of that list to a 10,000

signature subset of the petition signatures, have identified 59 validated signatures from individuals who do not appear to be registered to vote in Maine—a likely undercount given the small subset reviewed. *See* Tbl. 18. The Court should remand to the Secretary on this issue to determine whether these voters are in fact registered. To the extent it proves potentially determinative, the Court should also require the Secretary to review the entire petition for additional unregistered voters, as it likely contains many more unregistered signers who were wrongly verified.

F. Challenge 19: Numerous suspicious signatures require further review.

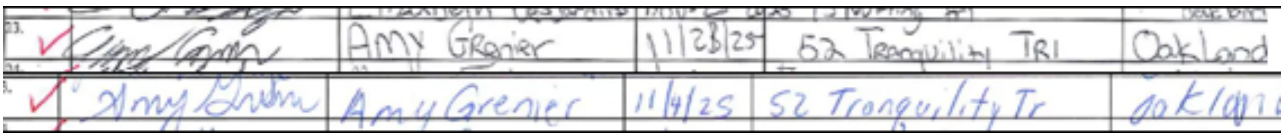
The record reveals a troubling number of facially suspicious signatures, calling into question whether they in fact reflect the signatures of bona fide Maine voters. For example, the image below (R.30089) shows two cases where it appears one family member signed for another.



- For more information, please contact the Division of Elections at (207) 624-7650.

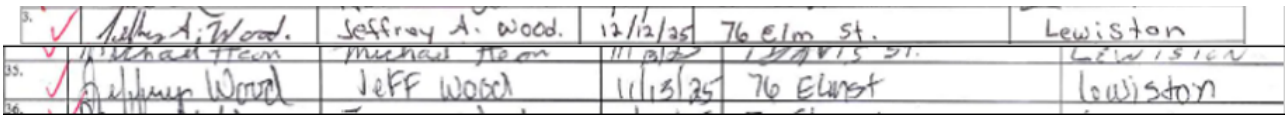
Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
✓		Megan Howe	11/23/25	15 Ellingwood Rd	West Paris
✓		Seth Howe	11/23/25	15 Ellingwood Rd	West Paris
✓		Daniel DeVine	11/23/25	9 Overlook Terr	West Paris
✓		Sheriann DeVine	11/23/25	9 Overlook Terr	West Paris

Relatedly, there are many instances of duplicate signatures reflecting dramatically different signature styles—suggesting that at least one signature was forged, as the examples below show.



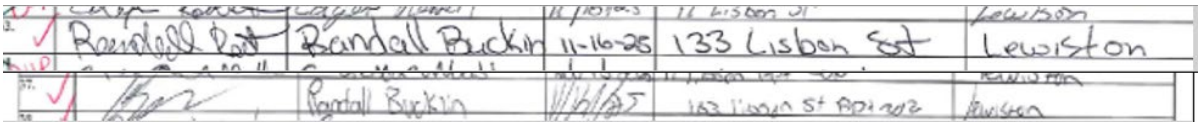
23. ✓		Amy Grenier	11/28/25	52 Tranquility TRI	Oakland
24. ✓	Amy Grenier	Amy Grenier	11/4/25	52 Tranquility Tr	Oakland

(Comparing 4831:23 to 4857:43)



34. ✓	Jeffrey A. Wood.	Jeffrey A. Wood.	12/12/25	76 Elm St.	Lewiston
35. ✓	Jeffrey Wood	JEFF WOOD	11/13/25	76 Elmst	lewiston

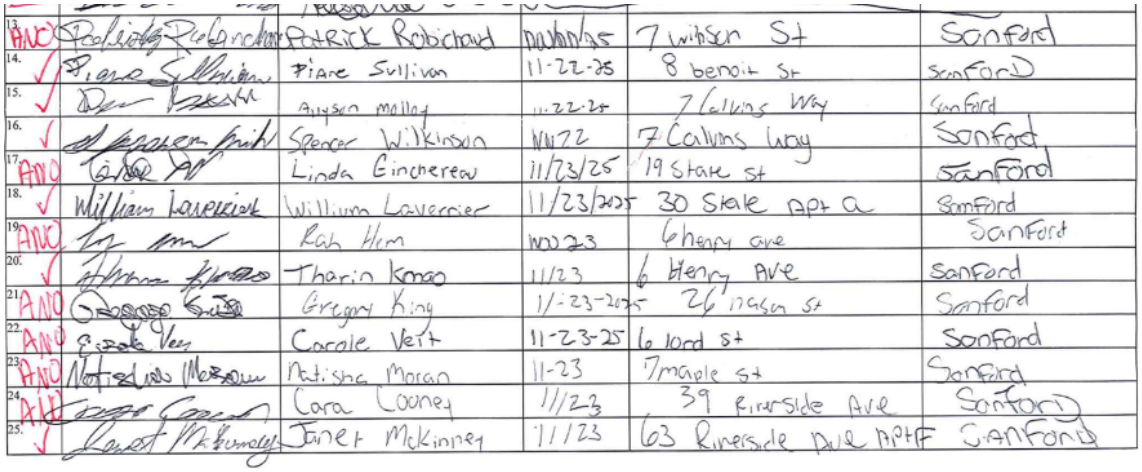
(Comparing 3720:3 to 3719:35)



(Comparing 3720:63 to 3720:37)

These clearly falsified signatures should be invalidated, and at minimum the matter should be remanded for further investigation into the circumstances surrounding the collection of these signatures and the circulators who collected them. *See* Tbl. 19a (collecting images of signatures).

Furthermore, although the Determination of Validity suggests that municipal registrars reviewed all signatures to ensure they are not "made by another"—presumably by comparing the signatures to the voter's registration records—the record reflects that registrars were inconsistent in doing so. This can be seen from petition sheets submitted by two particularly problematic circulators: Kendrick Jackson and Fritz Jean-Baptiste. Both Mr. Jackson and Mr. Jean-Baptiste submitted petition sheets flagged by certain registrars as having extremely high numbers of signatures "made by another" (coded "ANO"), as shown below. *See* R.29163, R.24452.[15]



(Sanford registrar issuing "ANO" codes on signatures submitted by Mr. Jean-Baptiste)

[15] Mr. Jackson's petitions sheets also contained nine separate duplicate signatures where the signatures differed substantially—clear evidence of fraud. *See* Tbl. 19a.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
ANO		Brooke Chamberlain	11/22	28 Eastern ave	Waterville
ANO		Addison Duplessie	11/22	28 Eastern ave	Waterville
ANO		Elisha Sway	11-22	42 Sanger Ave	Waterville
ANO		Karen Bernatchez	11/22	280 main St	Waterville
ANO		Cheryl Nelson	11/22/25	34 Bartelle Ave	Waterville
ANO		Marilena Fonseca	11/22	30 Johnson Hts	Waterville
ANO		Fernando Gouvea	11/22	30 Johnson hts	Waterville
ANO		George Cates	11/22/25	17 Elmwood Ave	Waterville
✓		Patricia Heath	11/22	44 Eustis Pkwy	Waterville
ANO		Wanda Crowley	11-22-25	57 Bartelle Ave	Waterville
ANO		Tyson Smith	11/22/25	32 Rossevelt Ave	Waterville
ANO		Stephen Mignault	11-23-25	64 Johnson Hts	Waterville
ANO		Roger Collins	Nov 23 25	17 Lenevue St	Waterville
ANO		Gerald Mackenzie	11/23	13 Forest St	Waterville
ANO		Thomas Ludden	11/23	10 Edgemont Ave	Waterville
ANO		Daisy Lemieux	11/23	4 main st	Waterville
✓		Seth Foster	Nov 23 2025	9 Riverview St	Waterville
ANO		Mary Lamb	11/23	170 College Ave	Waterville
ANO		Anthony Wardeman	11/23	13 bell st	waterville
✓		Sheriann Williams	11/23	122 College Ave	Waterville
ANO		Mike Lugoki	Nov 23	81 Drummond Ave	Waterville
ANO		William Herrick	11/23/25	111 drummond Ave	Waterville
ANO		Shirley Herrick	11-23-25	111 Drummond Ave	Waterville
ANO		Floyd Hill	Nov 23	7 highwood ST	Waterville
ANO		Caleb Moon	11/23	18 highwood st	Waterville

(Waterville registrar issuing numerous "ANO" codes on signatures submitted by Mr. Jackson)

The record thus shows that while two diligent registrars found nearly entire sheets of signatures submitted by Mr. Jackson and Mr. Jean-Baptiste to be fraudulent, other petition sheets bearing similar indica of fraud from these same circulators lack *any* "ANO" coding whatsoever—suggesting other registrars did not closely compare petition sheets to voter signatures on file. *E.g.*, R.1652, R.1696, R.1697, R.1700, R.1641, R.14971, R.14986. The Court should, at minimum, remand for closer inspection of 955 signatures submitted by Mr. Jackson and 764 signatures submitted by Mr. Jean-Baptiste. *See* Tbl. 19b.

G. Challenges 20 & 21: Signatures lacking municipality information must be invalidated, while signatures lacking any "actual" address should be invalidated or further investigated.

As noted, § 902 states direct initiative petition sheets "must be signed in the same manner" set forth in 21-A M.R.S. § 354(3), (4). *See* 21-A M.R.S § 902. Section 354, in turn, provides that either the "voter or the circulator of the petition *must* write or print the voter's residence address and municipality of registration" on the petition. 21-A M.R.S. § 354(4) (emphasis added).

Accordingly, the 207 validated signatures where the "Municipality" or the "Actual Street Address" fields were simply left blank—or where a P.O. Box was listed instead of "the voter's residence," *id.*—must be invalidated. The Legislature has determined that it is *mandatory* for either the voter or circulator to complete these fields and provide a "residence," and both the Secretary and this Court "are bound by the Legislature's choice of [mandatory] language" in this context. *Knutson*, 2008 ME 124, ¶ 28. Such signatures are invalid. *See* Tbl. 20; Tbl. 21.

IV. The Court should either rule that the Ballot Initiative be removed from the ballot or, alternatively, remand to the Secretary for further review.

Crediting even just some of the foregoing 21 challenges is likely to invalidate significantly more than the 3,351 signatures by which the Ballot Initiative cleared the necessary statutory threshold. R.01–02; *see also* Challenge Summary Tbl. To the extent the Court can determine on the present record that the number of invalidated signatures brings the Ballot Initiative below the required threshold, it should remand with instructions to de-certify the Ballot Initiative.

Petitioners recognize, however, that the breadth of this challenge makes it demanding for the Court to fully adjudicate each challenge, particularly on the compressed timeframe required by § 905(2). Accordingly, Petitioners submit that it may be prudent for the Court to issue indicative rulings on the various challenges, and then to remand for the Secretary to re-determine the validity of the Ballot Initiative's signatures in view of the Court's rulings. *See, e.g.*, *Palesky*, 1998 ME 103, ¶¶ 3, 9 (approving of Superior Court's remand to the Secretary for redetermination in view of new evidence); 5 M.R.S. § 11006(1)(B) (permitting remand for consideration of additional evidence).

CONCLUSION

The Court should grant Petitioners' challenges to the Determination of Validity and either declare that the Ballot Initiative failed to submit sufficient valid signatures to qualify for the ballot or remand to the Secretary for a re-determination in view of new evidence and the Court's rulings.

Dated: April 10, 2026

Respectfully submitted,

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** Pro Hac Vice Application Pending*

STATE OF MAINE
CUMBERLAND, SS

SUPERIOR COURT
DOCKET NO. PORSC-AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

SECRETARY OF STATE'S COMBINED RULE 80C MERITS BRIEF AND RESPONSE TO MOTION TO TAKE ADDITIONAL EVIDENCE

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Table of Contents

Preliminary Statement 1

Background 2

Argument 4

I. Applicable legal standards. 4

A. Judicial review under Rule 80C is deferential and limited. 4

B. Motions to take additional evidence under M.R. Civ. P. 80C(e) require specific showings by the movant and relief is generally limited to remand. 5

II. Challenge 1 raises novel issues that should be rejected for various procedural and substantive reasons. 7

A. Gilbert waived this issue by failing to assert it in her petition for review. 8

B. Similar handwriting on registration forms does not establish a violation of § 903-C. 9

C. Alleged non-compliance with corporate registration requirements should have been raised with the agency and, in any event, would not seem to merit wholesale invalidation of signatures in this case. 9

D. Petition organizations substantially complied with the requirement to disclose compensation. 12

E. 1st Amendment Pros appears to have complied with the requirement to provide an address at which it may be contacted. 12

III. Challenges 4, 5, 7, 8, 10, 11, 18, 20, and 21 fail in their entirety. 13

A. Challenge 4 fails because petitioners failed to demonstrate that "Cairo" is not the circulator's full name. 13

B. Challenge 5 fails because the statutory restriction on providing notarial services after providing other services to a campaign does not extend to circulator affidavits. 14

C. Challenge 7 fails as a matter of law because the proffered evidence does not indicate that the challenged circulator deprived signers of the opportunity to read the petition contents. 15

D. Challenge 8 fails as a matter of law because lack of a notarization date on a circulator affidavit is a de minimis error that is not invalidating. 17

E. Challenge 10 fails because an exact one-year discrepancy between the circulator signature date and the notarial certificate date is only explainable as a typographical error. 18

F. Challenge 11 fails because failure of an out-of-state notary to provide their commission number is not a basis to invalidate the circulator's signatures. 19

G. Challenge 18 fails as a matter of law because second-guessing the determinations of municipal registrars is beyond the scope of this appeal. 20

H. Challenge 20 fails as a matter of law because signatories' failure to provide a street address did not prevent registrars from confirming they were registered voters. 23

I. Challenge 21 fails for the same reason as Challenge 20. 25

IV. Challenges 9, 12, 14, 15, and 16 fail in part. 25

A. Challenge 9: Some circulator affidavits should have been invalidated for date discrepancies, but only if those discrepancies are consistent with improper notarization. 25

B. Challenge 12 partially fails because some of the alleged duplicate signatures are either not duplicates or were already invalidated by the Secretary. 27

C. Challenge 14 mostly fails because it is discernable from context that the challenged signatures were made prior to the circulator's oath. 28

D. Challenge 15 mostly fails because it is discernable from context that most of the challenged signatures were made prior to the circulator's oath. 30

E. Challenge 16 mostly fails because it is discernable from context that signatures misdated prior to November 3, 2025, were made within the circulation period. . 31

V. The Secretary does not contest Challenges 3, 6, 13, and 17. 31

A. Challenge 3: The Secretary concedes error in not invalidating signatures of circulators who failed to submit to personal jurisdiction in Maine. 31

B. Challenge 6: The Secretary agrees that the petition forms notarized by circulators De Clercq and Harrington after they circulated petitions should have been invalidated. 32

C. Challenge 13: The Secretary agrees that petition forms with no notary signature are invalid. 33

D. Challenge 17: The Secretary agrees that use of ditto marks for signature dates should invalidate those signatures. 33

VI. Remand may be necessary to address the remaining issues raised in the petition. 34

A. Challenge 2 presents allegations that could only be resolved through further factfinding on remand. 35

B. Challenge 19 could only be determined via a remand. 37

Conclusion 39

Challenge Table 14: Voter Allegedly Signed After Circulator Oath Date 40

Challenge Table 15: Signature Date Missing 54

Challenge Table 16: Signature Allegedly Predates Permissible Period 56

Preliminary Statement

Jane Gilbert and two other individuals (hereinafter, "Gilbert") appeal the Secretary of State's ("Secretary's") determination that the initiators of a citizens' initiative obtained enough valid signatures of registered Maine voters on their petition forms to qualify for a referendum vote on the proposed legislation. Gilbert brings a total of 21 separate challenges to the Secretary's determination, seeking to invalidate enough signatures to put the petition below the constitutional threshold needed for ballot access of 67,682 signatures. In order to do so, Gilbert must demonstrate that at least 3,352 signatures found valid by the Secretary should have been invalidated. Gilbert also brings a motion to take additional evidence under M.R. Civ. P. 80C(e) and 5 M.R.S.A. § 1006(1)(B), in which she seeks to admit various non-record evidence into the record of this proceeding or to remand the case to the Secretary for further factfinding.

Several of Gilbert's challenges fail as matter of law. Challenges in this category elevate form over substance, such as by claiming that large numbers of signatures and even entire petition forms should be invalidated based on omissions or obvious typographical errors that do not cast any doubt on the circulators' or signatories' substantive compliance with the law. Equally flawed is Gilbert's attempt to require the Secretary to use her access to the State's central voter registration system—a software application containing statewide data on registered voters—to second-guess determinations by municipal registrars as to whether petition signatories are registered voters even though the Maine Constitution expressly directs that registrars—not the Secretary—should make that determination. The Court should reject these challenges.

That said, the process of validating a petition containing nearly 80,000 signatures in the extremely compressed timeframe allowed by statute makes some amount of error inevitable. After reviewing Gilbert's challenges, the Secretary concedes that some of them identify

additional signatures that the Secretary should have invalidated. Those concessions are detailed in Parts IV and V and Tables 14–16 below. However, Gilbert's meritorious challenges are not enough to achieve the 3,352 additional invalidations that Gilbert needs to invalidate the petition as whole.

The Secretary also agrees that Gilbert has identified two factual questions—whether several circulators may have failed to witness signatures as required by the Maine Constitution and whether two circulators may have forged signatures—that raise concerns about the validity of additional signatures. While these factual allegations cannot be considered directly by the Court in a Rule 80C appeal, they could be properly remanded for additional agency factfinding. But the Court should do so only if those challenges become outcome-determinative based on the Court's other rulings.

The Court should therefore deny in whole or part many of Gilbert's challenges as specified below and, further, if it determines that Challenges 2 and 19 are outcome-determinative, grant Gilbert's motion to take additional evidence in part in order to remand those Challenges to the agency for further consideration.

Background

On September 19, 2025, Leyland John Strieff filed an application with the Secretary to circulate a petition for a citizens' initiative that came to be known as "An Act to Designate School Sports Participation and Facilities by Sex." R003–0006. On November 3, 2025, after the applicant agreed to the form of the proposed legislation, the Secretary issued to him an approved petition form for circulation. R0012–0017. The petition form is a four-page document that contains information about the initiative and two pages of signature lines for registered voters to sign the petition if they choose. After circulating a petition form, the circulator is required to

swear an oath before a notary public that they personally witnessed all signatures on the petition and that, to the best of the circulator's knowledge and belief, the signers were who they claimed to be. The subscribed oath appears on the last page of each petition form. *See* R0017.

Circulation of the petition occurred between November 3, 2025, and late January 2026. During the circulation period, the Secretary received a number of complaints about circulator conduct, including complaints of circulators leaving petitions unattended. R0052–0095. On February 2, 2026, the circulators of the petition filed 8,067 petition forms with the Secretary for review and approval. R0001. Prior to filing these petition forms with the Secretary, they were required under article IV, part third, § 20 of the Maine Constitution to first submit them to municipal registrars so that the registrars could certify that the names on the petition forms belong to registered voters in the registrar's municipality. Among other things, registrars check the signatures on the petition forms against the signatures on the signatories' voter registration applications to ensure that the signature is an authentic signature of the voter.[1] *See* R0001.

By statute, the Secretary has only 30 business days to determine whether the submitted petition has sufficient valid signatures to meet the current constitutional threshold of 67,682 signatures needed for the Secretary to transmit the proposed legislation to the Legislature and, if the Legislature fails to enact it, place it on the ballot at the next November election. *See* 21-A M.R.S.A. § 905(1); Me. Const. art. IV, pt. 3, §§ 18–20. During this review period, the Secretary reviews the petition for a number of issues, including duplicate signatures, signatures dated after

[1] Registrars place a checkmark next to the signature if they determine it is from a registered voter within their municipality. Registrars and the Secretary's staff also write various codes on the petition forms to indicate invalid signatures. A key to the codes is found on page 2 of the petition form, R0015, and the codes are also explained in the Secretary's instructions to staff on petition review. *See* R0097–0101. Registrars mark the petition forms in red ink while the Secretary's staff uses green ink. The box in the bottom-right corner of the last page of the petition, *see* R0017, records the Secretary's final tally of the number of valid and invalid signatures on each petition form.

the circulator's oath is sworn, failure to file a circulator's affidavit, and material flaws in the notarization of the circulator's oath. *See* R0001; R0097–0101.

On March 17, 2026, the Secretary issued her decision finding that the petition had 71,033 valid signatures and therefore exceeded the threshold of 67,682 signatures needed to validate the petition. R0001–0002. The Secretary's review resulted in the invalidation of 8,659 signatures submitted by the initiators. *Id.*

On March 27, 2026, Gilbert filed the instant petition for review, alleging that the Secretary should have invalidated many additional signatures. On April 6, 2026, the Secretary filed an administrative record exceeding 32,000 pages, which included the petition forms and circulator affidavits reviewed by the Secretary as part of her decision. The record also included all complaints about alleged circulator misconduct received by the Secretary prior to her determination that the petition was valid. *See* R0052–0095. On April 8, 2026, Gilbert filed a motion under M.R. Civ. P. 80C(e) seeking to incorporate 10 affidavits and attachments as well as the entire central voter registration database into the record or, alternatively, remand the matter to the Secretary for the taking of additional evidence.

On April 10, 2026, Gilbert filed her merits brief. In that brief, Gilbert asserts 21 separate challenges to the Secretary's decision. The brief is accompanied by voluminous tables specifying the specific signatures that Gilbert seeks to invalidate.

Argument

I. Applicable legal standards.

A. Judicial review under Rule 80C is deferential and limited.

This action is an appeal of final agency action subject to Rule 80C of the Maine Rules of Civil Procedure. *See* 21-A M.R.S.A. § 905(2); M.R. Civ. P. 80C(a). Judicial review under Rule 80C is "deferential and limited." *Friends of Lincoln Lakes v. Bd. of Env't Prot.*, 2010 ME 18,

¶ 12, 989 A.2d 1128. The Court's task is to review the agency's decision for "errors of law, abuse of discretion, or findings of fact not supported by the record." *Id.* (quoting *Save Our Sebasticook, Inc. v. Bd. of Envtl. Prot.*, 2007 ME 102, ¶ 13, 928 A.2d 736); *see also* 5 M.R.S.A. § 11007(4)(C) (setting forth limited bases for reversing final agency action). In making this determination, the "court may not substitute its judgment for that of the agency on questions of fact." *Id.* § 11007(3). The party seeking to vacate the agency decision bears the burden of persuasion. *Town of Jay v. Androscoggin Energy, LLC*, 2003 ME 64, ¶ 10, 822 A.2d 1114.

Furthermore, "[t]he Secretary of State is the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process" *Caiazzo v. Sec'y of State*, 2021 ME 42, ¶ 17, 256 A.3d 260. Therefore, if there is "any ambiguity" in a statute regulating the direct initiative process, the Court should "defer to the Secretary of State's reasonable interpretation of the statute." *Id.*

B. Motions to take additional evidence under M.R. Civ. P. 80C(e) require specific showings by the movant and relief is generally limited to remand.

Recognizing the limited nature of judicial review of final agency action, the Maine Administrative Procedure Act (MAPA) provides that "[j]udicial review shall be confined to the record upon which the agency decision was based," unless one of four exceptions applies. 5 M.R.S.A. § 11006(1). Gilbert's motion to take additional evidence invokes the exception codified at Paragraph B of 5 M.R.S.A. § 11005(1). Mot. at 4–5. That exception provides:

> B. The reviewing court may order the taking of additional evidence **before the agency** if it finds that additional evidence, including evidence concerning alleged unconstitutional takings of property, is necessary to deciding the petition for review; or if application is made to the reviewing court for leave to present additional evidence, and it is shown that the additional evidence is material to the issues presented in the review, and could not have been presented or was erroneously disallowed in proceedings before the agency. After taking the additional evidence, **the agency** may modify its findings and decisions, and shall file with the court, to become part of the record

> for review, the additional evidence and any new findings or decision.

5 M.R.S.A. § 11006(1)(B) (emphasis added). This provision has two notable features. First, nowhere does it allow for the *Court* to take additional evidence. Rather, it provides that the Court may remand to the *agency* for the taking of additional evidence. This limitation on how evidence can be taken applies to the entire exception, including the procedure set forth after the semicolon for seeking "leave to present additional evidence." *See Keller v. Maine Unemployment Ins. Comm'n*, 477 A.2d 1159, 1162 (Me. 1984) (affirming the denial of a motion to present evidence on grounds that § 11006(1)(B) "allows the taking of additional evidence *before the agency*" and "does not permit *the Superior Court justice* to take additional evidence during the appellate process" (emphasis in original)).[2]

Second, Exception B establishes two alternate reasons that a Court may order the taking of additional evidence. First, the Court may make such an order when it determines the taking of additional evidence is "necessary" to deciding a petition for review. In the context of Petitioner's challenges to the petition, that would mean making a determination that challenges potentially subject to remand would invalidate a dispositive number of signatures. Second, the Court may remand if petitioners make a two-part showing that (1) the additional evidence are "material" to the issues presented for review—i.e., whether the Secretary committed some error in validating the petition—and (2) the additional evidence "could not have been presented or was erroneously disallowed in proceedings before the agency." 5 M.R.S.A. § 11006(1)(B). Both

[2] Section 11006(1) does allow the Court to take additional evidence in certain circumstances not at issue here, such as where there is no reviewable administrative record. *See* 5 M.R.S.A. § 11006(1)(A) & (D). That is why M.R. Civ. P. 80C(e) allows a party to "request that the reviewing court take additional evidence . . . as provided by 5 M.R.S.A. § 11006(1)" in addition to requesting an order requiring "the taking of additional evidence before an agency." Rule 80C(e) does not (and could not) override the statutory limitation in § 11006(1) as to when a court may directly take additional evidence.

prongs of this test must be met. *Bradbury Mem'l Nursing Home v. Tall Pines Manor Assocs*., 485 A.2d 634, 643 (Me. 1984). Moreover, the lack of a formal adjudicatory hearing at the agency level does not establish that evidence could not have been presented at the agency level. *See New England Whitewater Ctr., Inc. v. Dep't of Inland Fisheries & Wildlife*, 550 A.2d 56, 59 (Me. 1988) (lack of formal adjudicatory hearing did not excuse plaintiffs from failure to file objections to with the agency).

The Law Court has observed that a motion to take additional evidence "is not available to present evidence that the applicant should have presented to the agency, and is most appropriately asserted when there is evidence relevant to bias or prejudice, or, in some instances, an equitable defense or claim that could not have been addressed to the agency during the administrative proceedings." *York Hosp. v. Dep't of Hum. Servs.*, 2005 ME 41, ¶ 20, 869 A.2d 729.

II. Challenge 1 raises novel issues that should be rejected for various procedural and substantive reasons.

Gilbert's first challenge asserts that four organizations that hired circulators to collect signatures for the initiative failed to properly register with the Secretary and meet other requirements to do business in Maine, as required by 21-A M.R.S.A. § 903-C. Because circulators hired by these entities collected over 50,000 of the 79,692 signatures submitted to the Secretary, a ruling in Gilbert's favor on Challenge 1 would be outcome-determinative, rendering her other challenges moot.

The registration statute requires a petition organization, defined as a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or people's veto, must register with the Secretary. 21-A M.R.S.A. § 903-C. The registration form must include four categories of information, including the ballot question title,

contact information for the organization, the name and signature of a designated agent, and a list of circulators indicating the method by which the circulators were being compensated. *See* 21-A M.R.S.A. § 903-C(1). The statute further provides that the petition organization must file this registration statement, "in addition to meeting any other requirement to transact business in this State." *Id.* To undersigned's knowledge, this is the first time since registration requirements were enacted in 2009 that a challenger to a petition has argued for wholesale invalidation of signatures based on alleged noncompliance with 21-A M.R.S.A. § 903-C.

A. Gilbert waived this issue by failing to assert it in her petition for review.

As an initial matter, the Court should decline to consider Gilbert's challenge to the registration paperwork because Gilbert failed to assert her challenge in her petition for review. Under 5 M.R.S.A. § 11002(2), a petition for review must "shall . . . contain . . . the grounds upon which relief is sought." *See also Mutty v. Dep't of Corr.*, 2017 ME 7, ¶ 11, 153 A.3d 775 (indicating that the Superior Court has jurisdiction over a Rule 80C appeal if the petition "facially meets statutory requirements" in 5 M.R.S.A. § 11002(2)). Although Gilbert's 37-page petition contains an exhaustive list of various challenges to the petition, nowhere does it suggest that the petition organizations' registration forms were improper. *See* Pet. ¶¶ 1–120. The alleged flaws in the registration paperwork should have been discernable to Gilbert through the information posted online by the Secretary (https://www.maine.gov/sos/elections-voting/peoples-veto-or-citizens-initiative-resources/current-citizen-initiatives-and-peoples-vetoes) and public records requests. *See* 1 M.R.S.A. § 408-A. Gilbert's failure to include the claim in her petition for review thus constitutes a waiver.

B. Similar handwriting on registration forms does not establish a violation of § 903-C.

Gilbert argues that it is "troubling" that there are handwriting similarities between three of the application forms, although Gilbert concedes that they each appear to be signed by a different person. Pet. Br. at 13. Even assuming the same person filled out all three forms and then delivered them to be signed by the entities' registered agents, nothing in 21-A M.R.S.A. § 903-C prohibits such a course of action. As long as the forms contain accurate information concerning each organization and a genuine signature of the designated agent, it is not legally relevant who physically fills out the forms.

C. Alleged non-compliance with corporate registration requirements should have been raised with the agency and, in any event, would not seem to merit wholesale invalidation of signatures in this case.

Gilbert next asserts that the three out-of-state organizations are organized as LLCs and points to Maine's requirement in its limited liability companies law requiring foreign LLCs to file a "statement of foreign qualification" with the Secretary before conducting activities in Maine. Pet. Br. at 13 (citing 31 M.R.S.A. § 1622). Gilbert asserts that none of the LLCs have filed the required statement in Maine. Gilbert further argues that the in-state circulator organization "Mainely Strategies" has not registered as a business entity with the Secretary. Gilbert argues that these entities are all in violation of § 903-C(1)'s requirement that petition organizations must meet the registration requirements "in addition to meeting any other requirement to transact business in this State."

Gilbert's arguments should be rejected for two threshold reasons. First, these petition organizations filed their petition applications at the outset of the circulation process. Three of the four applications were posted online and the final one was available through a public records request. Gilbert thus had the opportunity to raise her concerns about the lack of Maine LLC

filings with the Secretary prior to issuance of her decision, just as complainants did with regard to complaints of circulators leaving their petitions unattended. *See* R0052–0096. The lack of a formal process for submitting such complaints does not abrogate the requirement that objections be raised with the agency to preserve them for appeal. *See New England Whitewater Ctr., Inc. v. Dep't of Inland Fisheries & Wildlife*, 550 A.2d 56, 59 (Me. 1988).

Second, and relatedly, because Gilbert did not raise her objections pre-decision, there is no evidence in the agency record concerning whether these petition organizations are, in fact, out of compliance with Maine corporation law. Unless an exception applies, review of agency action must be based on the administrative record. 5 M.R.S.A. § 11006. Although the Secretary's responsibility for corporate filings means that she has the ability to determine whether foreign LLCs are registered in Maine, there could be additional factual questions that would need to be resolved in order to determine whether the petition organizations in fact were in violation of any "requirement to transact business in this State." 21-A M.R.S.A. § 903-C. Moreover, because the evidence could have been presented to the agency prior to the Secretary's decision, there is no basis for a motion to take additional evidence on this matter, even if Gilbert's motion to take additional evidence had raised this issue, which it did not. 5 M.R.S.A. § 11006(1)(B).

On the novel merits question of whether a foreign LLC should have all signatures collected by its circulators invalidated for failure to file a foreign LLC registration statement, the Secretary acknowledges that the language of § 903-C appears to require foreign petition organizations that are organized in a corporate form that requires registration in Maine to do so. On the other hand, since enactment of the registration statute in 2009, P.L. 2009, ch. 611, the Election Division has never reviewed petition organizations for corporate-law compliance, let

alone invalidated signatures on that basis. The Election Division's extensive instructions to petition initiators and circulators contain no reference to the requirement or make any suggestion that invalidation of signatures may occur if foreign entities do not register as foreign corporations. R0018–R0025. Nor does the Election Division's registration application require petition organizations to indicate whether they have complied with Maine's corporate registration laws. R0010–0011.

With the benefit of hindsight, the Elections Division should have taken steps to notify the petition organizations in its instructional materials that they needed to be in compliance with Maine corporations law and further should have checked if the organizations had failed to comply. However, the record shows that these steps did not occur. Additionally, while the courts have recognized the importance of the Secretary's role in protecting the integrity of the initiative process, *see, e.g., MTAN*, 2002 ME 64, ¶ 12, 795 A.2d 75, they have also recognized the importance of Mainers' rights to directly initiate legislation through the petition process. *McGee v. Sec'y of State*, 2006 ME 50, ¶ 21, 896 A.2d 933 (recognizing the "absolute right" of the people to seek to initiate legislation). Invalidation of signatures, while sometimes necessary to protect the integrity of the process, is a significant penalty that implicates the First Amendment rights of petition signatories who are not themselves responsible for any potential violations of Maine's LLC laws by the organizations paying petition circulators.

Given the lack of notice, instruction, or prior enforcement, and the weighty speech and associational interests at stake, invalidation of tens of thousands of petition signatures may not be an appropriate remedy in the context of this specific case—even if it might be in future cases if the Secretary develops such procedures and instructions. But should the Court determine that this challenge is properly before it and cannot be resolved as a matter of law, it would be

appropriate to remand to the Secretary with as much guidance as the Court deems appropriate so that the Secretary may determine whether a violation of § 903-C occurred and, if so, the appropriate remedy.

Finally, although the issue would be moot if the Court were persuaded by Gilbert's challenges to the out-of-state petition organizations, it should also be noted that the registration form for the in-state "Mainely Strategies" indicates that it is a DBA—"doing business as"—for an individual. R0044. There is no requirement that unincorporated petition organizations organize into a form that requires corporate registration and thus no reason to think that Mainely Strategies is out of compliance with any requirement for doing business in Maine.

D. Petition organizations substantially complied with the requirement to disclose compensation.

Gilbert also argues that the petition organizations did not adequately disclose how their circulators were compensated. Pet. Br. at 15. This argument too could have been raised pre-decision with the Secretary. Gilbert's failure to do so therefore waived it. *New England Whitewater*, 550 A.2d at 59. On the merits, Gilbert acknowledges that the record contains a document disclosing that all circulators were paid by the signature. R0051. Whether or not this disclosure is perfect compliance under the relevant statutes, it should be deemed adequate to prevent mass-invalidation of tens of thousands of otherwise valid signatures of Maine voters where the current version of the registration form does not reference the requirement to disclose compensation or include a field in which to do so. *See* R010–011.

E. 1st Amendment Pros appears to have complied with the requirement to provide an address at which it may be contacted.

Finally, the Court should reject the argument that 1st Amendment Pros LLC failed to provide a true "street address or post office box." Pet. Br. at 16. There is nothing in the agency record pertaining to this issue and it was not included in Gilbert's motion to take additional

evidence. Moreover, for better or worse, the statute on which Gilbert relies does not require organizations to provide the physical location of their principal place of business. Rather, it characterizes the required address as "contact information for the petition organization." 21-A M.R.S.A. § 903-C. Gilbert's improper factual assertions in her brief, even if credited, do not suggest that a letter mailed to the address provided by 1st Amendment Pros LLC would not reach the organization.

III. Challenges 4, 5, 7, 8, 10, 11, 18, 20, and 21 fail in their entirety.

A. Challenge 4 fails because petitioners failed to demonstrate that "Cairo" is not the circulator's full name.

Maine law requires that petitions for direct initiatives be circulated for signatures by a "circulator," which the Maine Constitution defines as a "person who solicits signatures for written petitions." Me. Const. art. IV, pt. 3, § 20. Circulators have certain duties under state law, including the duty to file, at the time the petition is filed with the Secretary of State, a "circulator affidavit." *See* 21-A M.R.S.A. § 903-A(4). The circulator affidavit must include, among other things, "[t]he circulator's printed name." *Id.* § 903-A(4)(A). Gilbert seeks to invalidate all signatures by a circulator named "Cairo" on grounds that their circulator affidavit fails to include this circulator's full name. Pet. Br. at 20.

The Court should reject Challenge 4 because Gilbert offers no basis to conclude that "Cairo" is not the circulator's full name. Though rare, some individuals adopt a mononym as their full name. *See, e.g.*, "List of Famous Mononymous People," https://www.imdb.com/list/ls095166686/. Because name changes are often considered by individual probate judges, it cannot be ruled out that "Cairo" is this circulator's full legal name. Notably, "Cairo" is listed as the circulator's full name not just on their own circulator affidavit, but also on the list of circulators provided to the Secretary by the petition organization. R0046. That the petition

organization also refers to the circulator by a mononym further suggests it is their full name, and not just a first or last name. And, finally, the circulator affidavit contains the full street address, email address, and daytime phone number for the circulator. R32665. The provision of detailed contact information suggests that the circulator is not providing a partial name in an attempt to avoid identification. In short, absent affirmative evidence that "Cairo" is not the circulator's full name, Challenge 4 should be rejected.

B. Challenge 5 fails because the statutory restriction on providing notarial services after providing other services to a campaign does not extend to circulator affidavits.

Election law forbids notaries and other notarial officers (e.g. attorneys) from "administer[ing] an oath or affirmation to the circulator of a petition under section 902" if that notary is providing any other services to initiate or promote the direct initiative. 21-A M.R.S.A. § 903-E(1); *accord* 4 M.R.S.A. § 1904(5). Gilbert identifies two notaries, Robert J. De Clercq and Patrick Harrington, who performed services for the direct initiative campaign in the form of circulating petitions, and then later notarized several circulator affidavits. Pet. Br. at 20–23. Gilbert argues that these notarial acts are "void" and, thus, the circulators "never lawfully qualified as circulators and their petition sheets must be invalidated." *Id.* at 21.

The Law Court considered a similar issue in *Reed v. Sec'y of State*, 2020 ME 57, 232 A.3d 202. In that decision, the Court upheld the Secretary's interpretation of § 903-E(1) as allowing for petition forms to be voided if the notary who notarized the circulator's oath on the petition had previously acted as a circulator. *Id.* at ¶ 19.

The Secretary has not changed her interpretation of § 903-E(1) since *Reed*. As a result, she concedes Gilbert's Challenge 6—which challenges De Clercq's and Harrington's notarization of circulator oaths after acting as circulators. *See* Part V.B, *infra.* But Challenge 5 involves different conduct than that considered in *Reed*. Specifically, the question is whether the

two notaries could properly notarize circulator *affidavits*—separate documents that must be filed with the completed petition. The question in *Reed* involved notarization of circulator *oaths*, which are contained on the petition forms themselves. *Compare* R0015 *with* R0026.

While there may be a strong policy argument for extending the notarial conflict-of-interest rule to circulator affidavits, the plain language of § 903-E indicates that the Legislature has not yet done so. Specifically, § 903-E disqualifies a notarial officer from administering "an oath or affirmation to the circulator of a petition *under section 902*." (Emphasis added.) Section 902, in turn, establishes the requirement that a circulator must "sign the petition and verify by oath or affirmation before a notary public or other [notarial officer] that the circulator [complied with various circulator obligations]." 21-A M.R.S.A. § 902. But § 902 does not contain the requirements for the circulator affidavit. Those requirements are instead spelled out in 21-A M.R.S.A. § 903-A(4). Thus, when § 903-A prohibits administration of an oath "under section 902," it is referring specifically to the circulator oath on the petition form and not the separate circulator affidavit. Challenge 5 thus fails as a matter of law.

C. Challenge 7 fails as a matter of law because the proffered evidence does not indicate that the challenged circulator deprived signers of the opportunity to read the petition contents.

Gilbert argues that the Court should invalidate all signatures collected by circulator Hope Angel on grounds that she violated the requirement in 21-A M.R.S.A. § 901-A(1) that "[a] person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact statement required by section 901 prior to that voter signing the petition." Gilbert points to a sworn affidavit, attached to the Motion to Take Additional Evidence at Exhibit F ("Madanes Aff."), as the basis for her challenge.

But that affidavit alleges only that an unidentified circulator whom Gilbert contends to be Angel "fold[ed] the Petition on a clipboard in a manner that prevented signers from seeing the

initiative summary" and that a number of people signed the petition with it folded in that manner. Madanes Aff. ¶ 6. Even if it were admissible, this allegation is far too vague and conclusory to warrant invalidation of signatures.

The petition form is designed with the understanding that signers may not always be presented with a petition form with the first page (which contains the summary and fiscal impact statement) face up. Specifically, the bottom of every subsequent page in the petition form instructs signers to "[s]ee page 1 for summary and fiscal impact statement." R0015–0017. What is more, the top of each signature page states, in large print, "[b]efore a registered voters signs any initiative petition, signature gathers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State." R0016–0017. Given these instructions on every page, folding a multi-page petition on a clipboard—presumably in order to make the signature pages accessible to signers, *see* R0014–0017—does not, without more, deprive petition signers of an opportunity to read the summary and fiscal impact statement. The petition signer would have seen the statement at the bottom of the signature page and presumably could have unfolded the prior pages to read the summary or fiscal impact statement had they wished. If the circulator had engaged in additional, more problematic conduct to obstruct signers from reading the summary, the affiant presumably would have included such information in her affidavit. This challenge should therefore be rejected on its face for failure to make even a prima facie showing of circulator misconduct.

In any event, as explained in Part I.B, *supra*, MAPA limits the Court to considering the administrative record or, if Gilbert satisfies the requirements of 5 M.R.S.A. § 11006(1)(B), remanding the case back to the Secretary to consider additional evidence. There is no option under § 11006(1)(B) for the Court to consider de novo the affidavits submitted by Gilbert in her

motion. Thus, even if the Court concluded that the Maldanes affidavit established a prima facie violation of § 901-A(1), the proper course would be remand, not invalidation of signatures.

D. Challenge 8 fails as a matter of law because lack of a notarization date on a circulator affidavit is a de minimis error that is not invalidating.

Gilbert seeks to invalidate all petition forms circulated by four circulators on grounds that the notarial officers who administered the oath failed to date the notarial certificate. Pet. Br. at 22–23.

Under Maine notary law, certificates of notarial acts are indeed supposed to be ". . . dated by the notarial officer." 4 M.R.S.A. § 1916(1)(B). However, it is also the general rule that "the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer." *Id.* § 1927. That same section recognizes the "authority" of the Secretary "to reject candidate or initiative or referendum petitions under Title 21-A on the basis of improper notarizations," but does not *require* the Secretary to invalidate all such petitions, no matter how small the defect. *Id.*

The Justices of the Law Court have considered this precise issue in an Opinion of the Justices. Shortly after the Maine Constitution was amended to add the citizens' initiative provisions, the Justices were asked whether "the jurat of the officer taking the oath of the verifying petitioner bears no date, or in case the month and year are specified, but the day of the month is omitted, is the jurat sufficient, and should the names on such petition be counted?" *In re Opinion of the Justices* 103 A. 761, 774 (1917). The Justices answered in the affirmative, reasoning that "the important fact is that the oath was taken; its precise date, prior to the time of filing, is immaterial." *Id.*

Here, there is no reason on the face of the challenged circulator affidavits to suspect that the circulator did not in fact swear the oath before a notarial officer, as required by law.

Moreover, to the extent the date of circulator affidavit might become relevant to some factual issue, that date separately appears on each form next to the circulator's signature. R33715, 32614, 32606, 32772. In short, while the challenged affidavits may have technically defective notarial certificates, they are not the sort of substantive defects that cast doubt on whether the oath was administered. The challenge should therefore be rejected.

E. Challenge 10 fails because an exact one-year discrepancy between the circulator signature date and the notarial certificate date is only explainable as a typographical error.

Gilbert challenges 2,099 validated signatures collected by two circulators on grounds that their circulator affidavits contain an exact one-year discrepancy between the date next to the circulator's signature and the date in the notarial certification. Pet. Br. at 23. Specifically, in the case of Derrel King, the circulator's signature was dated November 4, 2024 while the notarial certificate was dated November 4, 2025. R32804. In the case of circulator Karen Wellman, the circulator's signature is dated February 1, 2025 and the notarial certificate is dated February 1, 2026. R32917.

The challenged petition was issued by the Secretary on November 3, 2025, and turned into the Secretary, together with the circulator affidavits, on February 2, 2026. R0001, R0014. All circulation of the petition necessarily occurred within this timeframe. It is thus implausible that King signed his circulator affidavit in 2024 or that Wellman signed her circulated affidavit in early 2025 and that the notarial officer coincidentally (and unlawfully) completed the notarial certificate precisely one year later. The only reasonable explanation for the discrepancy is that the circulator misprinted the year when they completed the date field. Again, such non-material defects in form are not proper bases for invalidating all signatures collected by that circulator. *See Opinion of the Justices* 103 A. at 774.

F. Challenge 11 fails because failure of an out-of-state notary to provide their commission number is not a basis to invalidate the circulator's signatures.

Gilbert challenges 553 signatures collected by circulator Garfield Hutchinson on grounds that the out-of-state notary who notarized his circulator affidavit failed to include her Commission number. Pet. Br. at 23–24. As Gilbert points out, the circulator affidavit form includes a field for "Commission number (if not Maine)." *See* R0026. The form requests the Commission number for out-of-state notaries because it could potentially assist Elections staff in verifying that an out-of-state notary has an active commission.

The Secretary agrees with Gilbert that the commission-number field serves an important purpose on the circulator affidavit. Elections staff would have been justified during the petition review process in requiring the circulator to supply the commission number. And had a concern arisen about the notary's commission, the Secretary would have been justified in disallowing that circulator's signatures if the lack of a commission number made staff unable to definitively verify that the notary held a valid commission. Circulators thus take a risk when they submit an affidavit notarized by an out-of-state notary lacking a commission number.

That said, neither the law setting forth the required contents of a circulator affidavit nor the law governing notarial certificates requires inclusion of a commission number. *See* 21-A M.R.S.A. § 903-A(4); 4 M.R.S.A. § 1916(1). While not dispositive, the lack of a statutory requirement cuts against the argument that failure to provide the information should result in automatic invalidation of signatures. What is more, with the circulator affidavit at issue here, the lack of a commission number would not seem to pose any meaningful obstacle to verifying the notary's commission. The notarial certificate clearly and legibly indicates the first name, last name, and middle initial of the notary public (Isabela F. Vida) along with the jurisdiction in which she is commissioned (Massachusetts) and the date her commission expires (July 12,

2030). Armed with this information, a quick phone call to the Massachusetts Secretary of State would likely be sufficient to verify that Ms. Vida holds an active notary commission.[3] Gilbert notably does not suggest otherwise. The Court should therefore decline to invalidate all signatures collected by Hutchinson on grounds that his circulator affidavit lacks a commission number in the notarial certificate.

G. Challenge 18 fails as a matter of law because second-guessing the determinations of municipal registrars is beyond the scope of this appeal.

Gilbert contends that at least 59 voters—she speculates that the number could be many more—are not registered voters despite the fact that the challenged petition forms reflect that the applicable municipal register reviewed the challenged signatory's name, address, and signature, and certified in writing that the signatory was a registered voter. Pet. Br. 26–27; *see, e.g.* R000983. Gilbert explains that she reached this conclusion by comparing a copy of a voter file purchased from the Secretary with a sample of 10,000 names from the petition forms. *Id.* Implicitly recognizing that there is nothing in the administrative record supporting her challenge, Gilbert requests that the Court remand to the Secretary to review whether the 59 signatories she challenges are shown as registered voters according to the State's electronic central voter registration system (CVR), an electronic system that includes registration information on all registered voters statewide. Pet. Br. at 26–27; *see also* Mot. to Take Add'l Evid. at 9–10. She also—remarkably—asks that the Court order the Secretary to confirm that *every single one* of the 71,033 validated signatories appears in CVR "[t]o the extent it proves potentially determinative." Pet. Br. at 27.

[3] *See* Massachusetts Secretary of State, "Find a notary public," at https://www.mass.gov/info-details/find-a-notary-public.

There is no legal basis for ordering a remand so that the Secretary can check the work of municipal registrars. Under the petition validation procedures spelled out in the Maine Constitution and Title 21-A, municipal registrars—not the Secretary—are responsible for verifying whether petition signers are registered voters in that municipality. *See* Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S.A. § 902; *see also Palesky*, 1998 ME 103, ¶ 13, 711 A.2d 129 ("The local registrar has the exclusive authority to maintain the voting list for each locality."). The Secretary of State is not legally required to use CVR to cross-check the registration status of every petition signer already verified by the municipal registrars simply because the CVR system happens to be available to her. The Secretary therefore, as a matter of law, cannot commit reversible error in a petition validation decision by relying on municipal certification decisions.

This constitutionally mandated division of labor makes eminent sense. First, while CVR is an important tool for administering voter registration in Maine, it is ultimately municipal registrars who are legally responsible for voter registration in their municipalities and for maintaining the original applications that can be used to verify voter status and to check the voter's signature. *See* 21-A M.R.S.A. §§ 121; 161(2-A); 172. In other words, registrars are in the best position to determine whether the signatures on the petition forms come from registered voters in their municipalities. Second, requiring the Secretary's small staff to repeat the work of hundreds of municipal registrars and manually re-verify the registration status of tens of thousands of petition signers within the 30-day statutory window for her to issue a decision, *see* 21-A M.R.S.A. § 905, would be, if not literally impossible, wildly infeasible. The numerous other verification tasks required of the Secretary, such as checking for duplicate signatures across all petition forms and verifying the notarization on each of thousands of petition forms, *see* R0097–0101, already stretch the capacity of the Secretary's staff.

That Gilbert thinks that she has found 59 instances out of 10,000 in which registrars made a mistake is not enough to secure a remand on this issue. Such private reviews using purchased CVR data are notoriously unreliable. Among other problems, the data necessarily reflects only a static snapshot in time and cannot provide a full picture of the voter's registration history. But even putting those issues aside, the implication of Gilbert's position is that the Secretary is obligated to double-check each one of tens of thousands of registrar determinations before she may properly validate a petition. Because she has no such obligation, she could not have committed reversible error by failing to do so.

The Superior Court has previously considered an argument nearly identical to Gilbert's and rejected it. In *Johnson v. Dunlap*, Docket No. AP-09-56 (Ken. Cty. Super. Ct. Dec. 23, 2009) (attached as Exhibit A), challengers sought invalidation of hundreds of direct initiative petition signatures on grounds that "the signatories do not appear on the [CVR]." Slip Op. at 3. The petitioner argued that the Secretary "is under an independent duty to review signatures under section 905 notwithstanding valid certificates from the municipal registrars that the names on the petitions are of persons qualified to vote in the municipality." *Id.* at 7. The Court rejected this argument, concluding that it would be difficult "to read section 905 as imposing a mandatory duty to inspect each individual signature" since the registrar's certification "constitutes prima facie evidence that the signatories to the petitions are registered voters." *Id.* Thus, while the Secretary *may* review individual signatures "for duplicates, forgery, and other issues," her reliance on the registrars' determinations "is not error." Slip Op. at 7 n.5.

Finally, even if the Court were inclined to remand to the Secretary to check the 59 instances that Gilbert identifies in her Table 18, it should recognize that a remand to check *all* signatures on the petition would impose an extreme and unfair burden on the state's election

officials. Such a task would require the small group of State elections officials trained and authorized to use CVR to spend hundreds if not thousands of hours manually querying CVR for each signatory and then reviewing the results to determine that person's registration status at a previous point in time. This same small cadre of officials would need to somehow simultaneously attend to numerous other pressing tasks, including preparations for the June 2026 primary election. It is no exaggeration to say that requiring such an exercise would jeopardize the Election Division's ability to administer that election. The Court should not saddle the Elections Division with such a monumental and disruptive task even if were theoretically within the Court's discretion to order—which, for reasons already explained, it is not.

The Court should thus reject Challenge 18 as a matter of law. Furthermore, because the Secretary did not commit error by declining to use CVR to verify signatories' registration status, CVR is not "necessary" or "material" to deciding this appeal, *see* 5 M.R.S.A. § 11006(1)(B), and the Court should therefore deny Gilbert's motion to take additional evidence to the extent it seek to admit CVR into evidence or the agency record.

H. Challenge 20 fails as a matter of law because signatories' failure to provide a street address did not prevent registrars from confirming they were registered voters.

Gilbert challenges 158 signatures because the signatories allegedly failed to properly complete the "street address" field on the petition. Pet. Br. at 29–30. Gilbert relies on 21-A M.R.S.A. § 902, which provides that direct initiative petitions "must be signed in the same manner as are nonparty nomination petitions under [21-A M.R.S.A. § 354(3) & (4)]. That statute in turn provides that "[t]he voter or the circulator of the petition must write or print the voter's residence address and municipality of registration." 21-A M.R.S.A. § 354(4).

The Department of Secretary of State's longstanding interpretation of § 354(4) in the context of both direct initiatives and candidate petitions, dating back to at least the 1990s, is that

a failure to provide a residential street address does not automatically invalidate a signature. The reasoning behind this interpretation is that municipal registrars confirm that signatories are registered voters primarily by comparing the signatures on the petition to the signatures contained on the signer's voter registration application, which the registrar maintains. *See* 21-A M.R.S.A. § 172. To the extent the registrar can successfully confirm a voter based on signature comparison alone, the residence information on the petition becomes extraneous. The risk of not providing a residence address is that, without it, the registrar may not have enough information to confirm the signatory is a registered voter.

The Secretary's interpretation of § 354 is reflected in the instructions that the Secretary provided to the circulators of the petition, which state: "Absence of an address or use of a mailing address will not automatically invalidate the signature, but <u>may</u> invalidate it if the registrar cannot determine who the voter is based on the signature alone." R0019. Similar instructions have been provided to past petition circulators for many years.

The primary purpose of statutory interpretation is to effectuate the purpose of the Legislature. *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 9, 954 A.2d 1054. Here, the purpose of the requirement to list a residence address is to enable the registrar to confirm that the voter is registered in the municipality. Since the registrar can, in some cases, reliably do so without a residence address by comparing signatures, the Secretary's interpretation of the statute as allowing registrars to certify signatures with no residence address, if they can, effectuates this statutory purpose. *Id.* The Court should defer to the Secretary's reasonable interpretation of the statute. *See Hammer v. Sec'y of State*, 2010 ME 109, ¶ 5, 8 A.3d 700.

Finally, even if the Court were to disagree with the Secretary's interpretation, Gilbert's challenge includes some signatures in which the residence-address field contains *both* a mailing

address and a street address. *See, e.g.*, R6558 lines 4–5. Because the statute cannot plausibly be read to affirmatively forbid inclusion of a mailing address, these signatures would be valid even if the others should be invalidated.

I. Challenge 21 fails for the same reason as Challenge 20.

Challenge 21 seeks to invalidate 99 signatures for failure of the signer to include their municipality. Pet. Br. 29–30. In each case, the reviewing registrar was able to certify that the voter was a registered voter in that municipality despite the lack of a listed municipality. Challenge 21 therefore fails for the same reasons as Challenge 20. Indeed, if anything, the lack of a listed municipality is even less significant than the lack of a street address, since circulators use a separate petition form for voters in each municipality, allowing for a presumption that signers have already sorted themselves by municipality in selecting which petition form to sign. Furthermore, a name and street address will almost always provide registrars with ample information to assess whether the signer is a registered voter in the municipality.

IV. Challenges 9, 12, 14, 15, and 16 fail in part.

A. Challenge 9: Some circulator affidavits should have been invalidated for date discrepancies, but only if those discrepancies are consistent with improper notarization.

Although most of Gilbert's challenges based on alleged notarization defects on the circulator affidavits are misguided, *see* Parts III.D–F, *supra*, the Secretary agrees in part with Gilbert's challenge to seven circulator affidavits that have discrepancies between the signature date and the notarization date that are not obvious typographical errors. Specifically, Gilbert identifies seven circulator affidavits in which the circulator wrote a different date next to their signature than the date that the notary wrote in the notarial certificate. Gilbert argues that these

discrepancies establish that the notarial certificates were not executed "contemporaneously with the performance of the notarial act," as required by 5 M.R.S.A. § 1916(1)(A). Pet. Br. at 23.

The Secretary agrees that notarial certificates dated after the circulator's signature date are problematic. Such discrepancies suggest violations of § 1916(1)(A), as Gilbert suggests, or, even more problematically, might indicate a violation of 4 M.R.S.A. § 1906, which requires the affiant to personally appear before the notary. Notably, proper notarization of an oath or affirmation requires not just administration of the oath by the notary but witnessing of the affiant's signature as well. *See* Maine Secretary of State, Notary Public Course of Study, at 25, *available at* https://www.maine.gov/sos/sites/maine.gov.sos/files/content/assets/courseofstudy.pdf.

The Law Court has concluded that the failure to sign the circulator's oath "in the presence of the notary public" is "an error constitutional import." *Maine Taxpayers Action Network v. Sec'y of State* ("*MTAN*"), 2002 ME 64, ¶ 13, 795 A.2d 75; *see also Palesky v. Sec'y of State*, 1998 ME 103, ¶ 11, 711 A.2d 129. Although the requirement of a circulator affidavit is a statutory requirement rather than a constitutional one, it is also vital to the integrity of the petitioning process. The Secretary therefore agrees that those circulator affidavits that appear on their face to have been notarized on a subsequent day after they were signed should not have been accepted.

However, not all seven of the affidavits identified by Gilbert should be invalidated on this basis. Two of the affidavits, R032884 and R032905, involve obvious typographical errors in the date. In R032884 the notarial certificate predates the circulator signature, which is consistent with a typographical error, and not a failure to personally appear or tardy completion of a notarial certificate. And in R032905, the circulator's signature date, September 11, 2025,

predates issuance of the petitions and thus cannot be correct. These two affidavits should be analyzed in the same manner as those affidavits containing no date at all. *See* Part III.D, supra. Thus, the Secretary contests Challenge 9 to the extent it seeks disqualification of these two circulators.

B. Challenge 12 partially fails because some of the alleged duplicate signatures are either not duplicates or were already invalidated by the Secretary.

Gilbert challenges 286 signatures as alleged duplicate signatures. Pet. Br. at 24. There is no question that a voter who signs a petition more than once should be treated as having signed only once. *See* 21-A M.R.S.A. § 904(4) (making it a crime to knowingly sign a petition more than once). Indeed, Elections staff does extensive, painstaking work during the validation period to identify and invalidate duplicate signatures, which resulted in invalidation of 1,651 signatures. R0001. Because this process involves data-entry of sometimes difficult-to-read handwriting, it is difficult if not impossible to identify every single duplicate.

The Secretary concedes that Gilbert appears to have correctly identified 275 additional duplicate signatures not identified by Election staff. However, Gilbert's analysis is flawed as to 11 signatures. In some cases, e.g., Pet. No. 413, ln. 43, the alleged duplicate involved two different voters with similar names. In other cases, e.g., Pet. No. 294, ln. 45, the petition form reflects (just not right next to the signature line) that the Secretary already invalidated the duplicate signature. The Court should therefore reject Gilbert's claims that the following signatures (identified by "petition number:signature line" per Gilbert's Table 12) were duplicates improperly counted as valid:

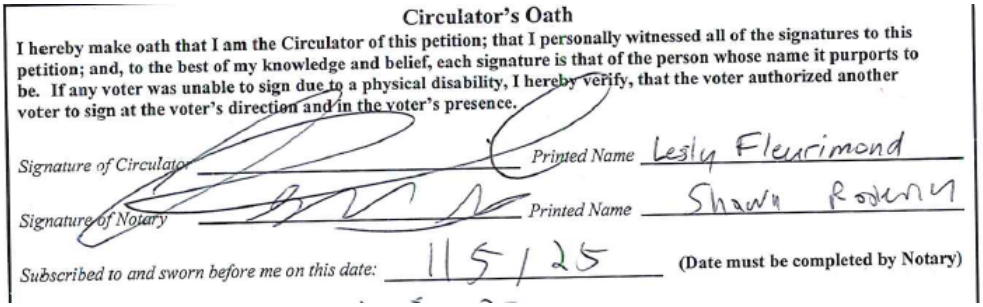
2nd signature already invalidated for DUP:	Signatures do not appear to be duplicates:
294:45/319:7	413:43/375:2
364:9/377:7	933:46/933:51
5727:20/5718:32	2120:60/2120:51
5727:21/5718:31	2185:44/2186:54
	2920:17/2937:2
	4449:17/4456:46
	6617:2/6617:4

C. Challenge 14 mostly fails because it is discernable from context that the challenged signatures were made prior to the circulator's oath.

Gilbert challenges 373 signatures on grounds that they are dated after the circulator for that petition form swore the circulator's oath that signatures were made in the presence of the circulator, among other things. *See* Me. Const. art. IV, pt. 3, § 20. The Secretary agrees that any signatures made after the circulator's oath must be invalidated. She further agrees that signatures must be invalidated if it cannot be determined whether the signature was made before or after the oath. Indeed, she invalidated 504 signatures on the petition for this reason. R0001.

The problem with Challenge 14 is that, for the vast majority of signatures challenged, context makes clear that the signatory did in fact the petition prior to the circulator oath and merely made a typographical error in writing the date. For example, Petition 3222 (R013459), which Gilbert seeks to invalidate in its entirety, shows 64 people signed the petition on November 4, 2025. However, the notarial certificate states that the circulator's oath was administered on November 6, "2020." R013459. The registrar's certificate reflects that the petition was then submitted to the registrar at 2:30pm on November 6, 2025. *Id.* The notary obviously did not actually complete the notarial certificate in 2020, when the petition form did not yet exist. Moreover, the petition form was in the possession of the circulators for only one November—November of 2025. R0014. Thus, the only reasonable explanation for the certificate date is a typographical error in the last digit of the year.

Petition 5681 (R023055), which contains 65 signatures, is similar. The notarial certificate shows the date as "1/5/25"—prior to the existence of the petition. The form reflects that all signatories signed the petition on November 4, 2025, and it was submitted to the municipal registrar on November 19, 2025. Given these other dates reflected on the petition form, it is clear that the notary simply left off the second "1" between the "1" and the "/" in the date, or perhaps included both "1"s but omitted the "/":



Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

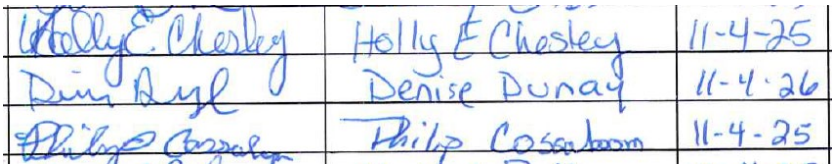
Signature of Circulator _____ *Printed Name* Lesly Fleurimond

Signature of Notary _____ *Printed Name* Shawn Rodrigue

Subscribed to and sworn before me on this date: 1/5/25 **(Date must be completed by Notary)**

Signatures should not be invalidated based on such obvious technical errors.

The other category of date error captured by Challenge 14 involves signatories providing a date after the date shown on a circulator's oath. In most cases, however, it can be determined conclusively or near-conclusively that the date is a misprint by the voter. Specifically, in the vast majority of signatures challenged under this theory, the offending date is sandwiched between two other signatures with valid dates:



Holly E. Chesley	Holly E Chesley	11-4-25
Denise Dunay	Denise Dunay	11-4-26
Philip Cossaboom	Philip Cossaboom	11-4-25

R026119. In this example, of course, the date is in the future and cannot be correct. But even in other cases where the misprinted date is not literally impossible, it can be reliably assumed that voters sign petitions sequentially from top to bottom. Thus, the presence of validly dated signatures above and below the invalidly dated signature establishes beyond reasonable doubt

that the invalid signature in the middle is simply a typographical error by the signer, and not evidence of a post-oath signature.

This practical approach to assessing signatures with missing or facially invalid dates is a longstanding interpretation of the Secretary, as reflected in the instructions provided to Elections staff who review the petitions for validity. *See* R099. It fully effectuates the purpose of the circulator oath and dating requirements, which are to ensure that (a) the circulator oath applies to all signatures on the petition and (b) signatures were collected within the timeframe specified in the Constitution. *See* Me. Const. art. IV, pt. 3, § 18(2) (requiring signatures to be dated within one year of petition filing). Consistent with these purposes, the Secretary's approach allows for invalidating those signatures actually made outside the permissible period, or where there is genuine doubt as to whether they were made within the permissible period, while also preserving voters' ability to have their voices heard when they make immaterial errors that do not prevent the Secretary from discerning that the signature was timely made.

Gilbert's Table 14 contains 46 signatures in which the signatory date was after the circulator's oath and there was insufficient context to confirm that the date was a typographical error. The remainder of Challenge 14 should be rejected. (Table 14 below identifies which signatures the Secretary concedes as invalid and which she contests.)

D. Challenge 15 mostly fails because it is discernable from context that most of the challenged signatures were made prior to the circulator's oath.

In Challenge 15, Gilbert challenges 47 signatures because they lack a date. The same analysis applies to this challenge as to the prior challenge: the lack of a date is problematic under the Secretary's longstanding interpretation only if it prevents determination that the signature was timely made. The Secretary's instructions to staff reviewing the petition set forth a set of rules for determining when an undated signature should be invalidated. R099. Review of the

signatures in Gilbert's Table 15 show that these rules were correctly applied in all but 4 cases. Gilbert's challenge to these signatures should be otherwise rejected. (Table 15 below identifies which signatures the Secretary concedes as invalid and which she contests.)

E. Challenge 16 mostly fails because it is discernable from context that signatures misdated prior to November 3, 2025, were made within the circulation period.

Gilbert challenges 307 signatures on grounds that they are dated before the petition was circulated, i.e. before the Secretary provided the petition form to the initiators on November 3, 2025. Pet. Br. at. Because the petition form did not exist prior to November 3, 2025, any signature dates preceding this date must necessarily be typographical errors. They are therefore no different than the signatures challenged in Challenge 14, which lack a date altogether. Applying the Secretary's rules for determining those signatures' validity, all but 80 of the challenged signatures were clearly made within the circulation period. Gilbert's challenge to these signatures should be otherwise rejected. (Table 16 below identifies which signatures the Secretary concedes as invalid and which she contests.)

V. The Secretary does not contest Challenges 3, 6, 13, and 17.

A. Challenge 3: The Secretary concedes error in not invalidating signatures of circulators who failed to submit to personal jurisdiction in Maine.

Gilbert challenges 1,520 signatures collected by four circulators who listed out-of-state addresses on their circulator affidavits but failed to check the box on the circulator affidavit indicating that they consented to the jurisdiction of the State of Maine. The Secretary concedes that these signatures should have been invalidated.

The Maine Constitution provides that petition circulators "must be a resident of this State . . . whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor." Me. Const. art. IV, pt. 3, § 20. After the First

Circuit Court of Appeals concluded that this provision likely violated the First Amendment rights of petition circulators, *see We the People v. Bellows*, 40 F.4th 1, 27 (1st Cir. 2022), Maine agreed to a Consent Order and Judgment (the "Consent Order"), partially enjoining enforcement of the provision. *See We the People v. Bellows,* Docket No. 1:20-cv-00489-JAW, Consent Order ¶ 2, ECF No. 88 (D. Me. Feb. 9, 2023) (attached as Exhibit B). Under that Order, Maine is permanently enjoined from enforcing the in-state residency requirement for circulators, but only to the extent that out-of-state circulators meet certain conditions, including that they "agree to submit to the personal jurisdiction of Maine for purposes of any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions." *See* Ex. B.

The four circulators identified by Gilbert list out-of-state residences on their circulator affidavits. They further failed to consent to personal jurisdiction, as the Secretary is allowed to require under the Consent Order. Those circulators therefore never exempted themselves from the bar under article IV, part 3rd, § 20 of the Maine Constitution against non-residents circulating petitions. The Secretary has historically invalidated all signatures collected by the non-resident circulator for violation of this provision. *See, e.g.*, *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165.[4]

B. Challenge 6: The Secretary agrees that the petition forms notarized by circulators De Clercq and Harrington after they circulated petitions should have been invalidated.

As discussed in Part III.B, *supra*, the notarial conflict-of-interest provisions in 21-A M.R.S.A. § 903-E and 4 M.R.S.A. § 1904(5) forbid notarizing circulator oaths on petition forms

[4] Should the Court order a remand, it is possible the circulators might seek to offer amended circulator affidavits with the appropriate box checked. The Secretary at this stage takes no position on whether such remedial efforts would be permissible.

once the notary has provided services to the campaign in the form of circulating petitions. *See Reed*, 2020 ME 57, ¶ 19, 232 A.3d 202 (affirming the Secretary's interpretation). Thus, the Secretary agrees with Gilbert that any petition forms (as opposed to circulator affidavits, see Part III.B, *supra*) notarized by De Clercq after November 14, 2025, or by Harrington after November 30, 2025, should have been invalidated.

C. Challenge 13: The Secretary agrees that petition forms with no notary signature are invalid.

Though the accompanying table appears to be mislabeled, the Secretary understands Gilbert's Challenge 13 to attack seven petition forms containing a total of 14 valid signatures because the notarial certificate lacks the notary's signature. Pet. Br. 25. The Secretary has long regarded the lack of a notary signature as fatal to the validity of a petition form. R0098 (instructing petition reviewers to invalidate petition forms for OATH if there is no notary signature). The Secretary agrees that these 14 signatures should have been invalidated (along with the other 90 signatures that were in fact invalidated for OATH, *see* R0001) for lack of proof that a circulator's oath was administered. *See Palesky*, 1998 ME 103, ¶ 11, 711 A.2d 129.

D. Challenge 17: The Secretary agrees that use of ditto marks for signature dates should invalidate those signatures.

Gilbert challenges 39 signatures because the signers failed to write a date but instead used ditto marks to indicate the same date as the previous signer. Pet. Br. 26. Gilbert is mistaken that the Maine Constitution somehow bans the use of ditto marks by specifying that petition signatures should be dated. *See* Me. Const. art. IV, pt. 3, § 18(2). Contrary to Gilbert's argument, the ditto mark itself indicates the date.

However, the Secretary agrees with Gilbert's argument that the Legislature's ban on the use of ditto marks for anything other than residence address and municipality in 21-A M.R.S.A. § 354(4)—which is made applicable to direct initiative petitions by 21-A M.R.S.A. § 902—

requires invalidation of those signatures. The statute uses the restrictive term "only," which indicates an affirmative legislative purpose to prohibit ditto marks in all fields but residence address and municipality. The ban on ditto marks in dates also serves an important function, in that it helps ensure that signers of a petition form circulated over multiple days use the correct date rather than relying on the prior signer's determination of the date.[5]

VI. Remand may be necessary to address the remaining issues raised in the petition.

If the Court agrees with all of the Secretary's arguments and positions thus far, Gilbert would fall short of invalidating enough signatures to invalidate the petition. Specifically, accepting the Secretary's concessions on Challenges 3, 6, 9, 13, and 17—each of which seeks to invalidate entire petition forms—would invalidate a total of 2,573 additional signatures once the overlaps between the Challenges (i.e. multiple challenges attacking the same petition forms) are accounted for. The Secretary's additional concessions on Challenges 12, 14, 15, and 16—which target individual signatures scattered across the petition forms—would invalidate, at most, 441 additional signatures.[6] That maximum possible total of 3,014 additional invalidated signatures would put the lowest possible number of valid signatures at 68,019 (i.e., 71,033-3,014, *see* R.0002)—still above constitutional threshold of 67,682 signatures by 337 signatures.

[5] The Secretary recently applied this interpretation of § 354(4) to invalidate signatures with ditto marks for dates in the context of a challenge to candidate petitions. *See In re: Challenges to the Nomination of Slate of Presidential Electors to Support Dr. Cornel West*, at 23 (Aug. 20, 2024), *available at* https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/FINAL%20-%20West%20Decision.pdf.

[6] The Secretary uses the qualifier "at most" because the expedited briefing schedule has not allowed time to determine the extent to which the challenges to individual signatures overlap with each other, or overlap with the challenges to entire petition forms. In other words, Gilbert's challenges collectively assert that some individual signatures are invalid for multiple reasons. Any firm calculation of the total number of signatures invalidated would need to avoid double-counting such signatures. While it is relatively easy to avoid double-counting entire petition forms that may be invalid for multiple reasons (and the Secretary has in fact performed this calculation in reaching the 2,573 figure), avoiding double-counting where challenges to individual signatures are involved is considerably more labor intensive.

The Secretary recognizes that the Court may reject her arguments against invalidation or, conversely, may accept arguments by the Intervenor against the Secretary's concessions, which may moot the question of remand, either by placing possible invalidation through remand out of reach for Gilbert or by allowing the Court to conclude that the petition is invalid based on legal arguments and the agency record alone. However, if the Court determines that the validity of the petition turns upon the two remaining Gilbert challenges not yet addressed—Challenge 2 and Challenge 19—the Secretary does not oppose a remand to evaluate those challenges.

A. Challenge 2 presents allegations that could only be resolved through further factfinding on remand.

In Challenge 2, Gilbert argues for the invalidation of all signatures collected by several circulators based on affidavits indicating that circulators were observed on specific dates in specific places leaving their petitions unattended. In some, but not all cases, these witnesses allege that voters signed the petitions while the circulator was absent. Gilbert further claims that, once the petitions were filed and made publicly available, she was able to identify these circulators. She seeks invalidation of all petitions circulated by these identified circulators, on a theory that they "swore false oaths," which calls into question the integrity of all the petition forms they circulated.

The Secretary received similar complaints of circulator misconduct prior to issuance of her decisions. R0052–0095. However, the information provided was insufficient to conduct a meaningful investigation. The Secretary therefore did not invalidate any petition forms based on that information. R001. The supplemental information provided by Gilbert, however, including sworn affidavits, suggests that such an investigation may have been warranted. The affidavits, together with the attached video and photographic evidence, suggest that a handful of circulators may have falsely sworn that they witnessed all signatures on their petition forms. If so, the

petition forms containing the unwitnessed signatures would be properly invalidated. *See Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054.

None of this can be conclusively determined, however, based on one-sided affidavits alone. For one thing, the circulators in question have had no opportunity to respond. Maybe the circulators were present and witnessing the signature outside of the frame of the submitted photos and video. Maybe Gilbert has misidentified the circulators. Maybe the circulator cured the unwitnessed signatures by crossing them out, as is expressly permitted in the circulator instructions. R0021. In one case, the alleged circulator is photographed near the petition signers but looking at his phone. Mot. to Take Add'l Evid., Ex. J, Atts. 1–2. Maybe that circulator—who seems to have had the required "physical proximity"—was maintaining enough attention on the signers that he also possessed the requisite "awareness" of the petition being signed. *See Knutson*, 2008 ME 124, ¶ 12, 954 A.2d 1054. In other cases, it is not clear that the allegedly unattended petitions were even signed by anyone while unattended. *See, e.g.* Mot. to Take Add'l Evid., Ex. I. Only a factfinder hearing evidence could make these necessary determinations.

Finally, even if there were unwitnessed signatures, Gilbert is mistaken that a circulator's swearing of an oath to the contrary would automatically require invalidation of all petition forms circulated by that individual. *See* Pet. Br. at 18 n.13. The usual remedy for a petition form that contains unwitnessed signatures is invalidation of that petition forms containing the unwitnessed signatures. *See Knutson*, 2008 ME 124, ¶ 21, 954 A.2d 1054 (candidate petitions). The latter remedy, while not per se impermissible, would require some additional finding, such as willful misconduct, or a pattern and practice of misconduct, such that none of the oaths sworn by the circulator could be trusted. *See MTAN*, 2002 ME 64, ¶¶ 18, 21, 795 A.2d 75 (permitting invalidation of all of a circulator's petitions where the circulator had "fraudulently, and perhaps

criminally" used a false identity). Only a factfinder hearing testimony and evidence could make such a determination.

Gilbert seems to argue that this Court could act as the factfinder and determine all these issues. *See* Mot. to Take Add'l Evid. at 2–3. But, as shown in Part I.B, *supra*, 5 M.R.S.A. § 11006(1)(B) does not authorize the Superior Court to take additional evidence when the movant makes the showing required under that paragraph. Rather, that paragraph only allows a remand to the agency to consider the proffered evidence and find additional facts. *Keller*, 477 A.2d at 1162. Thus, if the Court determines that Challenge 2 is potentially outcome-determinative, it should remand to the Secretary to find facts and determine based on those facts whether any additional signatures should be invalidated.

B. Challenge 19 could only be determined via a remand.

In Challenge 19, Gilbert points to 31 signatures she characterizes as "suspicious" as potential forgeries. She also points to two circulators whom she suspects of fraud, Kendrick Jackson and Fritz Jean-Baptiste. Jackson submitted a total of 88 petition forms. R0387–89. On one form, the Waterville registrar invalidated a total of 20 signatures—nearly all the signatures on the form—for ANO, meaning that the registrar determined that the voter signatures on the petition was made by another, based on a comparison with the signature on the voter's registration applications. However, none of Jackson's other 87 forms contain any invalidations for ANO.

The facts regarding Jean-Baptiste are similar. He submitted a total of 77 petition forms. R0389–0391. Among these was one form that had 9 invalidations for ANO. R024452 Two other petitions he submitted collectively included three signatures invalidated for ANO. R07984, R015042.

While the invalidation of an occasional signature for ANO could have many plausible explanations that are not the fault of the circulator, the invalidation of many signatures for ANO on a single petition form, as is the case with the two petitions containing 20 and 9 invalidations respectively, is cause for more concern. While the Secretary does not take any position as to whether either circulator engaged in wrongdoing, she agrees that further investigation on remand may be warranted if the signatures on petitions by these circulators prove to be outcome-determinative. She further acknowledges that this challenge could not have been raised with the agency prior to the Secretary's decision, as the evidence of the potential misconduct was only available once the petition forms became publicly available after the Secretary's determination.

In short, should the signatures challenged in Challenge 19 prove potentially outcome-determinative, the Secretary does not oppose a remand to investigate Gilbert's claims.

Conclusion

For the foregoing reasons, the Court should reject in full Challenges 1, 4, 5, 7, 8, 10, 11, 18, 20, and 21, and reject in part Challenges 9, 12, 14, 15, and 16. Furthermore, should the manner of the Court's resolution of Gilbert's other challenges make Challenges 2 and 19 potentially outcome-determinative of the petition's validity, the Court should remand those two challenges to the Secretary for further consideration. In the event of a remand, the Court should specify deadlines for completion of the remand in order to allow timely but thorough consideration of the remanded issues.[7]

Dated: April 17, 2026

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[7] The statutory deadline for Superior Court resolution of this case under 21-A M.R.S.A. § 905(2) is April 27, 2026. That deadline would not appear to be consistent with the timeframe necessary for a remand. Without discounting the importance of the statutory deadline, which ensures resolution of any appeal in advance of deadlines for ballot printing, the Secretary notes that in this case the November election is still some months away, making strict compliance with the deadline less crucial for ensuring that this litigation is resolved before ballots are finalized.

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
DOCKET NO. AP-26-10

JANE GILBERT, MARK SAYRE, and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent,

PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee,

Proposed Intervenor.

PROPOSED INTERVENOR'S RESPONSE TO PETITIONERS' BRIEF PURSUANT TO RULE 80C AND OPPOSITION TO PETITIONERS' MOTION TO SUPPLEMENT THE RECORD

TABLE OF CONTENTS

I. PROCEDURAL POSTURE 1

II. OPPOSITION TO MOTION TO SUPPLEMENT 1

A. Standard of Review Under Administrative Procedures Act 2
1. Petitioners' Affidavits could have been Submitted before the Secretary Issued her Determination 2
2. Several of the Affidavits Fail Basic Standards for Evidentiary Competence and Relevance 4

III. THE SECRETARY'S MARCH 17 DETERMINATION WAS VALID AND SHOULD BE SUSTAINED 8

A. Standard of Review for Secretary's Determination 8
B. Maine Citizens Have The Absolute Right To Directly Legislate, And Any Restrictions On That Right Are Subject To Strict Scrutiny 10
C. New Notary Provisions Are Not "Procedures" But Are Impermissible Substantive Requirements Not Found In The Constitution 11
D. Notary Provisions Are Unconstitutional Because They Limit Speech And Are Not Narrowly Tailored To Any Permissible Governmental Purpose 13
E. Notary Statutes Constitute Unconstitutional Viewpoint Discrimination 14

IV. PETITIONERS' OTHER CHALLENGES SHOULD BE REJECTED. 15

A. "Cairo" is full legal name of Circulator Cairo 15
B. Failure to Check Box Submitting to the Jurisdiction of the State of Maine 15
1. The Consent Decree's Requirement is Invalid 16
2. Assuming that the Consent Decree's Jurisdiction Provision is Valid, it does not Prohibit post-Circulation Submission to Maine's Jurisdiction 17

TABLE OF AUTHORITIES

Cases

Allen v. Quinn,
459 A.2d 1098, 1102-03 (Me. 1983) 8, 10

Birks v. Dunlap
BCD-AP-16-04 ¶ 6 (Me. Bus. & Cons. Ct April 8, 2016) 8, 10. 13

Buckley v. Am. Constitutional Law Found., Inc.
525 U.S. 182, 186 (1999) 13, 14

De Jong v. Oregon
299 U.S. 353, 364 (1937) 15

Irish v. Gimbel
1997 ME 50, ¶ 13, 691 A.2d 664) 9

Kroeger v. Dep't of Envtl. Prot.
2005 ME 50, ¶ 7, 870 A.2d 566 3

Maine Taxpayers Action Network v Sec'y of State
2002 ME 64, ¶ 7, 795 A.2d 79, 78 10

McCutcheon v. Fed. Election Comm'n
572 U.S. 185, 203 (2014) 13

McElroy v. State Employees Appeals Bd.
427 A.2d 958, 961 (Me. 1981) 9

McGee v. Secretary of State
2006 ME 50 ¶ 21, 896 A.2d 933 ..... 10, 12, 18

Meyer v. Grant
486 U.S. 414, 420, 425 (1988) 9, 13, 14

Opinion of the Justices
2017 ME 100, ¶ 66-68, 162 A.3d 188 ..... 12, 13

Palesky v. Sec'y of State
1998 ME 103, ¶ 9, 711 A.2d 129 ..... 8, 10

R.A.V. v. City of St. Paul, Minn.
505 U.S. 377, 391 (1992) 15

Reed v. Secretary of State
2020 ME 57, 232 A.3d 202 3

Richard v. Sec'y of State
2018 ME 122, ¶ 21, 192 A.3d 611 8

Rideout v. Riendeau
2000 ME 198, ¶ 14, 761 A.2d 291 ..... 8, 10

Rosenberger v. Rector & Visitors of Univ. of Virginia
515 U.S. 819, 828 (1995) 15

Seider v. Bd. of Examiners
2000 ME 206, ¶ 9, 192 A.3d 611 9

Thomas v. Collins
323 U.S. 516, 530 (1945) 15

Town of Jay v. Androscoggin Energy, LLC
2003 ME 64, ¶ 10, 822 A.2d. 1114 8

United States v. Reese
92 U.S. 214, 221 (1876) 16

Watts v. Bd. of Envtl. Prot.
2014 ME 91, ¶ 5, 97 A.3d 115 ..... 3, 8

We the People v. Bellows
Case No. 1:20-cv-498, ECF 88, ¶¶ 2-3 16

We the People v. Bellows
40 F. 4th 1 (1st Cir. 2022); 519 F.Supp.3d 13, 20 (D. Me. 2021) 16

Wyman v. Sec'y of State
625 A.2d 307, 311 9

Wyman v. Town of Phippsburg
2009 ME 77, If 8, 976 A.2d 985 3

Other Authorities

Maine Rules of Civil Procedure, Rule 80C 1, 3, 10

Me. Const. Art IV, Pt. 3rd § 22.....9, 11

Me. Const. Art. VI, § 3 9

5 M.R.S. § 11006(1)(B) 2

21-A M.R.S. §903-C(1) 18

21-A M.R.S. 903-E 13, 15

21-A M.R.S. §905 9

1974 Report of Jud. Comm. 11

Con. Res. 1975, ch. 2, § 20 (effective Nov. 24, 1975) 11, 12

NOW COMES, Proposed Intervenor, Protect Girls Sports in Maine Ballot Question Committee ("PGS") by and through its attorneys, Timothy C. Woodcock, Esq. and Janna Gau, Esq., and file its brief in response to the brief of Petitioners, Jane Gilbert, Mark Sayre, and Kaitlin Webber (collectively "Petitioners"), and its Opposition to Petitioners' Motion to Supplement the Record as follows:

I. PROCEDURAL POSTURE

On March 17, 2026, the Secretary of State certified her Determination that enough valid signatures had been timely submitted to place a citizen initiative entitled, "An Act to Designate School Sports Participation and Facilities by Sex ("Ballot Initiative") on the November 3, 2026 Ballot. In particular, the Secretary determined that 71,033 signatures were valid, which exceeded the required threshold of 67,682. *Complaint*, Ex. A, ¶ 3. On March 27, Petitioners filed their Complaint pursuant to Rule 80C and 21-A M.R.S. §905 challenging the Secretary's Determination.

On April 1, 2026, proposed Intervenor, Protect Girls Sports in Maine, Ballot Question Committee ("PGS") moved to intervene. The Secretary took no position on PGS's motion; Petitioners advised that they did not object.[1] On April 6, the Secretary filed the record on its Determination.[2] On April 8, Petitioners moved to supplement the record. On April 10, pursuant to an agreed-upon briefing schedule, Petitioners filed their merits brief. PGS now files its combined merits brief and Opposition to Petitioners' Motion to Supplement.

II. OPPOSITION TO MOTION TO SUPPLEMENT

Petitioners have moved to supplement the record by adding 10 affidavits from individuals who purportedly witnessed alleged shortcomings in the conduct of certain Circulators. Pet. Mot., Exs. A-J. Petitioners' Motion should be denied because Petitioners failed to offer any explanation

[1] Proposed Intervenor's Motion to Intervene is still pending with this Court.
[2] The Secretary later reissued a Bates Stamp version of the record which is the operative record.

for not having submitted these affidavits to the Secretary before she issued her March 17 Determination. Beyond that, the affidavits themselves are either demonstrably selective, painting a distorted picture of the Circulator in question or are so poorly supported as to be wholly incompetent or irrelevant and, therefore, not "material."[3]

A. Standard of Review Under Administrative Procedures Act

As Petitioners acknowledge, in this appeal, the admission of non-record evidence is governed by 5 M.R.S. § 11006(1)(B). Pet. Mot. at 4. Section 11006(1)(B) provides that a Court may allow a supplementation of the record where "the evidence is material to the issues presented...and could not have been presented or was erroneously disallowed in proceedings before the agency." *Id.*

1. Petitioners' Affidavits could have been Submitted before the Secretary Issued her Determination

Petitioners' Exhibits A through J are affidavits from individuals who claim to have witnessed petition circulators failing to fulfill their duties. Most of the affiants allege instances in which the circulators failed to witness each signature. Pet. Mot., Exs. A-E, G-J. One affiant alleged that the circulator failed to fully display the initiative summary for the voters to review. *Id.*, Ex. F.

The Record reflects that several of these affiants submitted written complaints to the Secretary before the Secretary issued the March 17 Determination. *See* R0055 (Complaint of Mary Henderson); R0056-0063 (Complaint of Cynthia Grimm); R0075-0077 (Complaint of Mike Hein); R0061 (reference to Complaint of Amy Stubbs). By not invalidating the petitions submitted by the circulators after having been directed to their petitions, it is apparent that the Secretary evaluated and ruled out these accusations as grounds to invalidate the circulators' petitions.

[3] If the Court grants Petitioners' motion in whole or in part, PGS reserves the right to supplement the record with evidence disputing the representations set forth in Exhibit A-J and placing each set of allegations in its complete and appropriate context.

Moreover, nothing prevented the complainants from submitting affidavits in support of their accusations ***before*** the Secretary issued her Determination.

When reviewing a determination on a direct-action petition made by the Secretary of State, the Court's review is "deferential and limited." *Watts v. Bd. of Envtl. Prot.*, 2014 ME 91, ¶ 5, 97 A.3d 115. Further, under a Rule 80C review, this Court only reviews adjudicatory decisions "for abuse of discretion, errors of law, or findings not supported by the substantial evidence in the record." *Wyman v. Town of Phippsburg*, 2009 ME 77, If 8, 976 A.2d 985. The Court should "not vacate an agency's decision unless it: violates the Constitution or statutes; exceeds the agency's authority; is procedurally unlawful; is arbitrary or capricious; constitutes an abuse of discretion; is affected by bias or an error of law; or is unsupported by the evidence in the record." *Kroeger v. Dep't of Envtl. Prot.*, 2005 ME 50, ¶ 7, 870 A.2d 566.

Petitioners post-Determination submission of affidavits contrasts with the course followed by the petition challengers in *Reed v. Secretary of State*, 2020 ME 57, 232 A.3d 202. There, the challengers submitted materials questioning the validity of petitions before the Secretary issued his decision. *Id.* at ¶¶ 6-7. Indeed, the challengers' submissions were so voluminous that the Secretary candidly acknowledged that he could not complete his review before the deadline for issuing his Determination arrived. *Id.* at ¶ 7. Under these circumstances, the Court remanded the matter to the Secretary to complete his review. *Id.* at ¶¶ 8-9.

Petitioners have not met Section 11006(1)(B)'s demanding requirement that the evidence they now seek to submit "**could not** have been presented" to the Secretary in the pre-Determination period. 5 M.R.S § 11006(1)(B). For this reason and for the reasons set forth below, Petitioners' Motion to Supplement the Record should be denied.

2. Several of the Affidavits Fail Basic Standards for Evidentiary Competence and Relevance

Aside from their tardy submission, a close review of the proffered affidavits reveals that, in several instances, they lack the detail necessary for the grave step of excluding any petitions. Most of the affidavits accuse the circulators of failing to witness all the signatures they gathered, by the same token, they tacitly acknowledge that the circulators witnessed many signatures. Despite their claimed focus on the circulators, they do not provide any information that would allow the Secretary to identify **which** petitions may bear unwitnessed signatures.[4] In several instances, this should not have been difficult.

The affiants need only to have identified a **single** voter who signed a petition while the circulator was allegedly absent. Then that petition could have been identified. At no point does it appear that they identified or even attempted to identify such a voter-signatory. It appears that, instead, they avoided doing so in the hopes they could persuade the Secretary to invalidate the signatures of each challenged circulator *en masse*, thus invalidating **all** those circulators' petitions and depriving all voters who signed those circulators' petitions, even those who signed petitions that the affiants could not contest, of their constitutional right to support the placement of the Ballot Initiative on the ballot. For example:

Exhibits A-C: Circulator Elias Vasquez is the subject of Exhibits A-C. He collected signatures for the Ballot Initiative at Mount Ararat High School on Election Day, November 4, 2025. Ex. A, ¶ 3, Ex. B, ¶ 3, Ex. C, ¶ 3. The affiants assert that Mr. Vasquez left his petitions unattended for extended periods of time, the photographs and video-recordings are not only

[4] As noted above, Intervenor denies that the circulators failed to witness all the signatures on the petitions they signed under oath. In the event that the Court either allows Petitioners to supplement the record or remands this matter to the Secretary for further consideration of the allegations in the newly submitted affidavits, Intervenors would reserve the right to supplement the record to place the circumstances referred to in Affidavits included in Exhibits A-J in more complete and appropriate context.

extremely abbreviated, they narrowly depict the petition table and omit the surrounding area. *Id.* The same selectivity afflicts the allegations and supporting materials in Exhibits D and E.[5]

Exhibit F: Exhibit F concerns Circulator Hope Angel. According to the affiant, Ms. Angel failed to display the Ballot Initiative summary to petition signers and "around 200 individuals signed the Petition without unfolding the Petition." Ex. F, ¶¶ 6-7. The affiant also alleges that Ms. Angel left her table "multiple times, leaving the petitions face up on the table." *Id.* at ¶ 8.

In the last paragraph of Exhibit F, just above the oath, the affiant becomes more circumspect about Ms. Angel's failure to display the summary asserting that, "[b]y routinely folding the petition, the PGSM Circulator **appeared** not to provide voters with [the] opportunity [to review the summary]. *Id.* at ¶ 9 (emphasis supplied). Yet, the affidavit shows that there is no reason why the affiant should have to equivocate on this point. The affiant asserts to have engaged in conversation with Ms. Angel and obtained some personal information about her. *Id.* at ¶ 5. There appears to be no reason why the affiant could not have obtained a clear view of the allegedly folded petition and confirmed how Ms. Angel displayed it. In short, assuming for the sake of argument that Ms. Angel's alleged failure to fully display the Ballot Initiative summary would be a sufficient reason to invalidate the signatures she gathered—which Intervenor denies—the affiant has failed to provide a sufficient basis to conclude that the affiant **actually** witnessed such conduct.

Beyond this, the affiant's assertion that Ms. Angel left the petition table "multiple times, leaving Petition sheets face up on the table" is so general as to lack any reliability. For example,

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[5] Intervenors deny that Circulators' Elias Vasquez (Exhibits A-C—Mount Ararat) and Susan Mays (Exhibit D-E--Thornton Academy) failed to witness all the signatures on the petitions that were submitted to the Secretary of State. If the Court allows Petitioners to supplement the record before this Court or remands the matter to the Secretary of State for further review, Intervenor reserves the right to submit evidence in response to the affiants' allegations.

the affiant does not assert that, during Ms. Angel's alleged "multiple" absences, anyone signed the petitions she was circulating. *Id.* at ¶ 8; *id, passim.*[6]

Exhibits G-H: Exhibits G and H concern the signing of petitions at a December 9, 2025 meeting of the Board of Regional School Unit 24 ("RUS24"). In Exhibit G, the affiant asserts that a woman whom the affiant does not identify, was circulating petitions. Ex. G, ¶ 4. The affiant was able to observe persons signing the petitions, though it is not clear that those petitions belonged to the female circulator she encountered. Ex. G, ¶ 6; *id., passim.* The affiant does not assert that the female circulator left the meeting, and does not explain why, if the affiant could witness persons signing the petition, the female circulator could not also witness the same persons signing the petitions. *Id., passim.*

Further obscuring this matter, is Exhibit H. There, the affiant asserts that Carrie Sandstrom Faulkingham attended the RSU24 meeting and circulated petitions. Ex. H, ¶ 5.[7] However, Carrie Sandstrom Faulkingham did not submit any petitions, so Petitioners' claim fails. Therefore, both separately and together, Exhibits G and H fail to adduce sufficient evidence to either supplement the record regarding the RSU24 meeting or to warrant a remand to the Secretary on this point.

Exhibit I: Exhibit I concerns a circulator who sought to gather signatures on January 15, 2026, at the Augusta Bureau of Motor Vehicles ("BMV"). Ex. I, ¶¶ 3-4. It appears that the affiant had about ten minutes to view the unidentified circulator before going inside the BMV. *Id.* ¶¶ 3, 6. Shortly after the affiant emerged from BMV, a BMV official informed the circulator he could

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[6] Intervenors deny that Circulator Angel failed to display the Ballot Initiative summary to voters or that she failed to witness all the signatures of those who signed her petitions. If the Court allows Petitioners to supplement the record before this Court or remands the matter to the Secretary of State for further review, Intervenor reserves the right to submit evidence in response to the affiant's allegations.

[7] It is not at all clear that the affiant in Exhibit G and the affiant and Exhibit H are both referring to the same female circulator. Cf., Ex. G, ¶ 4; Ex. H, ¶ 5.

not collect signatures outside the BMV and the circulator left. *Id.* ¶¶ 11-12; *see also* R0075-R0077 (Complaint of Mike Hein).

Although the affiant asserts that the circulator left his petitions unattended, the affiant's own photographs do not support this contention. One photograph shows the circulator displaying petitions to potential signatories. Ex. I, Attachment 1. Two others show the table without the circulator present (*Id.*, Attachments 2-3) but a fourth photograph shows that the circulator has stepped away from the table to approach potential signatories, clearly holding petitions. *Id.* Attachment 4. More significantly, the affiant does **not** specifically assert that persons signed any petitions outside of the circulator's presence. *Id, passim.*

Beyond that, as the affiant makes clear, in addition to circulating petitions for the Ballot Initiative, the circulator was also circulating petitions for gubernatorial candidate Jim Libby. *Id.* at ¶ 5. Finally, the affiant has not identified the circulator. *Id., passim.* In sum, Exhibit I contains vague, nonspecific allegations which do not warrant either supplementing the record before this Court or remanding to the Secretary to evaluate the affiant's allegations.

Exhibit J: Exhibit J concerns the circulation of petitions at the Auburn Christmas parade on December 7, 2025, by Adam Turner. Ex. J. The affiant asserts that, although Mr. Turner was always present while voters were signing his petitions, he did not always watch them do so. Ex. J, ¶¶ 7-13. The affiant supported her allegations with two photographs of Mr. Turner, *Id.* at Attachments 1-2; *see also* R0056-0063 (Complaint of Cynthia Grimm). These photographs are notable for two points: First, no one is anywhere near Mr. Turner; second, as he looks at his phone, he is clearly **holding** his petitions. On the strength of these flimsy assertions, Petitioners seek to invalidate **all** of Mr. Turner's petitions, thus frustrating the express wishes of all those voters who signed his petitions to place the Ballot Initiative before Maine voters for their consideration as

Electors. Exhibit J does not provide a sufficient basis for this Court to reopen the record or to remand to the Secretary for further consideration.[8]

For the foregoing reasons, Intervenors respectfully ask this Court to deny Petitioners' Motion to Supplement the record before this Court with the addition of Exhibits A-J with their attachments or to remand to the Secretary for further consideration of the allegations they advance.[9]

III. THE SECRETARY'S MARCH 17 DETERMINATION WAS VALID AND SHOULD BE SUSTAINED.

A. Standard of Review for Secretary's Determination

The standard of review of the Secretary's March 17, 2026 Determination is well-settled. The Court's review of the Secretary's determination is "deferential and limited." *Birks v. Dunlap*, BCD-AP-16-04 ¶ 6 (Me. Bus. & Cons. Ct April 8, 2016), citing *Watts v. Bd. of Envtl. Prot.*, 2014 ME 91, ¶ 5, 97 A.3d 115. The Court reviews the Secretary's decisions "for abuse of discretion, errors of law, or findings not supported by evidence." *Palesky v. Sec'y of State*, 1998 ME 103, ¶ 9, 711 A.2d 129. A party seeking to vacate the Secretary's decision bears the burden of persuasion. *Richard v. Sec'y of State*, 2018 ME 122, ¶ 21, 192 A.3d 611; *Birks*, BCD-AP-16-04 ¶ 6, citing *Town of Jay v. Androscoggin Energy*, LLC, 2003 ME 64, ¶ 10, 822 A.2d. 1114.

Statutes regulating the constitutionally recognized right of the people to conduct a citizen initiative are interpreted in favor of the exercise of that right and consistent with the constitution. *Allen v. Quinn*, 459 A.2d 1098, 1102-03 (Me. 1983); *Rideout*, 2000 ME 198, ¶ 14, 761 A.2d 291

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[8] Intervenors deny that Circulator Turner failed to witness all the signatures of those who signed his petitions. If the Court allows Petitioners to supplement the record before this Court or remands the matter to the Secretary of State for further review, Intervenor reserves the right to submit evidence in response to the affiant's allegations.

[9] Intervenor does not oppose the Secretary's review of readily ascertainable errors such as a voter signature dated after the date on which a circulator completed the circulator's oath before a notary public.

(citing *Irish v. Gimbel*, 1997 ME 50, ¶ 13, 691 A.2d 664). Further, a citizen initiative referendum implicates core political speech, and any regulation thereof is subject to exacting scrutiny and must be narrowly tailored to serve a compelling state interest. *Wyman v. Sec'y of State*, 625 A.2d 307, 311, citing *Meyer v. Grant*, 486 U.S. 414, 420, 425 (1988).

Moreover, the burden is on the Petitioners to demonstrate that the Secretary's findings are not supported by any competent evidence. *Seider v. Bd. of Examiners*, 2000 ME 206, ¶ 9, 192 A.3d 611. In addition, it must be stressed that the here, where the Secretary's Determination as to the sufficiency of petitions supporting a citizen's initiative is at issue, applicable standard of review for the Secretary's decision more particular. 21-A M.R.S. § 905.

This standard is more deferential to the Secretary than the standard set forth in the Administrative Procedures Act ("APA") and, therefore, Section 905 controls. See, *McElroy v. State Employees Appeals Bd.*, 427 A.2d 958, 961 (Me. 1981).

Prior to the 1975 amendments to the Maine Constitution, almost all aspects of this process were unreviewable by the courts on appeal. Other branches of government could, and did, ask for advisory opinions from the Justices under Me. Const. Art. VI, § 3. The Legislature, through its Judiciary Committee, would issue validity determinations for initiative petitions; and the Governor.

The Constitution and statute establish the standard of judicial review. Me. Const. Art. IV, Pt. 3rd, § 22; 21-A M.R.S. § 905. The Constitution provides that the "direct initiative ... shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing." Me. Const. Art IV, Pt. 3rd § 22. "The Legislature may enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions." *Id.* (emphasis added). "Such laws shall include provision for judicial review of any determination, to be

completed within 100 days from the date of filing of a written petition in the office of the Secretary of State. *Id.* Consistent with these provisions, and the Constitutional history, 21-A M.R.S. § 905 constrains this Court's standard of review in several ways: "the standard of review shall be the same" in both the Law Court and the Superior Court, *id.* at § 905(3); judicial review is limited to "questions of law," *id.*; "the Secretary of State shall determine the validity of the petition," *id.* at § 905(1); and "[t]his action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section," *id.* at. § 905(2). The Law Court has said that courts must review "the decision of the Secretary of State directly, reviewing for abuse of discretion, errors of law, or findings not supported by evidence." *Maine Taxpayers Action Network v Sec'y of State*, 2002 ME 64, ¶ 7, 795 A.2d 79, 78 (quoting, *Palesky v. Sec'y of State*, 1998 ME 103, ¶ 9, 711 A.2d 132).

B. Maine Citizens Have The Absolute Right To Directly Legislate, And Any Restrictions On That Right Are Subject To Strict Scrutiny

Maine citizens have had the constitutional right to legislate through direct initiatives such as the Resolve for more than 100 years. *Birks v Dunlap*, 2016 WL 1715405, at *5. The Law Court has repeatedly "stressed the importance of this Constitutional power reserved to the people, declaring it to be an 'absolute right.'" *Id.* (quoting *McGee*, 2006 ME 50, ¶ 21) (emphasis added). Recognizing the significance of this "absolute right," the Law Court has held that Section 18 of the Maine Constitution "'must be liberally construed to facilitate, rather than to handicap, the people's exercise of their sovereign power to legislate.'" *McGee*, 2006 ME 50, ¶ 21 (quoting Allen, 459 A.2d at 1102-1103). Courts apply strict scrutiny when reviewing statutes that regulate the ballot initiative process to ensure they do not unduly burden this absolute right. *Birks*, 2016 WL 1715405, at *6. "'Strict scrutiny requires that the State's action be narrowly tailored to serve a compelling state interest.'" *Id.* (quoting *Rideout v. Riendeau*, 2000 ME 198, ¶ 19).

Here, the requirement that a notary refrain from initiating or promoting an initiative is not narrowly tailored. Instead, it "is vague, subjective, and unduly burdens [the] unique and fundamental right to directly legislate." *Id.* at 9 (finding unconstitutional a requirement that a notary's signature on a petition exactly match his or her commission signature). Maine has a compelling interest in ensuring the integrity of its ballot initiative process, but it is unclear how these statutes further that goal, particularly given their chilling effect on the right to directly legislate and on freedom of speech. Moreover, the statutes are not narrowly tailored to that interest.

C. New Notary Provisions Are Not "Procedures" But Are Impermissible Substantive Requirements Not Found In The Constitution.

"The Legislature may enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions." Me. Const. Art. IV, Pt. 3rd § 22 (emphasis added). The Constitution nowhere authorizes additional substantive requirements.

The constitutional history shows that substantive requirements must occur by constitutional amendment. Prior to Amendment CXXVII to the Maine Constitution, the Judiciary Committee issued a report stating that "[t]he committee considered more than twenty proposals to change the initiative and referendum process ...." 1974 Report of Jud. Comm. at 11. The "first suggestion was that ... the basic principles of the initiative and referendum should be stated in the Constitution, but that the mechanics of the process should be in the statutes so that changes and improvements could be made more easily, by the Legislature." *Id.* at 11-12. The Committee generally agreed with this concept, but concluded "that the most important mechanical aspect of the process should be kept in the Constitution so that the people's rights could not be abridged by hasty or ill-considered action of the Legislature in amending the process." *Id.* Accordingly, certain substantive requirements were proposed as amendments to the Constitution, Art. IV., Pt. 3, § 20, *id.* at 19, and enacted as part of Amendment CXXVII. *See* Con. Res. 1975, ch. 2, § 20 (effective

Nov. 24, 1975). One such new substantive requirement was that "the oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths." *Id.*

In contrast, the Committee specifically rejected proposal number 11 that "[t]he whole notary public and justice of the peace system should be reformed." 1974 Report of Jud. Comm. at 20. More specifically proposal 11 regarding notaries recommended that "[t]he appointment process should be tightened. Many are appointed solely to work in campaigns. There should be more attention paid to their qualifications." *Id.* In rejecting these recommendations, the Committee stated that "such changes were beyond the scope of th[e] study" and "at least some of the alleged problems do not appear to exist." *Id.* Accordingly, no additional amendments regarding notaries were recommended or made to the Maine Constitution. *See id.* at App. A; Con. Res. 1975, ch. 2.

Then, in 2006, Amendment CLXXI was adopted. *See* Con. Res. 2005, c. 2 (effective Nov. 27, 2006). That amendment added the new substantive requirement that "[s]ignatures on petitions not submitted to the appropriate local or state officials by [the statutory] deadlines may not be certified." *Id.* § 20. This demonstrates that the imposition of additional requirements to invalidate signatures must be made by Constitutional amendment, not by statute. This constitutional history makes clear that substantive requirements must be found in the Constitution, not imposed by a statute. As the Justices recently reasoned, a statute must be held unconstitutional where one outcome would occur under the self-executing provision in the Constitution, yet a different outcome would result by statute. *Opinion of the Justices*, 2017 ME 100, ¶ 66-68, 162 A.3d 188. Similar reasoning led the *McGee* Court to find that substantive requirements could not be added to the initiative process by statute. *McGee*, 2006 ME 50, ¶¶ 22-35.

Circulators may not be required to find and swear before notaries who promise to abridge their First Amendment rights for the entire campaign period where the Constitution does not so

require. The direct legislation provisions of the Constitution are self-executing. The Resolve would be sent to the people, "according to the Maine Constitution as it currently exists," but a different result would occur "[a]ccording to the [statute]" if the statutory notary provisions were used to invalidate further signatures. *Opinion of the Justices*, 2017 ME at ¶ 66. The statutes must yield to "the Maine Constitution as it currently exists." *Id.* The legislature cannot add a prohibition on non-notarial acts during the campaign. The Court must either affirm the Secretary on narrower grounds or hold the new notary provisions are unconstitutional on their face.

D. Notary Provisions Are Unconstitutional Because They Limit Speech And Are Not Narrowly Tailored To Any Permissible Governmental Purpose

Petitioners challenge petitions notarized by Robert DeClerqc and Patick Harrington after they, themselves, circulated petitions in violation of the ban imposed by 21-A M.R.S. 903-E. But these notary provisions impose unconstitutional restrictions on notaries' First Amendment rights.

The United States Supreme Court and the Law Court have both held that petition circulation is "core political speech." *See Buckley v. Am. Constitutional Law Found., Inc.*, 525 U.S. 182, 186 (1999) (quoting *Meyer v. Grant,* 486 U.S. 414, 422 (1988)); *Me. Taxpayers Action Network*, 2002 ME at ¶ 8. In this context, First Amendment protection is "at its zenith." *Id.* Although states may protect the integrity of the ballot initiative process, they must also "guard against undue hindrances to political conversations and the exchange of ideas." *Id.* at 192. Where a "law would burden an absolute right, such as the right to initiative … strict scrutiny requires that the State's action be narrowly tailored to serve a compelling state interest.'" *Birks,* 2016 WL 1715405 at *6 (citing and quoting *Rideout*, 2000 ME 198, ¶ 19).

The new notary provisions are not narrowly tailored to the State's interest in the integrity of the ballot initiative process and impermissibly violate notaries' "right to participate in the public debate through political expression and political association." *McCutcheon v. Fed. Election*

Comm'n, 572 U.S. 185, 203 (2014).

Notaries are licensed professionals regulated by the Secretary, who are entrusted with a critical public function, and who have their own reputations to protect. In an analogous context, the Supreme Court held that it was "not prepared to assume that a professional circulator—whose qualifications for similar future assignments may well depend on a reputation for competence and integrity—is any more likely to accept false signatures than a volunteer who is motivated entirely by an interest in having the proposition placed on the ballot." *Buckley*, 525 U.S. at 204 (quoting *Meyer*, 486 U.S. at 426). The same is true for notaries, who are interested in upholding their reputations for competence and integrity, and in avoiding potential discipline by the Secretary. Notaries who initiate or promote a petition are thus no more likely than other notaries to accept false signatures or to otherwise undermine the integrity of the process. The Legislature and the Secretary can monitor potential conflicts of interest without chilling notaries' speech. In the analogous campaign finance context, the Supreme Court has held that "[a]ny regulation must instead target what [it has] called "quid pro quo" corruption or its appearance." *McCutcheon*, 572 U.S. at 192. In *McCutcheon*, the Court held that aggregate limits on the amount of money a person can spend on an election were unconstitutional and impermissibly chilled speech, *id.* at 194, noting the availability of less restrictive options, such as "[d]isclosure requirements," which "burden speech, but—unlike the aggregate limits—[] do not impose a ceiling on speech." *Id.* at 223. So too here. Maine has notarial and circulator disclosure requirements that enable it to investigate notarial issues, without removing a privilege of a notary's profession (the ability to administer oaths to petition gatherers) for exercising core political speech.

E. Notary Statutes Constitute Unconstitutional Viewpoint Discrimination

As written, the new notary statutes also constitute impermissible viewpoint discrimination.

The statutes allow a notary to speak out publicly *against* an initiative while still lawfully notarizing petitions. Restricting notaries' speech in this way is impermissible because, "[i]n the realm of private speech or expression, government regulation may not favor one speaker over another." *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995). If the notary provisions were truly meant to ensure that political viewpoints do undermine faith in notarial services, then the statute must be viewpoint neutral. *See, e.g., R.A.V. v. City of St. Paul, Minn.*, 505 U.S. 377, 391 (1992).

For these foregoing reasons, Intervenor contends that the Section 903-E's ban on notaries circulating petitions and later notarizing the petitions circulated by others violates the Maine Constitution and both the Free Speech, Freedom of Assembly, and Right to Petition provisions of First Amendment to the United States Constitution[10] as well and Article I, Section 4 of the Maine Constitution.

IV. PETITIONERS' OTHER CHALLENGES SHOULD BE REJECTED.

A. "Cairo" is full legal name of Circulator Cairo

Petitioners challenge petitions circulated by the Circulator who identified herself only as "Cairo." Petitioners contend that her petitions must be invalidated because she did not list her full name. Attached hereto is an affidavit executed by Cairo in which she explains that "Cairo" is her full legal name. *See* Exhibit 1 attached hereto. Petitioners' contention on this point lacks any merit and should be altogether rejected.

B. Failure to Check Box Submitting to the Jurisdiction of the State of Maine

Petitioners further seek to invalidate petitions submitted by four circulators who failed to check the box for out-of-state circulators indicating they were willing to submit to the jurisdiction

[10] The Supreme Court has recognized these First Amendment rights as "cognate" to one another. *Thomas v. Collins*, 323 U.S.516, 530 (1945), citing, *De Jong v. Oregon*, 299 U.S. 353, 364 (1937)

of the State of Maine with respect to their circulator duties. Pet. Br. at 9-10. This requirement is neither imposed by the Maine Constitution nor is it imposed by statutory law. Rather, it arises out of litigation challenging Maine's constitutional requirements limiting petition circulators to Maine residents. See, *We the People v. Bellows*, 40 F. 4th 1, 26; 519 F.Supp.3d 13, 20 (D. Me. 2021). This litigation resulted in a Consent Order wherein the State was enjoined from enforcing the Maine's constitutional and statutory residency and registered voter requirements for petition circulators. *We the People v. Bellows*, Case No. 1:20-cv-498, ECF 88, ¶¶ 2-3. (Exhibit 2).

1. The Consent Decree's Requirement is Invalid

The First Circuit court has indicated that Maine's circulator requirements are likely unconstitutional. *We the People PAC v. Bellows*, 40 F.4th 1, 14 (1st Cir. 2022) (concluding "the District Court was right to rule that the plaintiffs have met their burden to show that they are likely to succeed in showing that the residency requirement does violate the First Amendment").

That litigation resulted in a consent decree, permanently enjoining the law's enforcement *in part* (specifically, preventing its enforcement against circulators who "agree to submit to the personal jurisdiction of Maine [etc.]".see, Exhibit 2 (Consent Decree). But in point of fact, if the law itself is unconstitutional (which it is), then a judicial order modifying the scope of the law is not the proper avenue for remedy.

The reason for this can be found in what the Supreme Court has said regarding the scope of judicial rulings over unconstitutional laws. In *United States v. Reese*, 92 U.S. 214, 221 (1876) the Supreme Court articulated: "It would certainly be dangerous if the Legislature could set a net large enough to catch all possible offenders and leave it to the courts to step inside and say who could be rightfully be detained and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the government."

Thus, the law can only be corrected--and a new law requiring submission to the jurisdiction of the state of Maine enacted--via an amendment to the Maine Constitution. It cannot be fixed by judicial fiat.

2. Assuming that the Consent Decree's Jurisdiction Provision is Valid, it does not Prohibit post-Circulation Submission to Maine's Jurisdiction

In particular, notwithstanding the residency requirements of the Maine Constitution, the Consent Order provides that out of state circulators may circulate petitions in Maine provided that, *inter alia,* they "agree to submit to the personal jurisdiction of Maine for purposes of any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions. *Id.* at ¶ 2. First, as is apparent, this requirement is not contained in a legislative or constitutional act. Second, it was plainly intended to address circumstances in which an out-of-state circulator might significantly neglect his or her duties or engage in outright misconduct and then seek to evade accountability by leaving the state and contesting Maine's jurisdiction to proceed further. The clear object of the Consent Order, then, is to establish a means by which the State might hold such circulators accountable.

This being the objective, notably, the Consent Order does not impose any limitations on **when** a circulator must signify that circulator's consent to Maine's jurisdiction. Understandably, the Secretary has devised forms which ask the circulators to make that representation before beginning to gather signatures. However, the real question, if their conduct is called into question, is: will the circulators submit to Maine's jurisdiction? If, following the Secretary's Determination, it appears that an out of state circulator has failed to check the jurisdiction box, that omission may be cured by the circulator's affirmation that the circulator is willing to submit to Maine's jurisdiction.

Cairo was among the out of state circulators whom Petitioners have identified as having failed to check the jurisdiction box. Attached hereto is Cairo's affidavit, under oath, stating that her failure to check the jurisdiction box was inadvertent and that she was at all times willing and, at present, is willing to submit to the jurisdiction of the State of Maine with respect to her circulator duties. With Cairo willing to submit to Maine's jurisdiction, the purposes of the Consent Order and the jurisdiction box have been met.

This Court or the Secretary should accept Cairo's sworn representation and, if this Court or the Secretary so determine, avail themselves of Cairo's consent and conduct any additional investigation they decide may be warranted. Intervenor notes that this approach would be consistent with the principles undergirding the initiative process that it "must be liberally construed to facilitate, rather than handicap, the people's exercise of their sovereign power to legislate." *McGee v. Secretary of State*, 2006, ME 50, ¶ 21, 896 A.2d 933.

Petitioners "remedy", however, would be to invalidate the signatures of all those voters who, in good faith, signed Cairo's petitions signaling their desire that the Electors of Maine should have the opportunity to vote on the Ballot Initiative.[11] Petitioners' argument that the petition circulator organizations are not registered with the Secretary of State is a non-starter. Pet. Br. at 2-6. Title 21-A Section 903-C(1) sets forth the requirements for organizations hired to circulate petitions in the State of Maine. Section 903-C(1), specifically provides that a petition organization... "shall register with the Secretary of State ***on a form prescribed by the Secretary of State***." Emphasis supplied. In addition, the Secretary provides resources to Electors seeking to gather signatures for the purposes of an initiative petition. R0018-0025. Here, PGS and the petition

[11] Intervenors are in the process of contacting the three other circulators who failed to check the jurisdiction box. In the event that this Court remands this matter to the Secretary, Intervenors ask for the opportunity for the other circulators to address their omission as Cairo has done by affirming their willingness to submit to the State of Maine's jurisdiction.

circulator organizations completed all of the necessary forms under the statutory requirement. R0028-0051.

Petitioners' arguments lack any legal basis, and in fact, appear only to be unsubstantiated smear campaign based upon the fact that certain organizations are domesticated in the state of Wyoming. In addition, Petitioners' claim that Mainely Strategies is not registered to do business in Maine is absolutely ridiculous given the fact that Mainely Strategies is a DBA of Phil Henricks. R0036. Notably, although Petitioners spend several pages asserting unsubstantiated and unadjudicated allegations against the circulator organizations, Petitioners fail to correlate these allegations with any violation of Maine statutory or constitutional law. Instead, Petitioners rely on the false premise that these organizations need to be registered to do business in the state of Maine separately from their registration as petition circulator organization for a ballot initiative.

For the reasons set forth herein, Proposed Intervenor requests this Court affirm the Determination of the Secretary of State, or remand to address the narrow issues described herein.

Date: April 17, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2026, I caused the foregoing document to be served upon all counsel of record via electronic mail and First Class Mail

Timothy C. Woodcock

STATE OF MAINE
CUMBERLAND COUNTY

SUPERIOR COURT
DOCKET NO. AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

PETITIONERS' REPLY BRIEF

TABLE OF CONTENTS

INTRODUCTION 1

ARGUMENT 2

I. The Secretary concedes large numbers of Challenges, requiring the invalidation of thousands of signatures. 2

A. Challenge 3: Maine's residency rule, as modified by the Consent Order, is constitutional and must be enforced. 2

B. Challenge 6: Maine's conflict of interest laws for notaries must be enforced 5

C. Intervenor does not dispute the other Challenges conceded by the Secretary. 5

II. This Court must invalidate additional signatures on the present Record, which is likely to bring the Ballot Initiative below the required signature threshold. 5

A. Challenge 1: The petition organizations clearly violated Maine law, requiring either invalidation of their signatures or remand for further investigation. 6

B. Challenge 5: Maine's notarial conflict laws apply to circulator affidavits. 13

C. Challenge 8: Circulator affidavits without notarization dates must be invalidated. 16

D. Challenge 14: The Secretary must invalidate additional signatures that post-date circulator oaths on the petition sheet. 17

E. Challenge 15: The Constitution makes written dates a mandatory requirement on petition signatures and those lacking dates must be invalidated. 18

F. Challenges 20 & 21: Signatures lacking *any* municipality or "actual" address information must be invalidated as a matter of law. 19

III. The Court should, as necessary, accept the Secretary's request for remand on Challenges 2 and 19, as well as on any other appropriate issues 21

A. Challenges 2 & 19: The Court should accept the Secretary's request for remand on these Challenges, which concern substantial allegations of fraud. 21

B. Challenge 18: The Secretary must ensure that only registered Maine voters signed the petition. 23

C. The Court should also remand on Challenges 7 and 11 25

CONCLUSION 25

TABLE OF AUTHORITIES

Page(s)

Cases

Anderson v. Cigna Healthcare of Maine,
No. CV-04-685, 2005 WL 3340127 (Me. Super. Oct. 27, 2005) 13

Arsenault v. Sec'y of State,
2006 ME 111, 905 A.2d 285 10

Aydelott v. City of Portland,
2010 ME 25, 990 A.2d 1024 10

Ayotte v. Planned Parenthood of N. New England,
546 U.S. 320 (2006) 3

Bangor Motor Co. v. Chapman,
452 A.2d 389 (Me. 1982) 12

Blue Yonder, LLC v. State Tax Assessor,
2011 ME 49, 17 A.3d 667 10

Carrier v. Sec'y of State,
2012 ME 142, 60 A.3d 1241 15

City of Seabrook, Tex. v. EPA,
659 F.2d 1349 (5th Cir. 1981) 12

Covanta Maine, LLC v. Pub. Utilities Comm'n,
2012 ME 74, 44 A.3d 960 10

D.C. v. John R. Thompson Co.,
346 U.S. 100 (1953) 7

E. Maine Conservation Initiative v. Bd. of Env't Prot.,
2025 ME 35, 334 A.3d 706 21

Fla. Bar v. Went For It, Inc.,
515 U.S. 618 (1995) 5

Hart v. Sec'y of State,
1998 ME 189, 715 A.2d 165 ..... 3, 4

Holland v. Sebunya,
2000 ME 160, 759 A.2d 205 5

In re McLay,
133 Me. 175, 175 A. 348 (1934) 10

In re Opinion of the Justs.,
114 Me. 557, 95 A. 869 (1915) 19

In re Opinion of the Justs.,
116 Me. 557, 103 A. 761 (1917) 17, 24

Keene Corp. v. United States,
508 U.S. 200 (1993) 10

Kelly v. State of Washington ex rel. Foss Co.,
302 U.S. 1 (1937) 7

Knutson v. Dep't of Sec'y of State,
2008 ME 124, 954 A.2d 1054 ..... *passim*

Lewis v. Webb,
3 Me. 326 (1825) 20

McGee v. Sec'y of State,
2006 ME 50, 896 A.2d 933 ..... 19, 20, 21

Me. Taxpayers Action Network v. Sec'y of State,
2002 ME 64, 795 A.2d 75 ..... 22, 24

Me. Taxpayers Action Network v. Gwadosky,
No. AP-02-005, 2002 WL 747912 (Me. Super. Mar. 19, 2002) 24

Morris v. Travisono,
509 F.2d 1358 (1st Cir. 1975) 4

Musk v. Nelson,
647 A.2d 1198 (Me. 1994) 16

New England Whitewater Ctr., Inc. v. Dep't of Inland Fisheries & Wildlife,
550 A.2d 56 (Me. 1988) 11

Pool v. City of Houston,
978 F.3d 307 (5th Cir. 2020) 3

Reed v. Sec'y of State,
2020 ME 57, 232 A.3d 202 ..... 5, 15, 23

Seymour v. Seymour,
2021 ME 60, 263 A.3d 1079 7

State v. Bishop,
392 A.2d 20 (Me. 1978) 18

State v. Dubois Livestock, Inc.,
2017 ME 223, 174 A.3d 308 15

United States v. Council of Keokuk,
73 U.S. 514 (1867) 4

We the People PAC v. Bellows,
40 F.4th 1 (1st Cir. 2022) 3, 4

We the People PAC v. Bellows,
519 F. Supp. 3d 13 (D. Me. 2021) 3, 4

York Hosp. v. Dep't of Hum. Servs.,
2005 ME 41, 869 A.2d 729 ..... 11, 12

Statutes

21-A M.R.S. § 354 ..... 19, 20, 21

21-A M.R.S. § 356 10

21-A M.R.S. § 7 ..... *passim*

21-A M.R.S. § 902 19

21-A M.R.S. § 903-A 4, 15, 16, 17

21-A M.R.S. § 903-C ..... *passim*

21-A M.R.S. § 905 ..... 10, 11, 12, 23

21-A M.R.S.A. § 903-E ..... *passim*

4 M.R.S. § 1916 17

4 M.R.S. § 1927 17

4 M.R.S.A. § 1904 5

5 M.R.S § 11005 13

5 M.R.S. § 11007 12

Me. Const. art. IV, pt. 3, § 18 18

Me. Const. art. IV, pt. 3, § 20 ..... 16, 18, 23

R.S. ch. 40, §§ 24–32 (1916) 17

Rules

Me. R. Civ. P. 15 13

Me. R. Civ. P. 80C(a) 13

INTRODUCTION

The Secretary's response confirms much of what Petitioners' brief already made clear: the Ballot Initiative's signature-gathering process was plagued by widespread misconduct and legal non-compliance that calls into serious question whether it lawfully exceeded the required signature threshold. The Secretary agrees that about three thousand additional signatures must be invalidated. This concession alone leaves the Ballot Initiative with a razor-thin margin of only a few hundred signatures above the required 68,019 valid signature threshold. And the Secretary agrees that remand is likely necessary on at least two additional challenges—concerning falsely sworn circulator oaths (Challenge 2) and fraudulent signatures (Challenge 19)—that concern thousands of additional signatures.

But the Court can resolve this matter without remand. Even accepting just a handful of Petitioners' challenges—the merits of which are apparent on the existing record—would push the Ballot Initiative below the required threshold. Several of these challenges involve the straightforward application of Maine's petition laws, which are resisted largely on either policy grounds or based on enforcement choices by past holders of the Secretary's office. Yet, the Law Court has made clear in this context that "the Secretary's *policy* decision" cannot overcome "the Legislature's choice of language." *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶¶ 27–28, 954 A.2d 1054. Because the Legislature's "plain language . . . must be effectuated," *id.* ¶ 27, the Court must also grant Petitioners' challenges where the petition organizations indisputably failed to comply with Maine law; where circulator-notaries ignored Maine's sensible conflict laws; and where signatories failed to complete *mandatory* fields on the petition forms.

The putative Intervenor also effectively concedes the bulk of Petitioners' argument, only bothering to address a handful of Challenges. Most notably, it argues that several of Maine's petition laws would be unconstitutional if applied here. Those arguments fail. The laws targeted

by Intervenor for constitutional attack have repeatedly been applied in recent years by the Law Court and, in some instances, upheld by higher courts as applied to circumstances like these.

In short, the Ballot Initiative's qualification presently hangs by a thread. The Court should proceed to adjudicate the remaining challenges in dispute. If resolution of those challenges invalidates more than 363 additional signatures—which, by Petitioners' count, is the Ballot Initiative's current margin given the Secretary's concessions—the Court should declare the Ballot Initiative void and order it removed from the ballot. Alternatively, if the Ballot Initiative's precariously narrow margin remains close to the threshold or unclear, the Court should remand for further investigation on several Challenges, and a redetermination of the Ballot Initiative's valid signature count, as the Secretary agrees is "warranted." SOS Br. 35.

ARGUMENT

I. The Secretary concedes large numbers of Challenges, requiring the invalidation of thousands of signatures.

The Secretary concedes Challenges 3, 6, 13, and 17 in full and Challenges 9, 12, 14, 15, and 16 at least in part. *See* SOS Br. 25–34; *see also* Challenge Summary Tbl. Based upon Petitioners' review, these concessions require invalidating 2,989 additional unique signatures, leaving the ballot Initiative just 362 signatures above the required threshold of 67,682 signatures. Intervenor ignores most of these Challenges (and thus also concedes them), but disputes Challenges 3 and 6. Its arguments fail for the reasons below.

A. Challenge 3: Maine's residency rule, as modified by the Consent Order, is constitutional and must be enforced.

The Secretary agrees that signatures from four non-resident circulators must be invalidated because they did not consent to Maine's jurisdiction prior to submitting their petitions. *See* SOS Br. 31 (citing Me. Const. art. IV, pt. 3, § 20). Intervenor does not dispute that these circulators failed to properly consent to Maine's jurisdiction, or that invalidation is the usual remedy for such

errors. It contends instead that Maine's residency rule is unconstitutional as applied. *See* Intervenor Br. 16–17. That argument goes nowhere. To start, the Law Court itself has already upheld Maine's residency requirement as constitutional, even absent modification by the Consent Order. *See Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165. And the First Circuit, in partially concluding otherwise, nonetheless *affirmed* Judge Woodcock's preliminary injunction order, which enjoined Maine's residency rule only "as applied to out-of-state circulators *who first submit to the jurisdiction of the state of Maine* for any investigation and/or prosecution of alleged violations of Maine's election code[.]" *We the People PAC v. Bellows*, 40 F.4th 1, 9 (1st Cir. 2022) (quoting *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 53 (D. Me. 2021)) (emphasis added). In other words, both the Law Court and First Circuit have already rejected Intervenor's argument.

Intervenor appears to contend that, once Maine's residency rule was deemed unconstitutional in part, it lost any force of law entirely. *See* Intervenor Br. 16. That view is baseless. "Courts hold laws unenforceable; they do not erase them." *Pool v. City of Houston*, 978 F.3d 307, 309 (5th Cir. 2020). And "when confronting a constitutional flaw in a statute, [courts] try to limit the solution to the problem." *Ayotte v. Planned Parenthood of N. New England*, 546 U.S. 320, 328–29 (2006). Accordingly, courts typically "enjoin only the unconstitutional applications of a statute while leaving other applications in force." *Id.* at 329. In other words, Maine's residency requirement continues to apply with full force up to the point at which it is enjoined—no more, no less. *Id.* Here, the First Circuit held Maine's residency rule unconstitutional only as applied to out-of-state circulators who "first submit" to Maine's jurisdiction. *We the People PAC*, 40 F.4th at 9. That holding has no effect on circulators beyond the protective scope of the injunction, including the four circulators at issue in Challenge 3, who did *not* "first submit" to

Maine's jurisdiction. *Id.*[1]

Nor can offending circulators cure their error by simply claiming to submit to jurisdiction *after* the fact. *Contra* Intervenor Br. 17. This follows from the clear language of Judge Woodcock's ruling, which enjoins § 903-A only as to circulators who "*first* submit to the jurisdiction of the state of Maine." *We the People PAC*, 519 F. Supp. 3d at 53 (emphasis added). That is to say, non-resident circulators must (a) first submit to jurisdiction in Maine to (b) then be authorized to submit their petitions. Indeed, per the plain text of § 903-A, a circulator must submit an affidavit that confirms either their residency *or* consents to jurisdiction "at the time the petition is filed." 21-A M.R.S. § 903-A(4). No provision is made for tardy affidavits or for amending deficient affidavits after-the-fact. The residency rule itself applies "at the time [the individual is] circulating the petition," *id.*, emphasizing that the circulator's compliance must occur *prior* to the Secretary's validation process. Finally, common sense prohibits Intervenor's consent-if-caught argument. As the Law Court has explained, the residency rule ensures that Maine has "jurisdiction over the circulators . . . if there is a question as to the validity of the signatures collected." *Hart*, 1998 ME 189, ¶ 13, 715 A.2d 165. That purpose is undermined if a ballot initiative's proponents can thumb their nose at this legal obligation and then—only if and when a dispute arises—strategically pick and choose which circulators to have retroactively submit to Maine's jurisdiction. Thus, as *Hart* makes clear, the purpose of the residency rule is to ensure jurisdiction exists *before* a dispute arises and thus is firmly established by the time the Secretary validates the petition. *See id.*; *see also* 21-A M.R.S. § 903-A(4). Intervenor offers no persuasive reason to reject Challenge 3.

[1] Even if Intervenor's attacks on the consent order had merit, it is doubtful this Court could afford it relief; state courts lack authority to enjoin or invalidate the orders of federal courts. *See, e.g., United States v. Council of Keokuk*, 73 U.S. 514, 517 (1867); *Morris v. Travisono*, 509 F.2d 1358, 1361 (1st Cir. 1975).

B. Challenge 6: Maine's conflict of interest laws for notaries must be enforced.

The Secretary further concedes that circulators cannot circulate petition sheets and then later *notarize* petition sheets for other circulators. *See* SOS Br. 32 (citing 21-A M.R.S.A. § 903-E; 4 M.R.S.A. § 1904(5)). Intervenor does not dispute that circulators De Clercq and Harrington violated the relevant statutes but argues only that these laws violate the First Amendment as applied. *See* Intervenor Br. 13–14. That argument is dubious, not least of all given that the Law Court readily enforced these statutes just a few years ago in *Reed v. Sec'y of State*, 2020 ME 57, ¶ 16, 232 A.3d 202. Moreover, Maine's notarial conflict laws do not burden speech in any way. Rather, § 903-E and § 1904(5) regulate De Clercq's and Harrington's professional conduct as notaries—*not* their speech as citizens. Both circulators were free to circulate as many petitions as they wished. It is not even De Clercq's and Harrington's petition sheets that Petitioners seek to invalidate, but those they *notarized* for others. *See* Pet. ¶¶ 89–90; Tbl. 6. The Supreme Court has repeatedly recognized that "States have a compelling interest in the practice of professions within their boundaries," *Fla. Bar v. Went For It, Inc.*, 515 U.S. 618, 625 (1995), and Intervenor cites no authority holding sensible notarial rules like these violate the First Amendment.

C. Intervenor does not dispute the other Challenges conceded by the Secretary.

The Secretary further concedes Challenges 13 and 17 entirely, and Challenges 9, 12, 14, 15, and 16 in part. Intervenor does not appear to contest any of these Challenges and therefore concedes them as well. *See Holland v. Sebunya*, 2000 ME 160, ¶ 9 n.6, 759 A.2d 205.

II. This Court must invalidate additional signatures on the present Record, which is likely to bring the Ballot Initiative below the required signature threshold.

Petitioners' remaining Challenges require invalidating additional signatures beyond those conceded by the Secretary and Intervenor. These Challenges can be resolved based solely on the present Record and, once resolved, will bring the Ballot Initiative below the legal signature

threshold. If, after reviewing these additional challenges, the Court determines the Ballot Initiative has fallen below the legal signature threshold, it should declare as much and order the Ballot Initiative removed. Alternatively, if the Court determines that it cannot conclude on the present record that the Ballot Initiative has fallen below the threshold, it should adopt the Secretary's recommendation for remand on several issues, including those identified below. *See infra* § III.[2]

A. Challenge 1: The petition organizations clearly violated Maine law, requiring either invalidation of their signatures or remand for further investigation.

As Petitioners explained, the petition organizations behind the Ballot Initiative violated Maine law by (1) failing to register to transact business in Maine; (2) failing to properly disclose how their circulators were compensated; and (3) at least in the case of "1st Amendment Pros LLC," relying upon a likely fictitious business address. *See* Pet. Br. 13–16. The Secretary and Intervenor barely dispute the merits of these points, relying instead on flawed waiver arguments.

1. There is essentially no dispute that the petition organizations violated 21-A M.R.S. § 903-C in multiple respects.

The Secretary *agrees* that "§ 903-C appears to require foreign petition organizations" to register in Maine and does not dispute that 1st Amendment Pros, Canyon State Marketing, and Morning in America II failed to do so. SOS Br. 10. And she acknowledges that, at least in future cases, invalidating signatures collected by organizations that fail to comply with this requirement "might be" an appropriate remedy. *Id.* at 11. Her chief argument as to why that remedy should not inure here is because the Secretary's office has not historically enforced this requirement. *Id.*

The Court must reject that argument. Past practices inherited by the Secretary offer no *legal* excuse for the non-resident petition organizations. Section 903-C is very clear: petition organizations "*shall* register . . . in accordance with this section" must "meet[] any *other*

[2] Petitioners withdraw Challenges 4 and 10 in view of the responses offered by the Secretary and Intervenor.

requirement to transact business in this State." 21-A M.R.S. § 903-C(1) (emphasis added). The Legislature's command that petition organizations "shall" perform these registration tasks makes clear it is a "mandatory" requirement that must be obeyed. *See* 21-A M.R.S. § 7. The fact that past Secretaries of State did not vigorously enforce this mandatory requirement does not diminish its force. *See, e.g., D.C. v. John R. Thompson Co.*, 346 U.S. 100, 113–14 (1953) ("The failure of the executive branch to enforce a law does not result in its modification or repeal." (collecting authority)); *Kelly v. State of Washington ex rel. Foss Co.*, 302 U.S. 1, 143 (1937) (explaining a "state law [that] remained unenforced for a long period of time . . . did not become inoperative for that reason"). The Law Court has made clear that courts "are bound by the Legislature's choice of language." *Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054. After all, "it is the Legislature that weighs the competing considerations and sets the policy," not the Secretary's office or the courts. *Id.* ¶ 27. And there is particularly good reason to enforce the Legislature's judgment here given that at least one petition organization—1st Amendment Pros—is registered to do business at a notorious front for fraudulent enterprises. Pet. Br. 3–6. This Court is duty-bound to enforce § 903-C as written by the Legislature—not as previously enforced by past Secretaries.

The Secretary also briefly contends that there is a lack of record evidence that these three foreign LLCs are in fact "out of compliance with Maine corporation law." SOS Br. 10. But this information is publicly available; the absence of these entities from the Corporate Search database maintained by the Secretary's office shows these entities are *not* registered to transact business in Maine—a fact neither the Secretary nor Intervenor even dispute. The Court can take notice of that absence. *See Seymour v. Seymour*, 2021 ME 60, ¶ 12, 263 A.3d 1079 ("Courts routinely take judicial notice of information on official government websites[.]" (collecting authority)). The fact

that state election officials failed to query this information during the validation process is a straightforward admission of error. SOS Br. 11–12.

The Secretary also does not dispute that the four petition organizations failed to "include a statement indicating the method by which the individuals hired to assist in circulating petitions are being compensated." 21-A M.R.S. § 903-C. This too is a *mandatory* requirement—the "registration form *must*" include the aforesaid statement, *id.*, and within Title 21-A "must" is used "in a mandatory sense to impose an obligation to act in the manner specified[.]" 21-A M.R.S. § 7. The Secretary notes that there is a stray document in the record indicating all circulators were paid by the signature (R.51), but does not explain how this satisfies § 903-C. It does not. To start, this document does not even purport to be from a petition organization. *See* Pet. Br. 14. The Court should not simply *assume* this puzzling document is accurate and from an individual authorized to speak on behalf of each petition organization—nothing in the record establishes as much. Second, this odd third-party statement is plainly not on "[t]he registration form," as it "must" be by law. 21-A M.R.S. § 903-C. This is not a *de minimis* error: Maine law requires disclosure of these registration forms on the Secretary's website to facilitate public inspection. *See id.* Because none of the petition organizations obeyed this requirement, their publicly posted registration forms failed to disclose any manner of compensation—the peculiar document allegedly signed by Mr. Streiff was never even publicly disclosed. *See* Pet. Br. 15 & n.12. Tellingly, Intervenor simply ignores this issue entirely and offers no argument that the petition organizations complied with § 903-C in this regard—because they plainly did not. The remedy for this barely disputed violation is clear: "the law requires the invalidation of the petition upon demonstration of noncompliance, regardless of scienter." *Knutson*, 2008 ME 124, ¶ 124, 954 A.2d 1054.

The 53,424 signatures on petitions circulated by these petition organizations should be invalidated. *See* Tbl. 1.

2. Petitioners did not waive this argument, which was not even apparent until the Secretary produced the record after the Petition was filed.

In view of these clearcut violations, the Secretary leans hard on waiver arguments as a reason to avoid enforcing the plain and mandatory terms of § 903-C, arguing Petitioners should have presented this issue to the Secretary prior to her determination. *See* SOS Br. 8–10. But the violations at issue in Challenge 1 involve information uniquely within the possession of the Secretary and were not even apparent until the Record was produced, which: (1) made clear that no petition organization ever provided a statement indicating how it paid circulators; and (2) disclosed additional, previously undisclosed petition organizations. There is also no dispute that many of the materials since disclosed in the Record were not publicly posted pursuant to § 903-C, including the existence of a previously undisclosed petition organization (Canyon State Marketing) and the stray document purporting to show how paid circulators were compensated. *See* SOS Br. 9, 12; *see also* R.30–41, 46–51 (first disclosing materials previously subject to public disclosure under § 903-C). Further still, Petitioners—and other members of the public—had no way of knowing how many signatures each petition organization was responsible for collecting until *after* the Secretary's determination. There is no reason Petitioners should have simply divined the existence of additional materials pertaining to these entities, or known how many signatures they were responsible for collecting, prior to the completion of the Secretary's validation process.

No authority suggests Petitioners had any duty to raise these matters prior to her Determination of Validity. Section 905 permits any voter to "appeal the decision of the Secretary of State" to the Superior Court and imposes no administrative exhaustion requirement. *See* 21-A M.R.S. § 905(2). Section 905 does not even contemplate proceedings before the Secretary at the

validation stage—it says only that the Secretary "shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 business days." *Id.* § 905(1). It does not require the Secretary to produce the public record before making her determination and does not provide for any hearing or public comment process.

That stands in stark contrast with § 356(2), where the Legislature chose to *expressly* provide for a challenge process before the Secretary in disputes over petition sheets for candidate nominations. *See* 21-A M.R.S. § 356(2). Legislatures act "intentionally and purposely" when they "include[] particular language in one section of a statute but omit[] it in another." *Keene Corp. v. United States,* 508 U.S. 200, 208 (1993). The Legislature's creation of a comprehensive hearing scheme before the Secretary in one part of Title 21-A—but not the one at issue here—reflects "an intentional distinction." *Aydelott v. City of Portland*, 2010 ME 25, ¶ 12, 990 A.2d 1024 (collecting authority). Simply put, "[i]f the Legislature had intended [for hearings and evidence submission before the Secretary], it knew how to say so directly as it did in [21-A M.R.S. § 356(2)]." *Arsenault v. Sec'y of State*, 2006 ME 111, ¶ 17, 905 A.2d 285. The Court cannot impose an exhaustion requirement where the Legislature chose not to do so: "Because the Legislature did not include this type of requirement, it [would be] an error of law . . . to graft this added requirement onto the Maine statute." *Covanta Maine, LLC v. Pub. Utilities Comm'n*, 2012 ME 74, ¶ 16, 44 A.3d 960); *see also Blue Yonder, LLC v. State Tax Assessor*, 2011 ME 49, ¶ 10, 17 A.3d 667 ("We will not read additional language into a statute."); *In re McLay*, 133 Me. 175, 175, 175 A. 348, 349 (1934) ("The duty of the court is to apply the language which the Legislature has used, not to modify it.").

The one case relied upon by the Secretary does not change matters. *See New England Whitewater Ctr., Inc. v. Dep't of Inland Fisheries & Wildlife*, 550 A.2d 56 (Me. 1988). That case concerned applications by whitewater rafting outfitters for a limited number of licenses to operate

upon Maine's rivers. *See id.* at 57. The relevant agency held a "public hearing" where it "received completed applications from the outfitters," and at which it "invited the outfitters present at the hearing to submit additional comments," which several did. *Id.* at 58. Dissatisfied outfitters sued, but the Law Court found many of their arguments waived for failure to raise before the agency. *Id.* at 59. As it explained, the plaintiffs "were able to comment on the process at the hearing and submit written comments to the Department after the hearing." *Id.* None of that is true here. The Secretary did not hold a public hearing on the sufficiency of the Ballot Initiative's signatures, nor did she solicit written comments on them. Nor was there any reason for her to do so, given that § 905(1) does not contemplate any hearing or notice-and-comment period for ballot initiative petitions.[3]

Even so, the Secretary cites *Whitewater* for the proposition that the "lack of [a] *formal* adjudicatory hearing" does not excuse an (apparently unwritten) exhaustion requirement. SOS Br. 7 (emphasis added). But this argument places load-bearing weight on the term "formal." Tellingly, no party can cite *any* decision imposing an exhaustion requirement on petitioners in circumstances, like this one, where the relevant agency held no hearing *at all*—formal or otherwise. Indeed, despite a substantial volume of case law under § 905 itself, no Maine court has suggested such a requirement exists. Imposing such a rule would itself likely violate due process, demanding that Petitioners comply with an unwritten exhaustion requirement rather than the plain text of § 905. Courts do not demand such "psychic" ability by petitioners challenging agency action, *City of*

[3] For similar reasons, the Law Court's "observ[ation]" that Rule 80C(e) is generally "not available" for evidence that "should have been presented to the agency," SOS Br. 7 (citing *York Hosp. v. Dep't of Hum. Servs.*, 2005 ME 41, 869 A.2d 729), is not relevant. *York*, like *Whitewater*, featured a "public hearing" held by the agency, *id.* ¶ 6, as well as a comment period during which the petitioner was able to submit lengthy written filings to the agency. *See* 2005 ME 41 ¶¶ 3–8, 869 A.2d 729. In the present context, the Law Court has routinely blessed motions to supplement, correct, or otherwise modify records in § 905 challenges where evidence supporting a challenge emerges over the course of the proceeding. Pet. ¶ 8 n.2 (collecting cases); *see also* Pet. Mot. to Supp. at 1–3.

Seabrook, Tex. v. EPA, 659 F.2d 1349, 1361 (5th Cir. 1981), and there is no basis to impose an exhaustion requirement of which Petitioners could not possibly have had notice.

Finally, equally without merit is any suggestion that Challenge 1 is waived due to a failure to disclose it in the Petition. As explained, the full set of facts pertaining to these petition organizations were not disclosed until the Record was produced in this case—in part because the petition organizations' failure to comply with § 903-C meant certain materials were not properly disclosed to the public. Even so, Petitioners expressly noted the obligation of petition organizations to properly register in their Petition (*see* Pet. ¶ 27) and repeatedly noted that the full administrative record would likely reveal additional, previously undiscoverable errors. Pet. ¶¶ 4, 8 & n.2, 41, 78, 111. That is exactly what happened. Moreover, given that record facts are often uniquely within an agency's possession, Rule 80C contemplates review based upon the "whole record"—not merely what is known to Petitioners at the time they raise their challenge. 5 M.R.S. § 11007(4)(C)(5). And while the Secretary cites *York Hospital*, that case requires *rejecting* the waiver argument here. There, the Law Court *reversed* the Superior Court's waiver finding precisely because the Department had not yet provided the "pertinent information" for the petitioner to advance the assertedly waived challenge. 2005 ME 41, ¶¶ 20–23, 869 A.2d 729.

In any event, the Law Court has also made clear that a "party should not be precluded by the technicalities of pleading from presenting his claim or defense on its merits unless the pleadings have misled the opposing party to his prejudice." *Bangor Motor Co. v. Chapman,* 452 A.2d 389, 392 (Me. 1982) (quoting 1 Field, McKusick & Wroth, *Maine Civil Practice* § 15.1 at 301–02 (2d ed. 1970)). The Secretary does not (and could not) claim any conceivable prejudice here given that the Secretary is the gatekeeper of the administrative record, and neither Rule 80C nor the Maine Administrative Procedure Act even obliges her to respond directly to the Petition itself. 5 M.R.S

§ 11005 ("No responsive pleading need be filed unless required by order of the reviewing court"); Me. R. Civ. P. 80C(a) (similar). Indeed, under the applicable rules, the Secretary was only obliged to respond to arguments raised in Petitioners' opening brief; as her response indicates, she had ample opportunity to do so and suffered no prejudice as a result. *See generally* SOS Br. 7–37.[4] Accordingly, it would be improper for this Court to find the matter waived, particularly given that the Secretary all but concedes that it is meritorious, at least in part. *See* SOS Br. 10–11.

B. Challenge 5: Maine's notarial conflict laws apply to circulator affidavits.

Challenge 5 concerns circulator affidavits that must be invalidated because they were notarized by circulators De Clercq and Harrington, who previously "[p]rovid[ed] services other than notarial acts" to the Ballot Initiative by circulating petitions. 21-A M.R.S. § 903-E. Accordingly, they were "not authorized to administer an oath or affirmation to the circulator of a petition under section 902." *Id.*; *see also* 4 M.R.S. § 1904(5) (same); Pet. Br. 21.

The Secretary concedes these two circulators were not authorized to notarize *petition sheets*, *see supra* § I.B (Challenge 6), but claims a different rule applies for circulator affidavits, SOS Br. 14–15. The Secretary draws this distinction based on language in § 903-E disqualifying "an oath or affirmation to the circulator of a petition *under section 902*." *Id.* at 15 (quoting 21-A M.R.S. § 903-E) (emphasis added). According to her, this language only "prohibits administration of an oath 'under section 902,'" meaning "the circulator oath on the petition form." *Id.*

But this argument misunderstands the statutory syntax and in doing so draws an arbitrary distinction between petition sheets and circulator affidavits. The relevant language is as follows: "A notary public or other person authorized by law to administer oaths or affirmations generally

[4] If the Court concludes otherwise, Petitioners should be granted leave to amend or their Petition as necessary. *See* Me. R. Civ. P. 15; *see also Anderson v. Cigna Healthcare of Maine*, No. CV-04-685, 2005 WL 3340127, at *2 (Me. Super. Oct. 27, 2005) (explaining that Maine courts are "liberal" in granting leave to amend and that technical pleading issues should not be a basis for avoiding resolution on the merits).

is not authorized to administer an oath or affirmation *to the circulator* of a petition under section 902" if they previously provided nonnotarial services to the campaign. 21-A M.R.S. § 903-E (emphasis added). This text makes clear that "the circulator" is the object "to" whom a disqualified notary "is not authorized" to administer an oath—not "*on a petition sheet*" or for "an *oath under § 902*," but specifically "to the circulator." The phrase "of a petition under section 902" modifies the term "circulator" but is not itself the object of any verb. *Id.* In other words, this language makes clear the prohibition applies to administering an oath or affirmation to *a category of person*—"the circulator of a petition under section 902"—rather than a category of document or oath. Put another way, § 903-E answers *to whom* a disqualified notary is barred from administering an oath. Properly understood, § 903-E prohibits a disqualified notary from administering oaths to a *circulator* engaged in the § 902 process, regardless of the specific oath at issue.

The Secretary's contrary reading erases the phrase "to the circulator" from the statute. If the Legislature meant only to prohibit administering a specific category of oath—such as the oath "under section 902," as the Secretary says (SOS Br. 15)—it would have modified § 903-E to read:

> "A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation ~~[to the circulator of a petition]~~ under section 902[.]"

21-A M.R.S. § 903-E (modification added). Similarly, if the Legislature desired the prohibition to be targeted towards a *kind of document*—rather than a category of *person*—it would have written:

> "A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation ~~[to the circulator]~~ **[on]** a petition under section 902[.]"

Id. (modifications added). The Legislature adopted neither of these alternative formulations. Instead, it intentionally added the phrase "to the circulator." The Secretary's reading fails to give any meaning to this phrase and the Court cannot credit a statutory reading that fails to give "all of its words meaning." *Carrier v. Sec'y of State*, 2012 ME 142, ¶ 12, 60 A.3d 1241; *see also State v.*

Dubois Livestock, Inc., 2017 ME 223, ¶ 6, 174 A.3d 308 (Maine courts "reject interpretations that render some language mere surplusage").

Even on the Secretary's own terms, a circulator who executes an affidavit under § 903-A(4) remains a "circulator of a petition under section 902." 21-A M.R.S. § 903-E. Section 903-A(4) does not create a separate species of circulator; it imposes an additional obligation on the same § 902 circulator, who must swear in that affidavit that she "compl[ied] with the provisions of section 902." 21-A M.R.S. § 903-A. Section 903-A itself repeatedly refers to the "circulator of a petition" or the "circulator of the petition," confirming that the Legislature used this phrasing throughout Title 21-A to refer to a category of *person* engaged in the § 902 petition circulating process. 21-A M.R.S. § 903-A. And it further reflects the same syntactical formulation as § 903-E, where "circulator" is used as a noun and "of a petition" specifies the kind of circulator at issue. The phrase "of a petition under section 902" in § 903-E is thus satisfied by the circulator's status as someone engaged in the § 902 process, whatever document the conflicted notary is asked to notarize on the circulator's behalf and in connection with the campaign.

The Law Court's decision in *Reed* casts further doubt on the Secretary's proposed distinction. *Reed* embraced the reading put forward by the Secretary in that case because it "rationally advance[d] the legislative purpose of discouraging fraudulent notarizations by prohibiting the use of notaries who have a demonstrable conflict of interest *at the time of their notarial acts* in connection with the campaign." *Reed*, 2020 ME 57, ¶ 21, 232 A.3d 202 (emphasis in original). *Reed* did not distinguish between which "notarial acts" were being made so long as they were "in connection with the campaign." *Id.* The Secretary's interpretation here does the opposite, *permitting* "the use of notaries who have a demonstrable conflict of interest *at the time of their notarial acts* in connection with the campaign," *id.* so long as they are notarizing circulator

affidavits, rather than petition sheets. In other words, the Secretary's reading permits *the same notary* with the *same conflict* to validly notarize one document (affidavits) but not another (petition sheets) in connection with the *same campaign*. As the Secretary acknowledges, that distinction makes no sense. *See* SOS Br. 15 (recognizing a "strong policy argument" against this reading).

Finally, the Secretary's reading chafes against other provisions of law. For example, the Constitution defines "circulator" as "*a person* who solicits signatures for written petitions." Me. Const. art. IV, pt. 3, § 20 (emphasis added). The Legislature was presumably aware of this definition when it used the term "circulator" in § 903-E, meaning it intended for that statute's prohibition to apply to a category of *person*, rather than a category of *document* or *oath*. *See Musk v. Nelson*, 647 A.2d 1198, 1202 (Me. 1994) ("The Legislature is presumed to be aware of the state of the law and decisions of this Court when it passes an act."). Simply put, the Legislature knows the consequence of using the term "circulator" in statutory text and that consequence cannot be erased based on policy preferences.[5]

The Court should invalidate 164 signatures based on Challenge 5. *See* Tbl 5.

C. Challenge 8: Circulator affidavits without notarization dates must be invalidated.

The Secretary concedes that a circulator affidavit without a notarization date on the jurat suffers from a "defective notarial certificate[]." SOS Br. 18. But the Secretary asks that this Court look past this defective certificate as a "de minimis error." *Id.* at 17. It should not. Section 903-A requires that every circulator "shall execute an affidavit." 21-A M.R.S. 903-A(4). As explained, that phrase means the circulator must effectively swear the affidavit before a notarial officer. *See* Pet. Br. 22. In turn, for a notarial act to be effective under Maine law the "certificate *must*: . . . [b]e

[5] Intervenor's argument as to Challenge 5 fails for the same reasons as to Challenge 6. *See supra* § I.B.

signed *and dated* by the notarial officer . . . ." 4 M.R.S. § 1916(1)(B) (emphases added)). And, as repeatedly noted, the Legislature use of the term "must" conveys a mandatory requirement.

The Secretary's primary response is that she has the discretion under 4 M.R.S. § 1927 to look past omission of this mandatory date. In fact, that law says the opposite. Section 1927 serves as a general savings clause for technically deficient notarial acts. But the provision then carves out Title 21-A by specifying it "does not limit the authority of the Secretary of State to reject candidate or initiative or referendum petitions under Title 21-A on the basis of improper notarizations." 4 M.R.S. § 1927. Nothing in that text says the Secretary's authority is *discretionary*, particularly where the applicable portions of Title 21-A are *mandatory* like § 903-A. *Cf.* 21-A M.R.S. § 7 (explaining provisions in Title 21-A that use the terms "must" and "shall" are "mandatory"). If anything, this exclusion from § 1927 makes clear the Legislature meant to exempt Title 21-A specifically from its protective scope.

The Secretary's reliance on the Law Court's *Opinion of the Justices* from 1917 is also unavailing. *See* SOS Br. 17. These mandatory notarial requirements did not exist at that time of that opinion; instead, notaries at that time were governed by a law that simply stated they were authorized to "do all acts that justices of the peace are or may be authorized to do," and included no date requirement whatsoever, 116 Me. 557, 103 A. 761, 774 (1917) (quoting Me. Rev. Stat. ch. 40 § 26 (1916)); Me. Rev. Stat. ch. 40, §§ 24–32 (1916). The Secretary's authority does not extend to excusing violations of the mandatory laws that govern notaries in the petition process today.

Accordingly, an additional 1,214 signatures must be invalidated. *See* Tbl. 8.

D. Challenge 14: The Secretary must invalidate additional signatures that post-date circulator oaths on the petition sheet.

The Secretary initially invalidated roughly 500 signatures because they were made *after* the relevant circulator swore their oath on the petition sheet. *See* R.01. Petitioners identified an

additional 373 signatures that they contended should be invalidated on the same basis. *See* Pet. Br. 25; *see also* Tbl. 14. The Secretary now agrees that 46 of these challenged signatures must be invalidated but argues against invalidating the remainder. *See* SOS Br. 28–30.

On further review, Petitioners agree with the Secretary in part, but contend that an additional 152 signatures still require invalidation, as set forth in Supplemental Table 14 to this reply. These 152 signatures reflect instances where a signatory indisputably wrote a date *after* the date of the circulator's oath on the petition sheet. *See id.* While the Secretary contends the Secretary's office can discern that these as-written dates are typos, there is insufficient basis for that assumption. In contrast, for example, to instances where written dates are *impossible*—such as before the petition existed or a date in the future—the dates in Supplemental Table 14 *do* fall within the circulation period (roughly November 2025 to February 2026), but *after* the relevant circulator oath date. Simply put, these dates fail to provide assurance that the signer in fact did so before the circulator swore their oath. *See* Me. Const. art. IV, pt. 3, § 20. And there is no reason to simply assume that the signer made a typo over the date actually written on the petition form. These additional signatures therefore must be invalidated as well. *See* Pet. Br. 25.

E. Challenge 15: The Constitution makes written dates a mandatory requirement on petition signatures and those lacking dates must be invalidated.

The Constitution is clear: when a registered voter signs a petition sheet, "[t]he date each signature was made *shall be written* next to the signature on the petition." Me. Const. art. IV, pt. 3, § 18 (emphasis added). This mandatory command leaves no discretion for enforcement on the Secretary's part. *See State v. Bishop*, 392 A.2d 20, 22 (Me. 1978) ("The use of the word 'shall' makes compliance mandatory."); *In re Opinion of the Justs.*, 114 Me. 557, 95 A. 869, 873 (1915) ("The provision of the Constitution is explicit and mandatory."). Accordingly, where a petition

signature contains no date "written next to the signature on the petition," the signature is constitutionally deficient and invalid, no matter the Secretary's policy preferences.

The Secretary has conceded a few signatures on this basis but largely argues for the Challenge's rejection where the Secretary's office contends it can still determine that the signature was timely made. SOS Br. 30–31. But the Constitution does not grant this leeway. The Law Court has made clear that "the Secretary's *policy* decision," even if intended to "to save petitions in certain circumstances," cannot trump clear constitutional or statutory language. *Knutson*, 2008 ME 124, ¶ 27, 954 A.2d 1054. The "plain language" of the Constitution "must be effectuated." *Id.* The Legislature has reinforced the point through its own rules of construction in Title 21-A: "When used in this Title, the words 'shall' and 'must' are used in a mandatory sense to impose an obligation to act in the manner specified by the context." 21-A M.R.S. § 7. Accordingly, in the petition context, Maine law "gives the Secretary no discretion or authority to accept" invalid petitions, "no matter how substantially they may comply with other statutory or constitutional requirements." *McGee v. Sec'y of State*, 2006 ME 50, ¶ 16, 896 A.2d 933. Here, the Constitution "plainly compels a decision contrary to that of the Secretary of State, and the petitions at issue are void." *Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054.

The Secretary conceded to 3 signatures in this category; the remaining 44 signatures must also be invalidated. *See* Tbl. 15.

F. Challenges 20 & 21: Signatures lacking *any* municipality or "actual" address information must be invalidated as a matter of law.

Section 902 states that direct initiative petitions "*must* be signed in the same manner as are nonparty nomination petitions under [21-A M.R.S. § 354(3) & (4)]." 21-A M.R.S. § 902. Section 354, in turn, says that "[t]he voter or the circulator of the petition ***must write or print the voter's residence address and municipality of registration***." 21-A M.R.S. § 354(4) (emphasis added).

This language is unambiguous: petition signatories (1) "must"; (2) "write or print"; (3) both their "residence address and municipality of registration." *Id.* As explained, when a signatory omits either field entirely—or places a P.O. Box in lieu of a "residence address"—they fail to meet this requirement. *See* Pet. Br. 29–30. The Court is "bound by the Legislature's choice of language," which could not be more straightforward. *Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054.

There clear language cannot be gainsaid. The Secretary explains that her office's "longstanding interpretation of § 354(4)" is that compliance with the provision's plain terms is not required, so long as municipal registrars believe they "have enough information to confirm the signatory is a registered voter." SOS Br. 23–24. But this argument, on its face, is again "the Secretary's *policy* decision." *Knutson*, 2008 ME 124, ¶ 27, 954 A.2d 1054 (rejecting such argumentation). Even if it "may not be unreasonable" as a matter of *policy*, "it is the Legislature that weighs the competing considerations and sets the policy." *Id.* And ultimately, the "plain language of the statute must be effectuated." *Id.*; *see Lewis v. Webb*, 3 Me. 326, 333 (1825) ("It is the province of the legislature to make and establish laws; and it is the province and duty of Judges to expound and apply them.").

While the language above is clear enough on its face, the Legislature chose to remove any doubt. It enacted a rule of construction for Title 21-A stating: "When used in this Title [21-A], the words 'shall' and 'must' are used in a mandatory sense to impose an obligation to act or refrain from acting in the manner specified by the context." 21-A M.R.S. § 7. As the Law Court has explained, this means the term "must" in Title 21-A "is mandatory in meaning" and petitions that fail to comply with such a mandatory requirement are invalid "no matter how substantially they may comply with other statutory or constitutional requirements." *McGee*, 2006 ME 50, ¶ 16, 896 A.2d 933. Title 21-A "gives the Secretary no discretion or authority" to act otherwise. *Id.*

The Court also cannot defer to the historical interpretation relied upon by past Secretaries. Maine courts only consider granting deference to an agency's interpretation when "the statute's language is ambiguous." *E. Maine Conservation Initiative v. Bd. of Env't Prot.*, 2025 ME 35, ¶ 22, 334 A.3d 706. The Secretary does not claim that § 354(4) is ambiguous. Because no ambiguity exists, the Court has no basis to consider any alternative construction. *See id.* (explaining courts only proceed to second step "*[i]f* the statute's language is ambiguous" (emphasis added)). Even if it did, the Secretary's alternative construction is not "reasonable" because it contravenes the Legislature's text. *Id.*; *accord Knutson*, 2008 ME 124, ¶¶ 26–28, 954 A.2d 1054.

The Court must instead enforce the law as written. The 207 unique signatures at issue in Challenges 20 and 21 must be invalidated.

III. The Court should, as necessary, accept the Secretary's request for remand on Challenges 2 and 19, as well as on any other appropriate issues.

If the Court cannot discern whether the Ballot Initiative remains above the legal threshold after resolving the issues above, it should adopt the Secretary's recommendation to remand. *See* SOS Br. 39. The Secretary agrees remand is appropriate if any outstanding challenges are "potentially outcome-determinative," SOS Br. 39. Even before factoring in Petitioners' outstanding Challenges in § II above, the Secretary conceded that the Ballot Initiative only remains a few hundred signatures above the threshold. SOS Br. 34. Challenges 2 and 19 *alone* implicate several thousand unique signatures, and therefore may be outcome-determinative. Accordingly, the Secretary's condition for accepting remand is readily satisfied.

A. Challenges 2 & 19: The Court should accept the Secretary's request for remand on these Challenges, which concern substantial allegations of fraud.

Petitioners have come forth with irrefutable evidence showing that multiple circulators swore false oaths on their petition sheets. Pet. Br. 17–18. The Secretary appears to agree both that some number of "petition forms containing the unwitnessed signatures [should] be properly

invalidated," and that further investigation is "warranted." SOS Br. 35–36. Accordingly, she supports remand on this Challenge so long as there is a basis to believe it could be determinative. *See id.* at 37. Given that the circulators in question submitted over 1,300 validated signatures, *see* Tbl. 2, there is little doubt Challenge 2 "is potentially outcome-determinative." SOS Br. 37. For the same reason, remand is warranted on Challenge 19, which concerns evidence of obviously fraudulent signatures on the Ballot Initiative's petition sheets. *See* Pet. Br. 27–29; Tbl 19. In particular, Petitioners identified two circulators—responsible for 1,700 signatures in total—who appeared to have engaged in fraudulent practices that the Secretary agrees are "cause for more concern." SOS Br. 38; *see also* Pet. Br. 29. Their misconduct is also likely determinative and therefore worthy of remand.

Failing to remand on these issues would call into question "the integrity of the initiative and referendum process." *Me. Taxpayer Action Network v. Sec'y of State ("MTAN")*, 2002 ME 64, ¶ 13, 795 A.2d 75. Petitioners have identified essentially undisputed circulator misconduct "of constitutional import," which the Law Court has previously held to be "fatal to an entire petition." *Id.* (citing *Palesky v. Sec'y of State*, 1998 ME 103, ¶¶ 10–11, 711 A.2d 129); *see also Knutson*, 2008 ME 124, ¶ 24, 954 A.2d 1054 (explaining "the law requires the invalidation of the petition upon demonstration of noncompliance"). Mainers are entitled to know whether the Ballot Initiative only qualified for the November ballot due to such wrongdoing and the law itself requires invalidating any fraudulent or constitutionally defective petition sheets.

Intervenor nonetheless contends the Court should simply blind itself to these misdeeds, contending the Secretary must have determined they were not worthy of investigation. *See* Intervenor Br. 2–3. But the Secretary's brief dispels that notion, confirming that the additional evidence presented by Petitioners has more firmly established the need for investigation. *See* SOS

Br. 38. Intervenor's assertion that Petitioners should have submitted this evidence earlier fails for the reasons described as to Challenge 1. *See supra* § II.A.2.[6] Finally, Intervenor's remaining arguments about the weight of Petitioners' evidence—which are better adjudicated on remand—do little to rebut the sworn testimony, backed by video and photographic evidence, submitted by Petitioners. *See* Pet. Br. Ex. A–J.

B. Challenge 18: The Secretary must ensure that only registered Maine voters signed the petition.

The Constitution requires direct initiative signatories to be registered voters. *See* Me. Const. art. IV, pt. 3, § 20. Petitioners presented *prima facie* evidence—based on a public voter registration file produced by the Secretary—to conclude that a number of validated signatures came from unregistered individuals. *See* Tbl. 18. In view of the Secretary's concessions—which place the Ballot Initiative just barely above the necessary signature threshold—it is possible (indeed, probable) that the Ballot Measure's current margin above the legal threshold is due to signatures from people who are not even registered to vote in Maine. On remand, the Secretary should be required to further investigate this Challenge. *See* Pet. Br. 26-27.

The Secretary resists such a remand by arguing that it chiefly falls to municipal registrars to determine if a signatory is registered to vote. *See* SOS Br. 20–23. Petitioners do not dispute that municipal registrars hold this duty in the first instance. However, the Secretary must "review all petitions filed" in support of a direct initiative to "determine the validity of the petition." 21-A M.R.S. § 905. In other words, the "Secretary of State is required to conduct an *independent review of all direct initiative petitions* to determine the validity of the petitions." *Me. Taxpayers Action*

[6] Intervenor's reliance on *Reed* proves the point. *See* Intervenor Br. 3. There, an organization raised challenges with the Secretary via letter prior to her determination, but the Secretary declined to consider them. *See Reed*, 2020 ME 57, ¶ 6–7, 232 A.3d 202. Accordingly, the Court remanded to the Secretary to consider these allegations. *Id.* ¶ 8. That is precisely what should occur here, as the Secretary recognizes.

Network v. Gwadosky, No. AP-02-005, 2002 WL 747912, at *2 (Me. Super. Mar. 19, 2002) (emphasis added). This includes "the authority to determine whether *any petition* filed in support of a citizens initiative is valid." *MTAN*, 2002 ME 64, ¶ 12, 795 A.2d 75. Indeed, more than a century ago, the Law Court "answer[ed] in the affirmative" as to whether the Executive Branch could "compare the names appearing on the petitions, although certified by the town clerk . . . with the actual voting lists of the towns, and refuse to count such name as do not appear on such lists." *In re Opinion of the Justs.*, 116 Me. 557, 103 A. at 772. Accordingly, there is no question the Secretary has authority to review petition forms to ensure signatories are registered voters.

Petitioners do not contend the Secretary is obliged to perform that task as a matter of course for every direct initiative. Here, however, substantial evidence indicates that (1) a significant number of signatories are not valid voters; (2) the Ballot Initiative's signature gathering process was tainted by widespread circulator misconduct and other irregularities; and (3) the presence of non-registered voters on the petition sheets is likely to prove determinative. In those narrow circumstances—where the Secretary has already indicated she is not opposed to remand, SOS Br. 38—prudence and commonsense support requiring the Secretary to ensure that only registered voters signed the petition.[7]

Petitioners further agree that this should not require the Secretary or Elections Division staff to re-review all 80,000 signatures to ensure they come from registered voters. *See* SOS Br. 22–23. Instead, the Secretary should be obliged to: (1) review the 59 signatures identified in Table 18; and (2) any additional signatures for which Petitioners present *prima facie* evidence on remand,

[7] The Secretary's reliance on the Superior Court's nonbinding decision in *Johnson v. Dunlap* is misplaced. Unlike the petitioners in *Johnson*, Petitioners do not contend the Secretary is under an independent duty to double-check the registrars' work in the first instance. Rather, they urge only that the Secretary be ordered to undertake this review where, as here, *prima facie* evidence suggests the registrars erred and such error is likely determinative. *Cf.* SOS Br. 38 (agreeing remand proper on potentially determinative issues).

based on review of Maine's public voter registration file. Based on the rate at which Petitioners have thus far identified potentially non-registered signatories, that latter number is unlikely to exceed 500 names—potentially determinative for the Petition, but not an unreasonable number for election officials to review under these circumstances.

C. The Court should also remand on Challenges 7 and 11.

The Secretary disputes whether Challenge 7 establishes *prima facie* evidence of circulator wrongdoing but acknowledges the prospect of remand on this issue. SOS Br. 16–17. Because the Secretary agrees that remand is likely appropriate on other matters, *see* SOS Br. 34–39, the Court should include Challenge 7 on remand so the Secretary can take appropriate investigatory steps.

As to Challenge 11, the Secretary also agrees "that the commission-number field serves an important purpose on the circulator affidavit," SOS Br. 19, but recognizes that a particular out-of-state notary from Massachusetts failed to complete it, *id.* According to the Secretary, it would be simple and straightforward to confirm with the Massachusetts Secretary of State that this notary has an active commission there. *See id.* at 20. Accordingly, because remand is appropriate on other matters, the Court should include Challenge 11 on remand so the Secretary can confirm that this notary has an active commission and in fact notarized the relevant petition sheets.

CONCLUSION

The Court should grant Petitioners' challenges as set forth above and, as appropriate, either declare that the Ballot Initiative failed to submit a sufficient number of valid signatures to qualify for the November ballot or remand to the Secretary for a re-determination in view of new evidence on, at minimum Challenges 2 and 19, as well as any other Challenges suitable for remand, including Challenges 7, 11, and 18.

Dated: April 22, 2026

Respectfully submitted,

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** Pro Hac Vice Application Pending*

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
NO. PORSC-AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State

Respondent,

PROTECT GIRLS SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

DECISION AND ORDER

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INTRODUCTION

Petitioners Jane Gilbert, Mark Sayre, and Kaitlin Webber ("Petitioners") have filed an action pursuant to 21-A M.R.S.A. § 905 and M.R. Civ. P. 80C appealing Secretary of State Shenna Bellows' Determination of the Validity of a Petition for Initiated Legislation, dated March 17, 2026. In her decision, the Secretary of State (the "Secretary") found that the citizen initiative petition at issue—known as "An Act to Designate School Sports Participation and Facilities by Sex"—was valid and supported by a sufficient number of valid signatures. Specifically, the Secretary found that the proponents of the Ballot Initiative submitted 71,033 valid signatures, which is 3,351 signatures above the 67,682 threshold.

On appeal, Petitioners argue that a host of errors and improprieties in the signature gathering process require invalidating many thousands of signatures, bringing the Ballot Initiative below the threshold for inclusion on the November 2026 ballot. Among the errors alleged, Petitioners contend that the Secretary validated hundreds and possibly thousands of signatures collected by circulators who did not personally witness all signatures on their forms and who thus submitted false oaths and affidavits, as well as validated forged signatures obtained by circulators suspected of fraudulent collection. For relief, Petitioners ask the court to remand the matter to the Secretary for invalidation of the challenged signatures or to directly reverse the Secretary's decision.

By statute, the court is required to decide this appeal "before the 40th day after the decision of the Secretary of State." 21-A M.R.S. § 905(2). The court has reviewed the record as well as the briefing submitted by Petitioners, the Secretary, and Intervenor Protect Girls Sports in Maine ("PGS"). This matter is in order for decision.

BACKGROUND

On September 19, 2025, Leyland John Strieff filed an application with the Secretary to circulate a petition for a citizens' initiative that came to be known as "An Act to Designate School Sports Participation and Facilities by Sex." On November 3, 2025, the Secretary issued to him an approved form for circulation. PGS' volunteers as well as hired individuals who solicited signatures for the petition—i.e., the circulators—prepared "circulator affidavits" to be submitted to the Secretary along

with other petition materials.

On February 2, 2026, PGS submitted to the Secretary 8,067 petitions, which the Secretary then proceeded to review. On March 17, 2026, the Secretary issued her Determination of the Validity of the Petition for Initiated Legislation. In her written Determination, the Secretary invalidated 8,659 signatures. The Secretary nevertheless found 71,033 valid signatures, a total that exceeded the constitutional threshold by 3,351. *See* Me. Const. art. IV, pt.3 §18(2). Accordingly, the Secretary found the petition to be valid. On March 27, 2026, Petitioners appealed the Secretary's decision pursuant to 21-A M.R.S. § 905 and M.R. Civ. P. 80C.

Pursuant to the statutory timeframe, the Secretary filed an administrative record exceeding 32,000 pages on April 6, 2026, which included the petition forms, circulator affidavits, and prior complaints regarding circulator misconduct reviewed by the Secretary. On April 8, 2026, Petitioner moved to supplement the record with 10 additional affidavits and attachments and further filed their merits brief on April 10, 2026. On April 17, 2026, both the Secretary and Intervenors filed their respective merits briefs and responses to Petitioners' motion to supplement the record. On April 22, 2026, Petitioners filed their reply brief.

LEGAL FRAMEWORK

The court's discussion must begin with recognizing the various constitutional rights and principles implicated in this case. The Maine Constitution grants Maine people the right to legislate by direct initiative. Me. Const. art IV, pt. 3, § 18. The Law Court has stressed the importance of such a right, declaring "the

right of the people to initiate and seek to enact legislation [to be] an absolute right." *McGee v. Sec'y of State*, 2006 ME 50, ¶ 21, 896 A.2d 933. "[A]lthough the Legislature has the authority to enact laws providing for the implementation of the initiative right, any legislative implementation must respect the substance of the constitutional right." *Id.* ¶ 20; Me. Const. art IV, pt. 3, § 22. The right cannot be abridged either directly or indirectly by governmental action. *McGee*, 2006 ME 50, ¶ 21, 896 A.2d 933. Accordingly, laws governing the direct initiative process "must be liberally construed to facilitate, rather than handicap, the people's exercise of their sovereign power to legislate." *Allen v. Quinn*, 459 A.2d 1098, 1102-03 (Me. 1983).

The Law Court has also recognized that "[t]he circulation of direct initiative petitions is 'core political speech,' and any state regulation of the initiative process must be 'narrowly tailored' to carry out a compelling state purpose." *Me. Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶ 8, 795 A.2d 75. Laws governing the initiative process should therefore be construed in a way that avoids imposing an impermissible burden on protected speech. *See id.*; *see also State v. Cropley*, 544 A.2d 302, 304 (Me. 1988).

Moreover, under the Maine Constitution, "[t]he Secretary of State is the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process." *Reed v. Sec'y of State*, 2020 ME 57, ¶ 18, 232 A.3d 202. The Secretary has been granted plenary power to investigate and determine the validity of petitions. *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 12 n.8, 795 A.2d 75. When assessing the Secretary's determination of initiative

petitions, the Court's review must be deferential and limited, keeping in mind the Secretary's "broad[] authority" in the context of evaluating referendum petitions. *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 20 n.7, 954 A.2d 1054; *Passadumkeag Mountain Friends v. Bd. of Envtl. Prot.*, 2014 ME 116, ¶ 12, 102 A.3d 1181.

By statute, an action seeking review of the Secretary's decision on a direct initiative petition "must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section." 21-A M.R.S. § 905(2). In *Palesky v. Sec'y of State*, the Law Court held that "[t]he provisions of section 905 that could be deemed 'modifications' of Rule 80C relate to the expedited timing of the appeal." 1998 ME 103, ¶ 5, 711 A.2d 129. The *Palesky* court further concluded that 21-A M.R.S. § 905 does not require "a full de novo trial"; rather, the procedural framework for a Section 905 appeal is set forth in Rule 80C. *Id.* ¶¶ 5-6, 8. Under Rule 80C, the court is not permitted to overturn an agency's decision "unless it: violates the Constitution or statutes; exceeds the agency's authority; is procedurally unlawful; is arbitrary or capricious; constitutes an abuse of discretion; is affected by bias or error of law; or is unsupported by the evidence in the record." *Kroger v. Dep't of Envtl. Prot.*, 2005 ME 50, ¶ 7, 870 A.2d 566; 5 M.R.S. § 11007(4). The party seeking to vacate a state agency decision has the burden of persuasion on appeal. *Anderson v. Me. Pub. Emp. Ret. Sys.*, 2009 ME 134, ¶ 3, 985 A.2d 501.

When reviewing agency decisions, the court must examine "'the entire record to determine whether, on the basis of all the testimony and exhibits before it, the agency could fairly and reasonably find the facts as it did.'" *Friends of Lincoln Lake v. Bd. of Envtl. Prot.*, 2010 ME 18, ¶ 13, 989 A. 2d 1128. The court may not substitute its judgment for that of the agency on questions of fact. 5 M.R.S. § 11007(3). The issue is not whether the court would have reached the same result the agency did, but whether the "'record contains competent and substantial evidence that supports the result reached'" by the agency. *Seider v. Bd. of Examiners of Psychologists*, 2000 ME 206, ¶ 8, 762 A.2d 551.

To the extent this case requires statutory interpretation, the court "interpret[s] every statute de novo as a matter of law to give effect to the intent of the Legislature, first by examining its plain language." *Reed*, 2020 ME 57, ¶ 14, 232 A.3d 202 (quotation marks omitted). If the plain language is unambiguous, the court interprets the statute according to its unambiguous meaning. *Id.* "If, however, a statute is ambiguous—i.e., it is reasonably susceptible to different interpretations—[the court] defer[s] to the agency's reasonable construction when the agency is tasked with administering the statute and it falls within the agency's expertise." *Id.* (quotation marks omitted). As the Secretary is the constitutional officer with plenary power to determine the validity of petitions, the court will defer to the Secretary's "reasonable interpretation of [an] ambiguous statute[]." *Id.* ¶ 18.

DISCUSSION

On appeal, Petitioners assert 21 challenges to the Secretary's decision, as well as move the court to take additional evidence to supplement the record. The court addresses Petitioners' Motion and each challenge in turn.

I. Motion to Take Additional Evidence

Petitioners move this court to take additional evidence to supplement the administrative record provided by the Secretary. The supplemental evidence consists of ten affidavits providing eyewitness testimony of fraudulent misconduct accompanied by photographs and videos and are marked as Exhibits A-J attached to this Motion. Additionally, Petitioners seek to admit the Central Voter Registration System (CVR) into the agency record.

Under the Administrative Procedure Act, "judicial review shall be confined to the record upon which the agency decision was based." 5 M.R.S.A. § 11006(1); *see* M.R.Civ. P. 80C(e). However, § 11006(1)(B) provides:

> The reviewing court may order the taking of additional evidence before the agency if it finds that additional evidence, including evidence concerning alleged unconstitutional takings of property, is necessary to deciding the petition for review; or if application is made to the reviewing court for leave to present additional evidence, and it is shown that the additional evidence is material to the issues presented in the review, and could not have been presented or was erroneously disallowed in proceedings before the agency. After taking the additional evidence, the agency may modify its findings and decisions, and shall file with the court, to become part of the record for review, the additional evidence and any new findings or decision.

5 M.R.S.A. § 11006(1)(B). Petitioners argue the additional evidence is material evidence of circulator misconduct that was not available to Petitioners until after municipal officials and the Secretary validated the signatures, notwithstanding the

complaints of such misconduct received by the Secretary before her Determination. Pet. Mot. 5. Because Exhibits A-J and their attachments present evidence suggesting that some circulators may have falsely sworn to witnessing all the signatures collected on their petition forms, the court finds the evidence of fraud material to the issue presented for review, specifically relevant to Challenges 2 and 19 discussed below. While this information was previously brought to the attention of the Secretary before her Determination, the court finds Petitioners could not have presented the full extent of such allegations of circulator fraudulent misconduct until after the validated signatures and petition sheets were made publicly available. *Palesky v. Sec'y of State*, 1998 ME 103, ¶ 14, 711 A.2d 129 (affirming court's remand to the Secretary of State after proof of "newly discovered evidence of fraud."). However, the court declines to order the addition of the CVR as the court finds it is not necessary to reviewing the petition validation procedures conducted by the Secretary, a procedure in which a cross-check of the municipal registrars' verification of petition signers through the use of the CVR is not required.

Therefore, the court grants in part and denies in part Petitioners' motion to take additional evidence by remanding to the Secretary to consider the proffered evidence—Exhibits A through J together with their Attachments—and find additional facts.

II. Challenges 2 and 19: Allegations of Fraudulent Misconduct

Petitioners allege fraudulent misconduct by circulators and argue for the invalidation of signatures collected by circulators who falsely swore to personally

witnessing all signatures collected on their petition sheets (Challenge 2), and relatedly, invalidation of signatures that are potential forgeries or collected through fraudulent means (Challenge 19). The Secretary accepts that supplemental information provided by Petitioners, discussed *supra*, suggests that further investigation into such claims may be warranted. Resp't's Br. at 35-38. Given that Challenge 2 implicates over 1,300 validated signatures and Challenge 19 implicates two circulators responsible for 1,700 signatures in total, the court finds Challenges 2 and 19 potentially outcome-determinative, as the court recognizes these two challenges call into question "the integrity of the initiative and referendum process" and could prove fatal to the petition. *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 13, 795 A.2d 75 (integrity of the initiative "in many ways hinges on the trustworthiness and veracity of the circulator.").

The court remands to the Secretary to consider the proffered evidence, find additional facts, and determine based on those facts whether any additional signatures should be invalidated.

III. Challenge 1: Registration Issue Waived

Petitioners argue the petition organizations behind the Ballot Initiative violated Maine law by failing to properly register with the Secretary and failing to properly disclose circulator compensation, as required by 21 M.R.S.A. § 903-C. Under the statute, a petition organization must register with the Secretary and complete a form that includes the ballot question title, contact information for the organization, the name and signature of a designated agent, and a list of circulators indicting the

method by which the circulators were being compensated. 21 M.R.S.A. § 903-C(1). This registration statement is required "in addition to meeting any other requirement to transact business in this State." *Id.* Petitioners ask this court to find all four petition organizations failed to properly register, thereby invalidating over 50,000 of the 79,692 signatures submitted to the Secretary.

The court does not reach Petitioners' challenge to the registration paperwork because the court finds Petitioners waived the issue by failing to assert Challenge 1 in the petition for review. 5 M.R.S.A. § 11002(2). As Petitioners correctly state, the petition for review expressly notes the obligation of petition organizations to properly register with the Secretary, which must occur "prior to circulating any petitions for an initiative." Pet. ¶ 27. Such registration paperwork, or lack thereof, should have been available online to Petitioners and the public, even if the context or strength of the challenge was developed by the production of the administrative record after the filing of the petition. The petition does not otherwise advance any challenge to the organizations' registration documents and the court does not find such an omission to be merely a technicality of the pleading. Therefore, the court finds Petitioners' Challenge 1 waived for failure to raise the challenge in the petition for review.[1]

[1] Separately, the court notes the significance of Mainers' rights to directly initiate legislation and agrees with the Secretary that "given the lack of notice, instruction, or prior enforcement, and the weighty speech and associational interests at stake, invalidation of tens of thousands of petition signatures may not be an appropriate remedy in the context of this specific case—even it if might be in future cases if the Secretary develops such procedures and instructions." Resp't's Br. at 11.

IV. Challenges 3, 6, 12-17: Secretary Concessions

For numerous challenges raised by Petitioners, the Secretary wholly concedes error in not invalidating those challenged signatures. Under the court's deferential and limited review of the Secretary's determination, the court accepts such concessions. *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 20 n.7, 954 A.2d 1054 (Secretary's broad authority in the context of evaluating referendum petitions). As outlined below, the court remands such issues to the Secretary to act in compliance with her concessions and invalidate the challenged signatures:

- **Challenge 3:** four circulators listed out-of-state addresses on their circulator affidavits but failed to consent to personal jurisdiction of Maine. The Secretary concedes 1,520 signatures collected by such circulators should have been invalidated.

- **Challenge 6:** two circulators notarized petition forms after they circulated petitions. The Secretary concedes petition forms notarized by such individuals (*De Clercq* after November 14, 2025 and *Harrington* after November 30, 2025) should have been invalidated.

- **Challenge 13:** seven petition forms containing the notarial certificate lacked the notary's signature. The Secretary concedes the 14 total impacted signatures should have been invalidated.

- **Challenge 17:** certain signers failed to write a date and instead used ditto marks to indicate the same date as the previous signer. The Secretary concedes that 37 signatures should have been invalidated.

Additionally, the Secretary partially concedes error in not invalidating further signatures challenged by Petitioners. The court finds the Secretary's partial concessions to be supported by competent and substantial evidence in the record. *See Secretary of State's Tables 14-16.* Further, pursuant to the deferential standard, the court finds no error of law, findings not supported by the evidence, or an abuse of

discretion in the Secretary's determination that some of the challenged signatures remain valid. *Caiazzo v. Sec'y of State*, 2021 ME 42, ¶ 16, 256 A.3d 260. As "the Secretary of State is the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process," the court must defer to the Secretary's reasonable interpretation of statutes and findings of fact supported by competent record evidence. *Reed v. Sec'y of State*, 2020 ME 57, ¶ 18, 232 A.3d 202. The court remands the issue to the Secretary to act in compliance with the identified concessions as set forth below:

- **Challenge 9:** the Secretary concedes that 5 out of the 7 challenged circulator affidavits should have been invalidated for date discrepancies between the circulator signature date and the notary certificate date.
- **Challenge 12:** the Secretary concedes that Petitioners correctly identified 275 signatures—out of 286 challenged—that were additional duplicate signatures not identified by Election staff.
- **Challenge 14:** the Secretary concedes that 14 signatures—out of 373 challenged—contain a signatory date after the circulator's oath and lack sufficient context to confirm the date was merely a typographical error.
- **Challenge 15:** the Secretary concedes that 4 signatures—out of 47 challenged—contain no date and lack sufficient context to confirm the signature was made prior to the circulator's oath.
- **Challenge 16:** the Secretary concedes that 80 signatures—out of 307 challenged—are dated before the petition was circulated and lack sufficient context to confirm the date was merely a typographical error.

V. Challenges 4, 5, 7, 8, 10, 11, 18, 20, 21: Secretary Discretion

Petitioners raise numerous other challenges that the Secretary contends, and the court agrees, fail as a matter of law. For many of the challenges discussed below, the court finds Petitioners failed to demonstrate that the Secretary's findings are not

supported by competent evidence. Petitioners carry the burden on appeal to demonstrate no competent evidence supports the Secretary's determination. *Seider v. Bd. of Examiners of Psychologists*, 2000 ME 206, ¶ 9, 762 A.2d 551.

In **Challenge 4**, Petitioners argue all signatures collected by a circulator named "Cairo" should be invalidated on the basis that her circulator affidavit fails to include the circulator's full name as statutorily required. Pet. Br. at 20; *see* 21-A M.R.S.A. § 903-A(4)(A). The Secretary argues, absent affirmative evidence to the contrary, the court cannot properly conclude that Cairo is not the circulator's full name. Resp't's Br. at 13. In fact, Intervenors attach Exhibit 1, an affidavit executed by Cairo, which presents that Cairo is in fact her full legal name. Because the court finds the Cairo's circulator affidavit contains, as required, "the circulator's printed name," the court finds that Challenge 4 fails as a matter of law.

In **Challenge 5**, Petitioners identify two individuals, Robert De Clercq and Patrick Harrington, who performed services for the direct initiative campaign in the form of circulating petitions *and* later notarized circulator affidavits. Pet. Br. at 20-23. Because the individuals served "dual circulator-notary" roles, Petitioners argue the notarial acts are "void" and the circulators "never lawfully qualified as circulators and their petition sheets must be invalidated." *Id.* at 21. While Petitioners point to *Reed v. Sec'y of State* for support, the Secretary distinguishes the Court's decision in *Reed* from the issue raised in Challenge 5.[2] 2020 ME 57, 232 A.3d 202.

[2] As the Secretary notes, and as discussed by the court *supra*, Challenge 6 is implicated by *Reed* and the Secretary concedes error by not invalidating De Clercq and Harrington's notarization of circulator oaths after acting as circulators.

Pursuant to 21-A M.R.S.A. § 903-E(1), notaries and other notarial officers are prohibited from "administer[ing] an oath or affirmation to the circulator of a petition under section 902" if that notary is providing any other services to initiate or promote "the direct initiative or people's vote referendum for which the petition is being circulated." In *Reed*, the Court upheld the Secretary's interpretation of § 903-E(1) as allowing for petition forms to be voided if the notary who notarized the circulator's oath on the petition had previously acted as a circulator. *Reed*, 2020 ME 57, ¶ 19, 232 A.3d 202. Here, the Secretary argues that the statutory restriction upheld by *Reed* does not implicate Petitioners' challenge regarding circulator *affidavits* (rather than *oaths* contained on the petition forms) and thus the notarial conflict-of-interest rule does not extend to circulator affidavits. Resp't's Br. at 15. The court finds the Secretary's interpretation of § 903-E(1) reasonable and finds that Challenge 5 fails as a matter of law.

In **Challenge 7**, Petitioners argue all signatures collected by Hope Angel should be invalidated on the basis that she deprived signers of the opportunity to read the contents of the petition as required by 21 M.R.S.A. § 901-A(1) and points to a sworn affidavit for support. *See* Exhibit F ("Madanes Aff.") The Secretary contends that the proffered evidence—the affidavit's allegation that the circulator "fold[ed] the Petition on a clipboard in a manner that prevented signers from seeing the initiative summary" and a number of people signed the petition in that manner—fails to make a prima facie showing of circulator misconduct. Resp't's Br. at 16. And, even if there existed a prima facie case, the proper course of action for the court would be to remand

on the issue, as opposed to the invalidation of impacted signatures. *Id.* at 17. The court agrees on both counts. The court finds Petitioners have failed to demonstrate a prima facie violation of § 901-A(1) and finds Challenge 7 fails as a matter of law.

In **Challenges 8, 10 and 11**, Petitioners argue three issues in which circulators allegedly committed disqualifying affidavit errors. Pet. Br. at 22-24. In response, the Secretary argues that a lack of notarization date on a circulator affidavit is de minimis error not warranting invalidation of signatures (Challenge 8), an exact one-year discrepancy between the circulator signature and the notarial certificate date is merely typographical error (Challenge 10), and failure of an out-of-state notary to provide their commission number is not a proper basis to invalidate the circulator's signature (Challenge 11). Resp't's Br. at 17-19. The court finds the Secretary "could have fairly and reasonably found the facts as it did" when the Secretary determined that such errors in Challenge 8 are "not the sort of substantive defects that cast doubt on whether the oath was administered" and, in Challenge 10, such errors are "non-material defects in form" that do not warrant invalidation of all signatures. *See Friends of Lincoln Lake v. Bd. of Envtl. Prot.*, 2010 ME 18, ¶ 13, 989 A. 2d 1128.

Moreover, the court agrees with the Secretary's contention that although the circulator affidavit form requests the Commission number for out-of-state notaries as a method to assist Election staff in the verification process, neither 21-A M.R.S.A. § 903-A(4) nor 4 M.R.S.A. § 1916(1) requires the inclusion of a Commission number. The court declines to find the Secretary committed any error of law, abuse of

discretion, or finding of fact not supported by the record when the Secretary found that the omissions or typographical errors presented in Challenges 8, 10, and 11 did not cast doubt on the circulators' or signatories' substantive compliance with the law. *Id.* ¶ 12. Thus, the court finds Petitioners have failed to carry their burden of persuasion regarding Challenges 8, 10, and 11.

In **Challenge 18**, Petitioners assert that at least 59 signatures should be invalidated because they do not appear to be from registered Maine voters, and requests that the court remand to the Secretary to review whether the 59 signatories Petitioners challenge are shown as registered voters according to the State's electronic central voter registration system (CVR). As the Secretary argues, the petition validation procedures as outlined by the Maine Constitution and Title 21-A place the responsibility for verifying whether petition signers are registered voters with municipal registrars, rather than the Secretary, and do not otherwise require the Secretary to use CVR to cross-check the registration status of every petition signer already verified by the municipal registrar. Resp't's Br. at 21. The court agrees that, as a matter of law, the Secretary "cannot commit reversible error in a petition validation decision by relaying on municipal certification decisions" and accordingly, Petitioners' Challenge 18 fails. *Id.*

In **Challenges 20** and **21**, Petitioners seek to invalidate hundreds of signatures for failure of the signer to include their complete street address (Challenge 20) or their municipality (Challenge 21). As Petitioners note, 21 M.R.S.A. § 902 provides that direct initiative petitions "must be signed in the same manner as are

nonparty nomination petitions under [21-A M.R.S.A. § 354(3) & (4)]," which in turn provides that "the voter or the circulator of the petition must write or print the voter's residence address and municipality of registration." § 354(4). The Secretary contends that the "longstanding interpretation of § 354(4) in the context of both direct initiatives and candidate petitions, dating back to at least the 1990s, is that a failure to provide a residential street address does not automatically invalidate a signature" nor does the failure to list the municipality invalidate a signature. Resp't's Br. at 24-25. The municipal registrars confirm that signatories are registered voters primarily by comparing the signatures on the petition to the signatures contained on the signer's voter registration application, and a listed residential address and municipality provides further information to confirm the signatory is a registered voter.

The Secretary argues the court should defer to the Secretary's reasonable interpretation as it allows registrars to certify signatures even in the absence of a residence address or municipality, thereby effectuating the purpose of the statute. The court finds such an interpretation "facilitate[s], rather than handicap[s], the people's exercise of their sovereign power to legislate." *Allen v. Quinn*, 459 A.2d 1098, 1102-03 (Me. 1983). Accordingly, the court finds Petitioners' Challenges 20 and 21 fail.

CONCLUSION

For the foregoing reasons, the entry is: this matter is REMANDED to the Secretary of State for further proceedings consistent with this Order, which may include correcting the concessions identified herein, taking new evidence, and developing further findings of fact as necessary. The

Secretary is ordered to issue a new Determination of Validity within 30 days of this Order.

The clerk is directed to incorporate this order into the docket by reference. M.R. Civ. P. 79(a).

Dated: April 24, 2026

Deborah P. Cashman
Justice, Maine Superior Court

Entered on the Docket: 04/24/2026

STATE OF MAINE
CUMBERLAND COUNTY

DOCKET NO. AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

PETITIONERS' POST-HEARING BRIEF ON REMAND TO THE DEPUTY CHIEF SECRETARY OF STATE

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

INTRODUCTION 1

ARGUMENT 3

I. The Secretary should invalidate signatures from circulators who left their petition sheets unattended while people signed them, in violation of Maine law (Challenge 2). 3

A. Unrefuted record evidence establishes that at least four petition circulators left their petition sheets unattended while people signed them. 3

1. Elias Vasquez 4

2. Susan Mays 6

3. Adam Turner 12

4. Fritz Jean-Baptiste 13

B. The proper remedy is to invalidate all petition sheets from these circulators, or at minimum the sheets from the days in question. 14

II. The Secretary should invalidate signatures from circulators who, as the record clearly establishes, engaged in pervasive fraud and made false oaths (Challenge 19). 17

A. Petition sheets submitted by circulators Baptiste, Jackson, Turner, and Harris bear unmistakable indicia of fraud that cannot be ignored. 17

1. Fritz Jean-Baptiste 19

2. Kendrick Jackson 25

3. Adam Turner 35

4. Rokelle Harris 37

B. The proper remedy is to invalidate all petition sheets by circulators who submitted fraudulent sheets, or at minimum to invalidate all tainted petition sheets, where the circulator clearly swore a false oath. 39

III. Signatures from circulators who failed to properly consent to Maine's jurisdiction, including circulator Cairo, must be invalidated as a matter of law (Challenge 4). 42

IV. The Secretary should invalidate additional signatures in response to Petitioners' Challenges 12, 14, 15, 16, and 18..... 46

V. The Secretary should reconsider other legal positions that are contrary to Maine law..... 48

CONCLUSION..... 49

TABLE OF AUTHORITIES

Page(s)

Cases

Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters,
459 U.S. 519 (1983) 16

Brousseau v. Fitzgerald,
138 Ariz. 453, 675 P.2d 713 (1984) 42

Citizens Comm. For D.C. Video Lottery Terminal Initiative v. D.C. Bd. of Elections & Ethics,
860 A.2d 813 (D.C. 2004) 42

Crossman v. Bd. of Election Comm'rs of City of Chicago,
2012 IL App (1st) 120291, 966 N.E.2d 518 40

De Oliveira v. Garland,
112 F.4th 12 (1st Cir. 2024) 14

Dep't of Com. v. New York,
588 U.S. 752 (2019) 2, 18

Dillingham v. Ryan,
651 A.2d 833 (Me. 1994) 16, 17

Estes v. Pineland Farms, Inc.,
No. 2:10-CV-00347-MJK, 2012 WL 1977956 (D. Me. June 1, 2012) 16

Hart v. Sec'y of State,
1998 ME 189, 715 A.2d 165 43

Knutson v. Dep't of Sec'y of State,
2008 ME 124, 954 A.2d 1054 ..... *passim*

Lewis v. Hodgdon,
17 Me. 267 (1840) 14

Macomber v. Dillman,
505 A.2d 810 (Me. 1986) 16

Maine Taxpayers Action Network v. Sec'y of State,
2002 ME 64, 795 A.2d 75 ..... 39, 40

Montanans for Just. v. State ex rel. McGrath,
2006 MT 277, 334 Mont. 237, 146 P.3d 759 39

Nikijuluw v. Gonzales,
427 F.3d 115 (1st Cir. 2005) 11

Palleschi v. Palleschi,
1998 ME 3, 704 A.2d 383 16

Reed v. Sec'y of State,
2020 ME 57, 232 A.3d 202 40

State ex rel. Donofrio v. Henderson,
4 Ohio App.2d 183, 211 N.E.2d 854 (1965) 41

State v. DesRosiers,
2024 ME 77, 327 A.3d 64 35

Thermo Electron Corp. v. Schiavone Constr. Co.,
958 F.2d 1158 (1st Cir. 1992) 16, 17

Union Mut. Fire Ins. Co. v. Inhabitants of Town of Topsham,
441 A.2d 1012 (Me. 1982) 12

United States v. Castillero,
67 U.S. 17 (1862) 14

VanVoorhees v. Dodge,
679 A.2d 1077 (Me. 1996) 11

We the People PAC v. Bellows,
40 F.4th 1 (1st Cir. 2022) 43

Zaiser v. Jaeger,
2012 ND 221, 822 N.W.2d 472 41

Statutes and Constitutional Provisions

21-A M.R.S. § 354 48

21-A M.R.S. § 902 ..... 12, 13

21-A M.R.S. § 903-A 3, 43

21-A M.R.S. § 903-E 48

Me. Const. art. IV, pt. 3, § 18 ..... 47, 48

Me. Const. art. IV, pt. 3, § 20 ..... 5, 12, 42

INTRODUCTION

The May 12 adjudicatory hearing further confirmed that the ballot initiative did not collect a sufficient number of valid signatures to qualify for the November ballot. This post-hearing brief addresses three categories of evidence that require application of a clearly established remedy under Maine law—invalidation of additional petition sheets wherever it has been demonstrated that a circular swore a false oath. *See Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 28, 954 A.2d 1054. The ultimate result is that the ballot initiative has failed to meet its legal threshold and must be removed from the November ballot.

First, credible witness testimony, backed by video and photographic evidence, established that three circulators—Elias Vasquez, Susan Mays, and Adam Turner—abandoned their petitions while people signed or marked them on specific dates late last year in Topsham, Saco, and Auburn, respectively. Two of these circulators did not even appear to refute this testimony, while the third—Mays—offered a muddled and inconsistent version of events. Ultimately, she claims to have destroyed the petition sheets signed in her absence, but photographic evidence dispels that claim and discredits her testimony. Remarkably, a fourth circulator—Fritz Jean-Baptiste—admitted, without prompting, that he *also* did not personally witness every signature, explaining he simply did his "best to witness *most of the signatures*, yes." Tr. 223. (emphasis added).[1] Intervenor put forward *zero* evidence to identify any specific subset of sheets tainted by false oaths on the days in question. Accordingly, to remedy these violations, Maine law requires the hearing examiner to invalidate all petition sheets collected by these circulators on those dates.

[1] All citations to "Tr." refer to page numbers on the Combined Recording Transcript produced by Chief Deputy Secretary of State McBrien in her Wednesday, May 13 email at 7:17 p.m. For clarity, that transcript is attached hereto as Attachment A, with page numbers appended by Petitioners. While that transcript is not final, Petitioners believe it is sufficiently reliable and accurate for purposes of this briefing and can be checked against the video recording of the hearing as needed.

Second, irrefutable record evidence shows that at least four circulators—Fritz Jean-Baptiste ("Baptiste"), Kendrick Jackson, Adam Turner, and Rokelle Harris—submitted petition sheets that were obviously fraudulent. Baptiste, Jackson, and Turner in particular all engaged in a similar pattern of conduct. The Master List of Petitions shows these circulators struggling to collect a significant number of signatures, typically submitting sheets with one or two signatures on most days (with the exception of Election Day). Apparently frustrated with their paltry collection of signatures, after Election Day these circulators began submitting petition sheets—largely from Lewiston and Auburn—with large numbers of signatures, but indicia of fraud that is obvious to any layperson's eye. Three of these circulators testified, but their testimony lacked credibility and two—Baptiste and Jackson—likely perjured themselves by insisting they never prefilled petition sheets, despite submitting many sheets with columns that had plainly been completed by the same hand. The irony, of course, is that circulators *can* prefill certain fields. But in their rush to make blanket denials of their obvious misconduct, both Baptiste and Jackson made claims that require the factfinder to ignore common sense. The hearing examiner is "not required to exhibit a naiveté from which ordinary citizens are free." *Dep't of Com. v. New York*, 588 U.S. 752, 785 (2019) (quoting *United States v. Stanchich*, 550 F.2d 1294, 1300 (2d Cir. 1977) (Friendly, J.)). Common sense and clear record evidence shows these circulators violated their oaths and submitted phony signatures, requiring either invalidation of all their petition sheets due to their fraudulent conduct or, at minimum, those sheets tainted by fraud. Maine precedent—and widespread practice across other States—supports invalidating full sheets in such instances because the oaths on those sheets were not sworn sincerely.

Third, the Secretary offered Intervenor the opportunity to explain why circulators should be permitted to submit to Maine's jurisdiction *after* the petition drive is complete and the

Secretary's determination made. Intervenor failed to make a persuasive case. To start, post-hoc submission is impermissible as a matter of law. Maine law is clear that a circulator must be qualified *at the time* they collection petitions and that a proper affidavit must be submitted "at the time the petition is filed." 21-A M.R.S. § 903-A. The fact that Intervenor failed to call three of the four circulators who did not submit to Maine's jurisdiction confirms the wisdom of Maine's rule; any other approach would make a mockery of Maine's petition laws, incentivizing circulators to not consent to jurisdiction and then strategically choose later whether to do so, if called out. The one circulator who did testify—Cairo—further proves the point. She candidly admitted that her choice not to check the "non-resident" box was *intentional*, rather than an accident. On three separate occasions she testified that she had questions about the legal consequence of checking the box, but never got a clear answer from her supervisor, so she set the form aside without ever completing it. Even in a universe where circulators *could* consent to jurisdiction after-the-fact due to innocent mistake, Cairo made clear her choice not to consent to Maine's jurisdiction was deliberate. The hearing examiner should credit that concession.

In view of this record evidence, the hearing examiner should implement the remedial steps outlined below by Petitioners, which are consistent with—indeed, required by—Maine law. Those remedial steps make clear that the ballot initiative has failed to meet its legal threshold and must be removed from the November ballot.

ARGUMENT

I. The Secretary should invalidate signatures from circulators who left their petition sheets unattended while people signed them, in violation of Maine law (Challenge 2).

A. Unrefuted record evidence establishes that at least four petition circulators left their petition sheets unattended while people signed them.

The record now reflects that at least *four* circulators—Elias Vasquez, Susan Mays, Adam Turner, and Fritz Jean-Baptiste—abandoned their petition sheets while members of the public

continued to sign or mark them, unwitnessed by any qualified circulator. Accordingly, each of these circulators swore oaths falsely attesting that they "personally witnessed *all* of the signatures to th[at] petition." R.0017 (emphasis added).

1. Elias Vasquez

Three different witnesses credibly testified to seeing circulator Elias Vasquez abandon his petition sheets on two separate occasions at Mt. Ararat High School in Topsham on November 4, 2025. *See generally* Tr. 36–59 (McLeod-Tardiff Testimony); Tr. 86–97 (Henderson Testimony); Tr. 99–107 (Considine Testimony). Mary Henderson witnessed him doing so for a five- to ten-minute period shortly after he set up his table in the morning, while Jillian McLeod-Tardiff and Deborah Considine each witnessed him doing so for a longer, 40- to 45-minute period in the middle of the day. Their mutually reinforcing testimony was bolstered by video and photographic evidence, accepted into the record, showing people signing Vasquez's petition sheets while he was absent. *See* Pet. Exs. 02–05. Vasquez himself did not appear to offer competing testimony, nor did Intervenor offer any evidence contradicting proof of his absence at points throughout the day.[2]

Instead of offering any proof to dispute the witnesses' accounts, Intervenor asked just one of these witnesses limited questions in a vain effort to discredit them, while not even attempting to discredit the corroborating testimony offered by the other two. For example, Intervenor's counsel asked questions insinuating that McLeod-Tardiff—just one of the three witnesses to see Vasquez abandon his petition sheets—took misleading photographs and that she had incentive to

[2] There appears to be no dispute that Vasquez is the absent circulator at issue. He was listed on Intervenor's witness list but did not testify. In any event, all three witnesses testified to learning the circulator was from Texas and the circulator told Considine that he was from Austin, Texas. Tr. 102. Elias Vasquez listed his address as being in Hutto, Texas, a suburb of Austin. R.32911. Furthermore, Vasquez submitted a large number of Topsham petition sheets, all of which were made on November 4—consistent with him being present at Topsham's sole polling location. No other circulator submitted petition sheets signed from Topsham on that day. R.00263–R.00265.

discredit the ballot campaign. *See* Tr. 47–56. But as McLeod-Tardiff credibly explained, the photos accurately reflected what she testified to observing that day, she was busy with her own duties managing another table at the time, and she did not abandon that work to instead focus principally on exhaustively documenting Vasquez's misconduct. *See* Tr. 52. Further, her testimony about Vasquez's second absence—which was confirmed by Considine in any event—stands unrebutted and should be credited. Intervenor's counsel also suggested Vasquez might have at one point turned over his clipboard to discourage signatures. But as Henderson testified, he left them face up the first time he left his post. *See* Tr. 90.

More importantly, Vasquez's oath obliged him to ensure that he personally witnessed every signature *and* to not leave petitions unattended. *See* Me. Const. art. IV, pt. 3, § 20; *see also* R.0019. Leaving his petition sheets visible and unattended for approximately 45 minutes—on top of his PGS table with pens at the ready—fell far short of that obligation. If anything, the fact that *both* of Vasquez's clipboards were turned upright when he returned should have indicated to him that people had been signing them in his absence. Yet no witness reported seeing him strike any signatures made on his sheets while he was absent. Moreover, Petitioners have reviewed every petition Vasquez submitted—they contain a handful of empty or incomplete lines with strike throughs in red ink (suggesting an election official did this, *see, e.g.*, R.027533, R.027537), as well as a single strike through in non-red ink, accompanied by a "WD" or "Withdrawn" marking (*see* R.027533 at Line 37), which suggests one voter struck their own signature. Nothing reflects that Vasquez struck out a number of signatures commensurate with the number of people seen signing his abandoned petition sheets. *See* Tr. 47 (McLeod-Tardiff testifying she saw at least 7 to 10 people sign during Vasquez's second absence).

2. Susan Mays

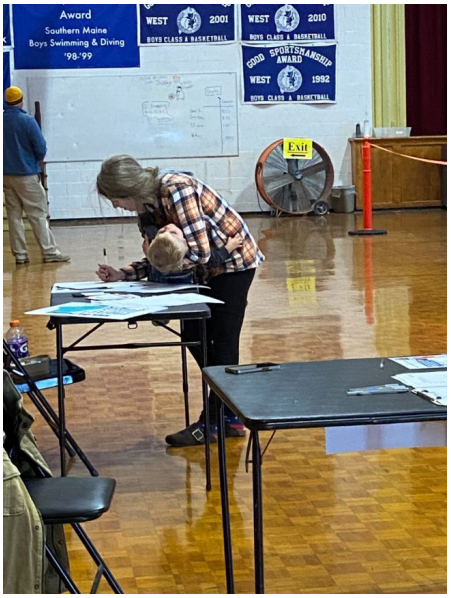
It is undisputed that Susan Mays circulated petitions for PGS on November 4, 2025, at the Saco polling place in the Thornton Academy gym, which is Saco's only polling location. *See* Tr. 124, 162. She arrived at approximately 9 a.m. and left at around 3 p.m. Tr. 171. Mays operated a table against one wall of the gym, which was in an "exit row" that voters walked through after voting on their way to the gym's exit. *See* Tr. 110, 162. It is further undisputed that Mays left her table unattended on two occasions. *See* Tr. 111; *see also* Tr. 163 (Mays acknowledging she "did leave some petitions" when she "would leave to go to the bathroom or have lunch"); Tr. 164 (agreeing "there were times when [she] left the table").

Amy Stubbs, who was operating a table two tables down from Mays, confirmed that Mays left on the first occasion around 12 p.m. *See* Tr. 111. It is undisputed that Mays left pens and petition sheets on the table, and Stubbs observed about 25 to 30 people sign the sheet during this instance when Mays was absent. *See* Tr. 112. It is further undisputed that Mays left her table unattended on a second occasion during the afternoon. *See* Tr. 112–113; *see also* Tr. 166 (Mays conceding she left both for lunch and bathroom breaks). On this occasion, Stubbs saw Mays leave at approximately 1:50 p.m., when Mays walked by Stubbs' table. *See* Tr. 113, 117–118. Gabriel LaSalle, who arrived at the gym around 1:45 p.m. to operate the table next to Mays, confirmed that Mays left her table shortly after he arrived. Tr. 127, 129. On this occasion, too, Stubbs and LaSalle both observed several people approach the unattended ballot initiative table to sign petitions that Mays had left on the table. Tr. 113, 130.

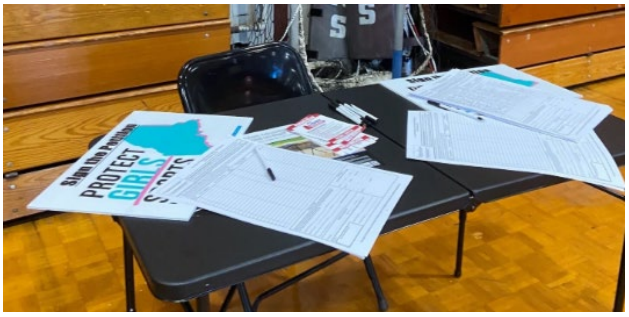
Once more, this witness testimony is backed by photographic and video evidence. Stubbs took three photos of what she saw. The first, taken at 1:52 p.m., shows an unattended table, with a nearly full petition sheet. *See* Pets' Ex. 9. Stubbs then took two additional photos showing, respectively, one person signing the petition and then a line of people doing so while Mays was

absent. Pets' Exs. 10-11. Similarly, LaSalle established the accuracy of a video that shows people signing petition sheets left abandoned on Mays' table. Pets.' Ex. 13; *see also* Tr. 133–34. Again, none of this is disputed. Tr. 181 ("And again, people signed blank petitions while you were gone, not attending the table, correct? Mays: "Without my knowledge, yes, sir.").

For her part, Mays confirmed the accounts above but claimed that she "destroyed" the petition sheet (or sheets) that had been signed by voters outside her presence. Tr. 167. Her testimony on this point was muddled, internally inconsistent, and flatly contradicted by Stubbs' rebuttal testimony. Mays first suggested that when she came back on the second occasion, she was told by a man working a candidate table to the left of hers that he had induced a single person to sign a petition sheet. Tr. 175. But as Stubbs testified, *see* Tr. 251, and as the photographic and video evidence establishes, no such "fourth table" was set up at the time of Mays' second absence, and her petition sheet at this time was nearly full with signatures. Indeed, beyond Mays herself, no one testified to seeing a fourth table at any point during the day.



(Pet. Ex. 10, showing no table to left)



(Pet. Ex. 9, showing a nearly complete sheet)

When pressed on cross examination, Mays instead said that these events occurred the *first* time she abandoned her sheets. Tr. 177. Then, when showed a picture evincing that numerous people had signed an unattended petition sheet, she changed her story again, and acknowledged that multiple people had signed unattended petitions, and that this happened *both* times she left her table unattended. *See* Tr. 178–79.

The hearing officer should disregard Mays' effort to exonerate her conduct as not credible for several reasons. Most importantly, the record reflects that—directly contrary to her testimony—Mays ***did*** ultimately submit petition sheets written up in her absence, including at minimum Petition 5943 (R.024095), which is visible on the righthand side of Petitioners' Exhibit 9. A copy of that sheet is reproduced below, alongside an excerpt of Petitioners' Exhibit 9—which was taken at 1:52 p.m., per the testimony of Stubbs—that has been rotated 90 degrees. A larger copy of this comparison, as well as a comparison with a "sharpened" version of Petitioners' Exhibit 9, is attached hereto as Attachment B, along with an original copy of Petitioners' Exhibit 9.

Susan Mays
Printed Name of Circulator

Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
1. ✓		Paul Shaughnessy	11/4/25	33 Skyline Dr Saco ME 04072	Saco ME
2. NK		Stephen Thibodeau	11-4-25		
3. ✓		Boesen Brimioulle	11-4-25	33 SKYLINE DR. SACO	
4. ✓		Marolyn Bissonnette	11/4/25	25 Ocean Park Rd	Saco, ME
5. ✓		Linda M Babbitt	11/4/25	5 Robin St	Saco, ME
6. ✓		Melissa T Lewis	11/4/25	30 hillview ave	Saco Me.
7. ✓		Ashley Minovski	11/4/25	17 charles rd	Saco, ME
8. ✓		Raven McDonald	11/4/25	40 Village Green Dr	Saco, ME
9. ✓		Camden Marble	11/4/25	27 Storer Street	Saco, ME
10. ✓		Robert D. Kegler	11/4/25	14 Steeple Dr.	Saco, Me
11. ✓		Jessica Snyder	11/4/25	20 North St	Saco, ME
12. ✓		John P. Lyons	11/4/25	89 Union S	Saco, ME
13. ✓		Reece Saunders	11/4/25	420 Boom Road	Saco, ME
14. ✓		Esil Littlefield	11/4/25	24 Rosewood Dr	Saco, ME
15. ✓		Susan L. Cote	11/4/25	4 Hillview Ave Ext	Saco Me.
16. ✓		Shannon Bryant	11/4/25	26 country Club Dr.	Saco, ME
17. ✓		Tara K. Dejardin	11/4/25	42 Bridgewood Dr.	Saco Me.
18. ✓		Cathy Wischmann	11/4/25	100 MAIN ST	Saco ME
19. ✓		Patricia Choroszy	11/4/25	26 Pepperell St	Saco, ME
20. ✓		Ann C. Milliard	11/4/25	26 Lower Beach Rd	Saco, ME
21. ✓		Meaghan Clark	11/4/25	2 Apple Tree Ln	Saco, ME
22. ✓		John Mesuk	11/4/25	174 Jenkins Rd	Saco, ME
23. ✓		Michael Price	11/4/25	12 Brenda Circle	Saco, ME
24. ✓		Maureen Berry	11.4.25	9 Balsam Ln	" "
25. ✓		Kathie Bourgault	11/4/25	19 Steeple Dr	Saco, ME

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator: Susan Mays Printed Name: Susan Mays

Signature of Notary: Printed Name: Marcus Tiamo Talarico Notary Public Maine My Commission Expires

Subscribed to and sworn before me on this date: NOV 04 2025 (Date must be completed by Notary)

Date my Notary Commission expires:

Registrar's Certification

Municipality: Saco Total Valid: 24 (TWENTY-FOUR) Total Invalid: 1 (ONE)

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Date & Time Petition Received: 11/24/2025 @11:20am

Signature of Registrar: Quastrina Ferguson

Date petition certified: 11/25/2025

Petition Log
For Secretary of State Use Only

Petition #: 5943 Valid: 24 Invalid: 1

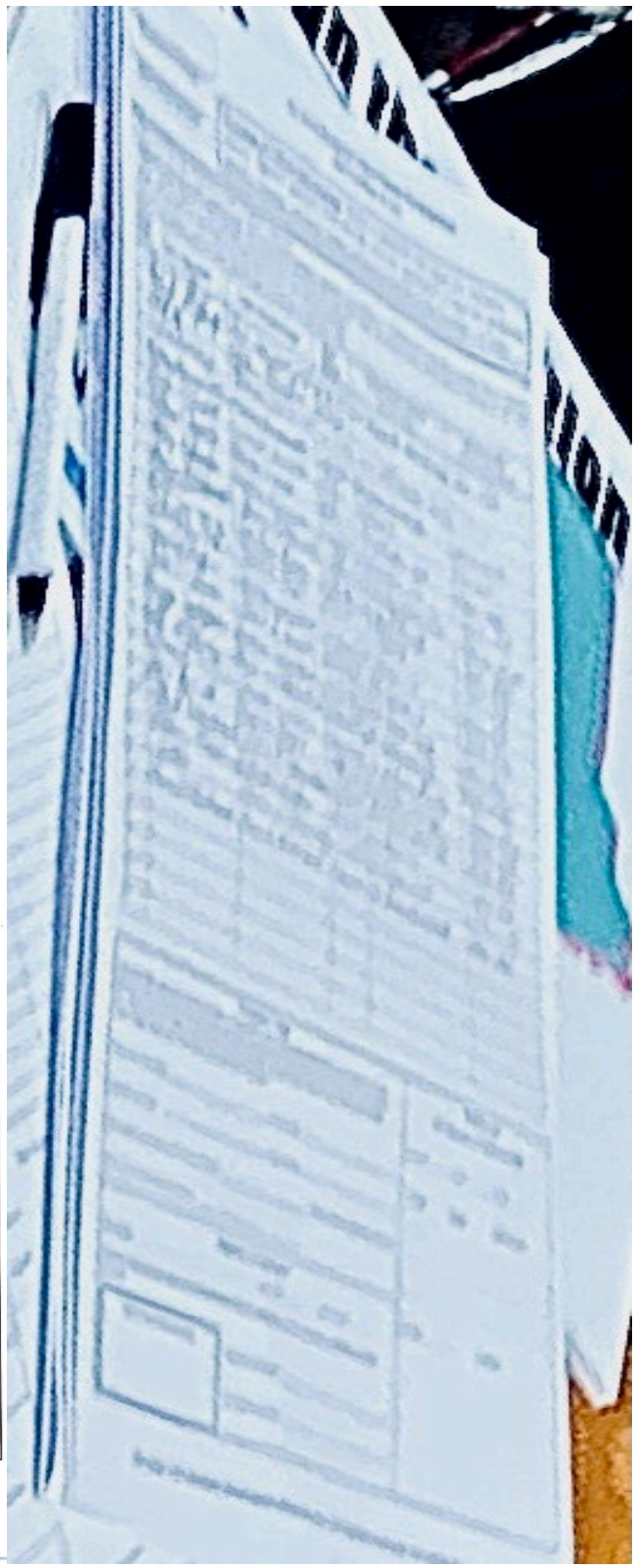
# Invalid	Reason	Signature Lines
1	Reg	2

SOS Staff: Comments:
4 Also 5871/8
14 Also 5939/4

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

R 024095

4



Several points of reference confirm that Petition 5943 is the sheet left upon Mays' table. *First*, line 2 of Petition 5943 has blank fields in the Actual Street Address and Municipality fields, while the third line has a strikethrough that leaves the Municipality Field largely empty. Those distinctive features are visible in the sheet on Mays' table. *Second*, the first signatory—Paul Shaughnessy—signed his name with a looping "P," followed by a sharp "J" for his middle initial and sharp "S" for his last name. The "J" middle initial, along with the "g" and "y" in Shaughnessy notably dip into the second line's signature box, while the "S" in Shaughnessy extends above into the "Voter's Signature" box. Those distinctive features are also visible in the sheet on Mays' table. *Third*, the second line's signature box contains notable blank space in the latter portion of the field—consistent with the abridged manner in which Stephen Thibodea signed his last name. *Fourth*, the handwriting in the fourth line, regarding a Marolyn Bissonnette, only takes up about half of the vertical space in the line, leaving the upper portion of each field empty—a feature visible on both sheets. *Fifth*, substantial blank space is visible in line five of the sheet on Mays' table in the Actual Street Address box—consistent with the "5 Robin Street" entry in line 5 of Petition 5943. *Sixth*, the signature in line 9 of Petition 5943 trails up into the right, leaving the lower-right portion of the box empty. That feature is unmistakably visible on the sheet Mays left on her table. *Seventh*, the sheet left on Mays' table has 20 completed lines, with 5 blank lines remaining at the time the photo was taken. The second to last completed line—line 19—has a shorter signature that leaves the second half of the signature box empty. Sure enough, Line 19 on Petition 5943 contains a signature from Patricia Choroszy that is just "Patricia," leaving the latter portion of the signature field empty—just like the sheet on Mays' table. Careful review of these features leaves no doubt that Mays did in fact submit the petition sheet in Petitioners' Exhibit 9 to the Saco town clerk, contrary to her testimony.

Ms. Mays' inaccurate testimony—whether due to forgetfulness or dishonesty—is reason enough to disregard her testimony in full. *See, e.g.*, *Nikijuluw v. Gonzales*, 427 F.3d 115, 121 (1st Cir. 2005) (explaining that if "proffered testimony is not credible, it may be either disregarded or sharply discounted, depending on the circumstances"); *VanVoorhees v. Dodge*, 679 A.2d 1077, 1080 (Me. 1996) (similar). But there are many other reasons to find her testimony unpersuasive. For example, Mays testified that she took six large boards with her when she left, but that it was too difficult to carry the remaining papers with her. Tr. 165, 182–183. That is improbable. Petitioners' Exhibits show just a small amount of paper left on her table, and Mays ultimately only submitted nine petition sheets from Saco on that day—a modest amount to carry with her. Furthermore, Mays repeatedly testified to the care she took with her petition sheets. Tr. 163, 165–66, 168. Yet she had no cogent explanation for why—after purportedly having already been told someone signed a petition sheet the first time she was absent—she left her petition sheets unattended *again*, without making any effort to restrict members of the public from signing them. Tr. 180–181. Further still, Mays testified that she left only blank sheets on her table when she left it. Tr. 165. But Stubbs testified that she took the photo in Petitioners' Exhibit 9 at 1:52 p.m., just a few minutes after Mays left on the second occasion. Tr. 114. LaSalle confirmed the point, testifying that Mays left shortly after his arrival at 1:45 p.m. Tr. 127, 129. At that point in time, 20 people had already signed the sheet on Mays' table, undercutting her claim that the sheet had been *fully* blank just a few minutes prior. Finally, Mays testified that it would be implausible for any of her abandoned sheets to have 20 signatures on it because she did not "think they even hold that many." Tr. 175. In fact, Maine's petition sheets permit up to 25 signatures on the front side and 30 signatures on the back, once more undercutting the reliability of Mays' testimony. Simply put, Mays' telling of events—which was confused and muddled in any event—is not credible.

3. Adam Turner

The hearing officer also heard credible and unrebutted testimony from Cynthia Grimm that a circulator repeatedly abandoned his petitions when collecting signatures at a Christmas parade in Auburn on December 7, 2025. Tr. 139–140. Grimm, who has previously volunteered for ballot initiative petition drives and served as a notary for such efforts, provided credible testimony that the circulator turned his back on his petition sheets and at times lost them among people standing in line. Tr. 140–141. Upon information and belief, this circulator was Adam Turner, a resident of Lewiston who submitted petition sheets bearing signatures on that day from Auburn. *See* Attachment C. Mr. Turner was identified on both parties' witness lists but did not testify.[3]

While Turner did not leave the general vicinity of his petition sheets entirely, his conduct still violates Maine law, which requires that signatures be made "in the presence" of the circulator. Me. Const. art. IV, pt. 3, § 20; *see also* 21-A M.R.S. § 902 (same). The Law Court has held "that 'presence[]' requires both 'physical proximity' and 'awareness.'" *Knutson*, 2008 ME 124, ¶ 12, 954 A.2d 1054. Moreover, it requires "direct observation" by the circulator. *Id.* ¶ 13. If the circulator "is too far away to see the voters sign their names, then he also cannot verify that each signature is the signature of the person whose name it purports to be." *Id.* ¶ 12. Grimm reliably testified that Turner was frequently many feet away from the petition sheets as they made their way through lines at the Christmas event and, moreover, that he was turned away from his petition sheets and/or often looking at or using his phone to record the goings on at the Christmas event,

[3] To the extent Intervenor disputes the identity of this circulator, confirmation can readily be found from Turner's Facebook page, where he can be seen wearing an identical Patriots cap and sporting the same beard as the individual in Petitioners' Exhibits 18 and 19. *See* https://www.facebook.com/photo.php?fbid=1937799940454047&set=pb.100026721791977.-2207520000&type=3. The hearing office can take notice of Turner's appearance based on photographs from his own Facebook page, which is not reasonably subject to dispute. *See Union Mut. Fire Ins. Co. v. Inhabitants of Town of Topsham*, 441 A.2d 1012, 1016 (Me. 1982).

rather than observing people as they signed the petition sheets. Tr. 140–141. He was thus not "aware[]" of signatures being placed on his petition sheets, nor could he directly observe voters signing their names. *Knutson*, 2008 ME 124, ¶¶ 12–13, 954 A.2d 1054. He therefore falsely swore to personally witnessing the signatures he collected on December 7, 2025, in Auburn.

Finally, the hearing officer should draw adverse inferences with respect to Turner's conduct because he engaged in fraud. As explained in greater detail below, Turner submitted several sheets with relatively few signatures on them that were mostly free of error. But the petition sheets he submitted with larger numbers of signatures—particularly from Lewiston and Auburn—contain improbably high numbers of duplicates and obvious signs of signature forgery. His willingness to violate Maine law in this regard supports concluding he likewise violated his oath on other occasions by failing to properly attend to his petition sheets.

4. Fritz Jean-Baptiste

Petitioners initially called Baptiste as a witness because his petition sheets contain obvious indicia of fraud, as discussed below. In the course of examining Baptiste on that topic, he stated the following unprompted: "There were times where the petition was placed on a table, and there was a crowd of some people, and I did my best to witness *most of the signatures*, yes." Tr. 223 (emphasis added). When pressed as to whether he witnessed "all of the signatures," R.0017, as required, he said: "If there was a crowd, and they were passing the signatures around to a wife, a husband, son and a daughter, I was there within the crowd." Tr. 223. Counsel then asked him if his petition sheets "were being passed amongst the crowd at points," which Baptiste said was "correct." Tr. 224. Counsel asked again, "And you weren't following it around the crowd, it was moving around the crowd. Fair?" *Id.* Baptiste responded "Correct," again. *Id.*

Mr. Baptiste's candid statements are an admission that he did not "personally witness[]" all of the signatures" on his petition sheets. *See* 21-A M.R.S. § 902; *see also* R.0017, R.0019.

When coupled with his fraudulent behavior described below, this admission further warrants invalidating many or all of Baptiste's signatures.[4]

B. The proper remedy is to invalidate all petition sheets from these circulators, or at minimum the sheets from the days in question.

As Petitioners explained to the Superior Court, the proper course charted by the Law Court is to invalidate the petition sheets from these circulators in their entirety because their oaths are unreliable. *See Knutson*, 2008 ME 124, ¶ 12, 954 A.2d 1054; Pet. Br. 17–18. Having sworn false oaths, *any* oath from this circulator should be deemed unreliable. After all, "when a witness lies about one thing, their entire testimony can be deemed false." *De Oliveira v. Garland*, 112 F.4th 12, 29 n.19 (1st Cir. 2024); *see also United States v. Castillero*, 67 U.S. 17, 128–29 (1862) ("When it is once ascertained that a witness is capable of committing perjury, *all* he swears to is rejected as false."); *Lewis v. Hodgdon*, 17 Me. 267, 273 (1840) (explaining that if a person "discredits him[self] on other material facts, the rule *falsus in uno, falsus in omnibus* will apply, and the whole of his testimony must be thrown out"). Moreover, each of these circulators completed an affidavit swearing that they had reviewed the Secretary's circulator instructions, which clearly proscribe leaving petition sheets unattended *for any reason* and require the circulator to "personally witness each voter sign the petition." R.0024; *see also* R.0026. Having demonstrably violated these instructions (and Maine law), these circulators should no longer be deemed qualified.

At minimum, the Secretary must invalidate the petition sheets from these circulators that contain signatures from the relevant dates at issue: November 4, 2025 for Vasquez and Mays, and

[4] While Baptiste did not indicate the date or location upon which he left sheets unattended, his broader pattern of fraud again supports invalidating *all* his petition sheets. *See infra* II.A.1.

December 7 for Turner.[5] Those petitions are as follows:

- Vasquez: Petition 6787, 6790, 6792 and 6805-6811, **totaling 605 validated signatures;**
- Mays: Petition 5937, 5938, 5942, 5943, 5959 and 5963-5966, **totaling 194 validated signatures;**
- Turner: **148 total validated signatures** collected across 28 separate pages,[6] compiled in Attachment C.

The record indisputably reflects that numerous petition sheets were marked in the absence of those circulators and that they accordingly swore false oaths regarding petition sheets on those dates. Vasquez, for example, left on multiple occasions and typically had two stacks of petition sheets displayed on clipboards at any given time, both of which were marked in his absence. Tr. 95; Pets.' Exs. 02, 03. Mays likewise left on several occasions, leaving numerous sheets on her table, and the volume of signatories in her absence further support the fact that many sheets were signed in her absence. And, as Cynthia Grimm testified, Turner collected signatures from people from several towns at the Auburn Christmas festival on petitions that were passed throughout the crowd away from his ability to observe them, or while he looked at his phone or filmed the Christmas festivities. Tr. 145. Simply put, the record reflects that this was not a problem localized to a single sheet. And, in view of their absence, these circulators could *not* have sworn honest oaths as to any petition sheet filled out on that day—they simply did not know what happened to those sheets in their absence.

Intervenor may argue that any invalidation should be limited to fewer than all petition sheets on the day in question. But that argument must be rejected. If Intervenor wished (or wishes)

[5] This distinction in remedy is somewhat academic as to Vasquez and Mays, as *all* their submitted petitions are from November 4, 2025. Accordingly, invalidating all their petition or their petitions from the day in question yields the same result.

[6] Petitions 115, 227, 237, 375, 609, 791, 1542, 2289, 2464, 2790, 2791, 3272, 3512, 3616, 3623, 3625, 3905, 3988, 4204, 4530, 4820, 5389, 5484, 5836, 6590, 6761, 6882, 7989.

to argue for a limited remedy, it bore the burden to demonstrate *which* of the petition sheets from that day were not invalid, once it became clearly established that petition sheets submitted by Vasquez, Mays, and Turner on those dates contained false oaths. Any other rule would be grossly inequitable and would allow a party clearly shown to have violated Maine law to benefit from ambiguity about the scope of their wrongdoing. That is contrary to basic first principles.

Maine courts have long recognized that "the law burdens the wrongdoer with the difficulties of apportionment." *Palleschi v. Palleschi*, 1998 ME 3, ¶ 3, 704 A.2d 383; *see also Macomber v. Dillman*, 505 A.2d 810, 817 (Me. 1986) (Scolnik, J., concurring in part) ("The problems of uncertainty should be placed on the wrongdoer rather than on the innocent party."). For example, in *Dillingham v. Ryan*, the plaintiff (Dillingham) established the defendant (Ryan) had wrongly taken wood and gravel off the plaintiff's property but could only supply an estimated range as to the amount. *See* 651 A.2d 833, 837 (Me. 1994). But once liability was established, that ambiguity weighed against *the defendant*: "The Ryans bore the burden of producing this evidence, because the Ryans' actions created the uncertainty with respect to the amount of damages." *Id.* The Law Court thus affirmed a damages award at the upper bound of the range established by the plaintiff. *Id.*

The U.S. Supreme Court has likewise recognized that this approach reflects "[t]he most elementary conceptions of justice and public policy," which "require that the wrongdoer shall bear the risk of the uncertainty which his own wrong has created." *Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters*, 459 U.S. 519, 552 (1983) (citation omitted). "Th[is] principle is an ancient one." *Estes v. Pineland Farms, Inc.*, No. 2:10-CV-00347-MJK, 2012 WL 1977956, at *2 (D. Me. June 1, 2012) (quoting *Bigelow v. RKO Radio Pictures, Inc.*, 327 U.S. 251, 265 (1946)); *see also Thermo Electron Corp. v. Schiavone Constr. Co.*, 958

F.2d 1158, 1166 (1st Cir. 1992) (citations omitted) ("where the defendant's wrongdoing [has] created the risk of uncertainty, the defendant cannot complain about imprecision").

Here, Petitioners have satisfied their burden to show the circulators submitted false oaths on particular dates and in particular locations, but Intervenor "offered no specific evidence regarding" whether only specific sheets or oaths were tainted by this wrongdoing. *Dillingham*, 651 A.2d at 837. Accordingly, the hearing examiner should at minimum find that every sheet submitted by these circulators with signatures on the dates in question is invalid.

II. The Secretary should invalidate signatures from circulators who, as the record clearly establishes, engaged in pervasive fraud and made false oaths (Challenge 19).

A. Petition sheets submitted by circulators Baptiste, Jackson, Turner, and Harris bear unmistakable indicia of fraud that cannot be ignored.

The record further reflects that at least four circulators—Fritz Jean-Baptiste, Kendrick Jackson, Adam Turner, and Rokelle Harris—engaged in fraud by submitting false signatures. This is quickly evident from two sources in the record: the Master List of Petitions ("Master List") and the relevant petition sheets. The former reflects that these circulators mostly submitted petition sheets with low numbers of signatures from smaller towns, often without issue. The Master List also shows, however, that these circulators—apparently frustrated with the relatively paltry number of signatures gathered from these towns—submitted sheets with more signatures (typically from Lewiston and Auburn) that were rife with obvious fraud. Their motive for doing so was clear: each circulator was paid per signature and thus had incentive to submit as many signatures as possible. The fact that two of these circulators—Baptiste and Jackson—apparently met each other through the circulator known as Cairo only reinforces this inference. Tr. 217 (Baptiste saying he "worked for a coordinated named Cairo"); Tr. 279 (Jackson saying he "work[ed] for Cairo").

Even a cursory review of the petition sheets in question makes clear they are full of falsified signatures. These include duplicative entries made on behalf of the same person, but with visibly

different signatures to even a layperson's eye, often accompanied by basic mistakes like misspelled names or addresses, or listing different municipalities. Suffice it to say, bona fide signatories do not typically miswrite their names or forget what town they identify themselves as living in and the hearing examiner is "not required to exhibit a naiveté from which ordinary citizens are free." *Dep't of Com.*, 588 U.S. at 785. And while isolated mistakes are understandable, the sheer frequency of these errors on the petition sheets in question refute the notion of innocent mistake. Indeed, these four circulators submitted 2994 of the 79,692 total signatures submitted to the Secretary—just 3.7% of the total. But they collectively submitted 37.6% of all signatures identified as marked by another (ANO)—38 of 101, and were responsible for almost 11% of the 1,641 duplicate signatures submitted—181 of 1651. The improbability of these statistics is reinforced by the fact that these inconsistent duplicative signatures often appeared in two places on the very same sheet, or that duplicates frequently appeared between the same two sheets submitted by a circulator. That reflects likely copying by the circulator, rather than that the same random residents of Lewiston or Auburn happened to *all* repeatedly sign the very same petition sheets at the exact same time on two separate occasions.

To top it off, at least two of these circulators—Baptiste and Jackson (and likely Harris)—perjured themselves when testifying, most obviously by swearing that they did not prefill portions of the petition sheets. Tr. 222–23, 310–11. This was pure unforced error. Maine law *permits* circulators to fill out every field *except* the signature field. *See* R.0019. Even so, Baptiste and Jackson denied doing so on petition sheets where multiple fields were obviously completed by the same hand. Simply put, their testimony was not credible and was filled with falsehoods that warrant rejecting their testimony in full—false in one thing, false in all.

1. Fritz Jean-Baptiste

Baptiste is a resident of Georgia who was recruited to come to Maine to collect petition signatures by the circulator known as Cairo, with payment based on a per signature basis. Tr. 217–18. Baptiste's petition sheets follow a familiar pattern that is mirrored by several of the other circulators at issue. *First*, Baptiste collected signatures in New Gloucester on Election Day, submitting five nearly complete petition sheets with zero invalidations. That is consistent with the fact that Election Day is a prime opportunity to collect large numbers of *bona fide* signatures from individuals who are obviously registered to vote in the town at issue. Baptiste's Election Day sheets are summarized in the excerpt below from the Master List.

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
4576	NEW GLOUCESTER	11/4/2025	65	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	0		0		0		0
4577	NEW GLOUCESTER	11/4/2025	64	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	0		0		0		0
4578	NEW GLOUCESTER	11/4/2025	65	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	0		0		0		0
4579	NEW GLOUCESTER	11/4/2025	65	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	0		0		0		0
4580	NEW GLOUCESTER	11/4/2025	65	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	0		0		0		0

After Election Day, however, Baptiste struggled to submit sheets with a significant number of signatures, meaning on most days he earned trivial sums of money. Baptiste submitted 55 petition sheets with just a single signature (often invalidated) and 13 sheets with just two signatures. Of the 95 sheets he submitted, only 17 contained ten or more signatures, half of which are from Election Day in New Gloucester. *See generally* Master List. In other words, Baptiste spent months in Maine with little to show for it.

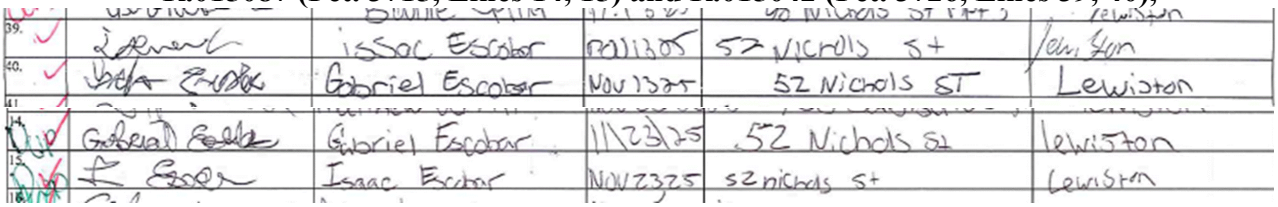
It thus appears that, after Election Day, Baptiste began to engage in fraud to pad his signature numbers. His remaining petition sheets with over ten signatories—mostly from Lewiston—contain improbably high rejection rates due to signatories not being registered (REG), having already signed (DUP), or their signatures not matching the one on file (ANO). The below excerpt of the Master List summarizes this conspicuously high rejection rate.

FINAL Master List

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total inval
7937	WINTHROP	11/25/2025	29	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	6	REG	11	DUP	1	WD	18
3709	LEWISTON	11/25/2025	48	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	7	REG	10	DUP	0		17
6018	SANFORD	11/25/2025	13	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	DUP	9	ANO	0		10
3721	LEWISTON	11/18/2025	47	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	7	REG	8	DUP	2	WD	17
3715	LEWISTON	11/25/2025	23	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	3	REG	5	DUP	0		8
3720	LEWISTON	11/18/2025	53	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	8	REG	4	DUP	0		12
3726	LEWISTON	11/18/2025	48	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	10	REG	4	DUP	2	ANO	16
7793	WINSLOW	11/25/2025	18	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	3	REG	4	DUP	0		7
3713	LEWISTON	11/25/2025	21	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	REG	3	DUP	0		4
1845	CUMBERLAND	11/25/2025	0	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	WD	1	DATE	0		2
1846	CUMBERLAND	11/25/2025	5	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	WD	1	ANO	0		2
7924	WINTHROP	11/25/2025	18	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	6	REG	1	DUP	0		7

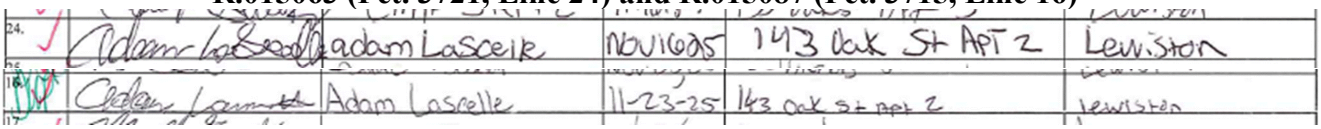
Inspection of these underlying petition sheets reveals clear fraud. The following are examples of duplicative entries within Baptiste's own petition sheets, meaning he submitted *both* of the following signatures, often close in time or even on the same day.

R.015087 (Pet. 3715, Lines 14, 15) and R.015042 (Pet. 3726, Lines 39, 40),



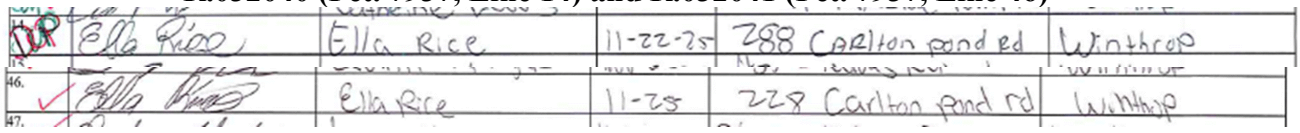
(Duplicative entries from Gabriel and Isaac Escobar but with "Isaac" spelled differently and visibly different signatures)

R.015063 (Pet. 3721, Line 24) and R.015087 (Pet. 3715, Line 16)



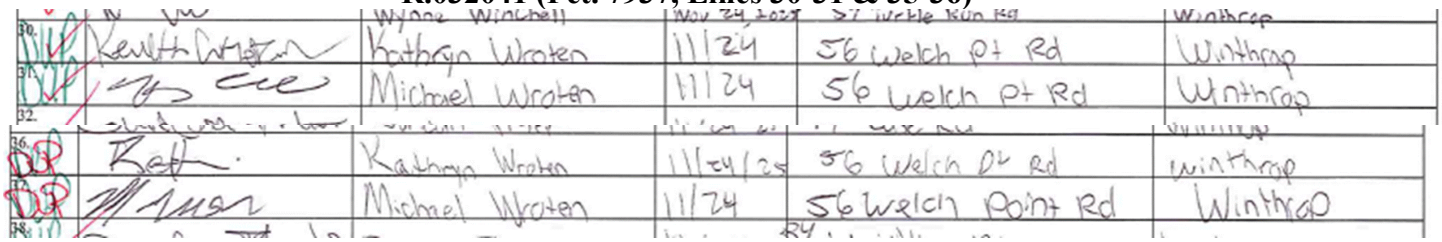
(*Duplicative entries of Adam Lascelle, one week apart, with "S" capitalized in one, and visibly different signatures)*

R.032040 (Pet. 7937, Line 14) and R.032041 (Pet. 7937, Line 46)



(*Duplicative entries of Ella Rice in November, with her address written "288" and then "228," respectively, and with visibly different signatures)*

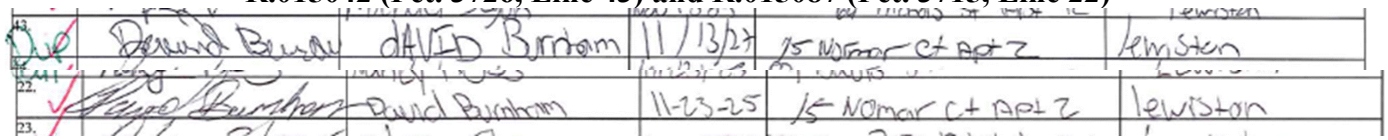
R.032041 (Pet. 7937, Lines 30-31 & 35-36)



30.	Kathryn Wroten	Kathryn Wroten	11/24	56 Welch Pt Rd	Winthrop
31.		Michael Wroten	11/24	56 Welch Pt Rd	Winthrop
32.					
36.	Kathryn Wroten	Kathryn Wroten	11/24/25	56 Welch Pt Rd	Winthrop
37.	Michael Wroten	Michael Wroten	11/24	56 Welch Point Rd	Winthrop
38.					

(Duplicative entries for Kathryn and Michael Wrotten five lines apart on the very same November 24 petition sheet, with different signatures, but prefilled name, date, address, and municipality fields written in same hand)

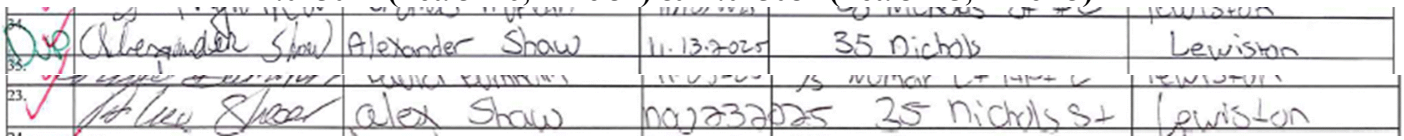
R.015042 (Pet. 3726, Line 43) and R.015087 (Pet. 3715, Line 22)



43.	David Burnham	DAVID Burnham	11/13/25	15 Nomar Ct Apt 2	Lewiston
22.		David Burnham	11-23-25	15 Nomar Ct Apt 2	Lewiston
23.					

(*Duplicative entry for David Burnham, ten days apart, with visibly different signatures)*

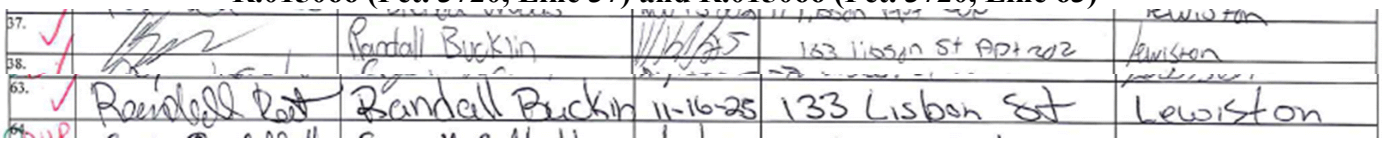
R.015042 (Pet. 3726, Line 34) & R.015087 (Pet. 3715, Line 23)



34.	Alexander Shaw	Alexander Shaw	11.13.2025	35 Nichols	Lewiston
35.					
23.	Alex Shaw	Alex Shaw	11/23/2025	35 Nichols St	Lewiston

(Duplicative entry for Alexander Shaw, written "Alexander" in one instance and "Alex" on another, ten days apart, with visible different signatures)

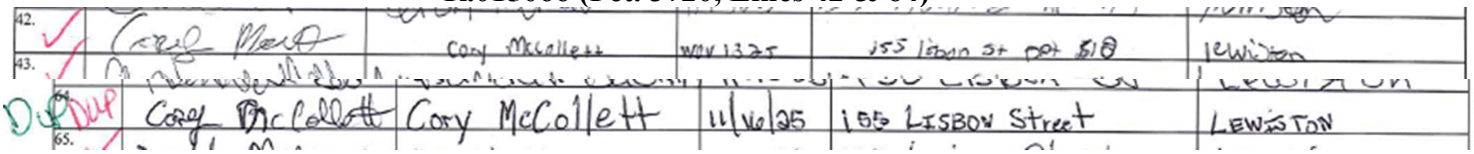
R.015066 (Pet. 3720, Line 37) and R.015066 (Pet. 3720, Line 63)



37.		Randall Bucklin	11/16/25	163 Libson St Apt 202	Lewiston
38.					
63.	Randall Bucklin	Randall Buckin	11-16-25	133 Lisbon St	Lewiston
64.					

(Duplicative entry for Randall Bucklin on the same day, seemingly written "Buckin" in one instance, and with address written as "163" in one entry but "133" in another, with the first entry misspelling "Lisbon" as "Libson" along with visibly distinct signatures).

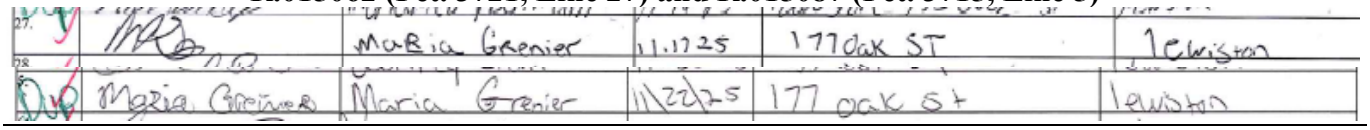
R.015066 (Pet. 3720, Lines 42 & 64)



42.		Cory McCollett	11/16/25	155 Lisbon St Apt 510	Lewiston
43.					
64.	Cory McCollett	Cory McCollett	11/16/25	155 LISBON Street	LEWISTON
65.					

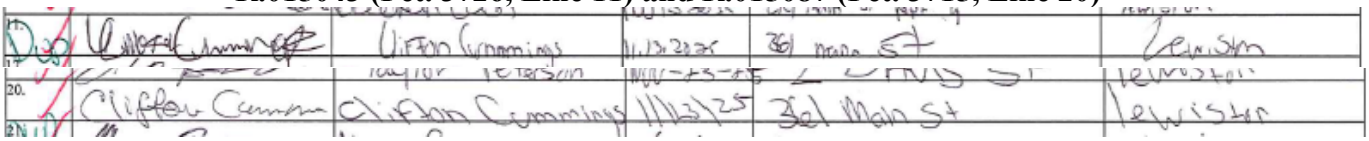
(Duplicative entry for Cory McCollett, three days apart but on the very same petition sheet, including his apartment number in one entry but not the other, along with a visibly distinct signature).

R.015062 (Pet. 3721, Line 27) and R.015087 (Pet. 3715, Line 5)



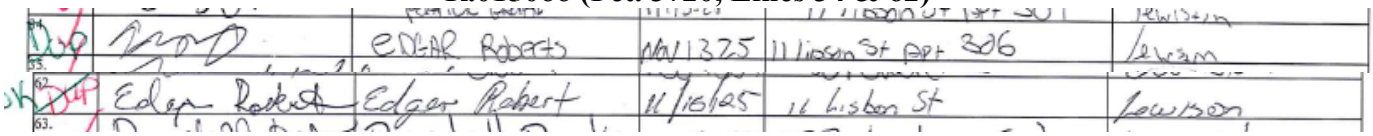
(Duplicative entry for Maria Grenier, five days apart and with visibly distinct signature)

R.015043 (Pet. 3726, Line 11) and R.015087 (Pet. 3715, Line 20)



(Duplicative entry for Clifton Cummings, ten days apart, with visibly distinct signatures)

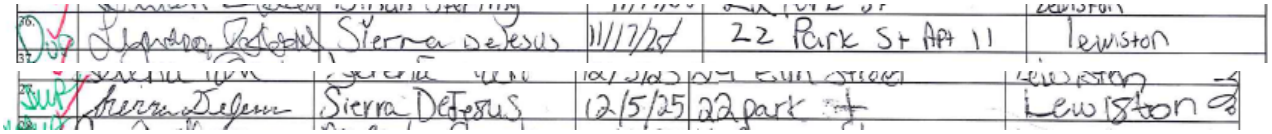
R.015066 (Pet. 3720, Lines 34 & 62)



(Duplicative entry for Edgar Roberts, made three days apart but on the same petition sheet, with last name spelled "Roberts" in one instance and "Robert" in another, Lisbon spelled as "Libson" in the first line, apartment number included in one address but not the other, and visibly distinct signatures)

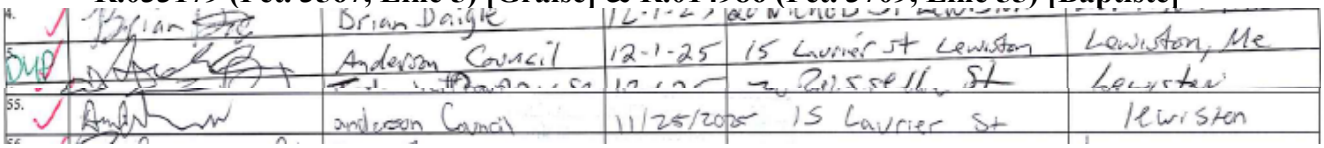
The fraud on these sheets is barely concealed, with nearly every entry above including an obvious giveaway, such as an inconsistent spelling of the person's own name ("Robert" versus "Roberts," "Issac" versus "Isaac"); inconsistent printing of the person's own street number ("163 libson street" versus "133 Lisbon Street," 288 Carlton Pond Rd" versus "228 Carlton Pond Rd"); consistent misspelling of "Libson Street" as "Libson Street," and inconsistent capitalization of a first name ("issac," "adam," "david," and "edgar"). Baptiste submitted even more suspicious signatures when compared against sheets submitted by *other circulators*, including Adam Turner and Dennis Graise—circulators who also had improbably high invalidation rates on petition sheets submitted from Lewiston. Two such examples follow.

R.015062 (Pet. 3721, Line 36) [Baptiste] and R.014674 (Pet. 3623, Line 27) [Turner]



(Duplicative entry of Sierra DeJesus, with apartment listed in one entry but not the other and visibly different signatures)

R.033179 (Pet. 3567, Line 5) [Graise] & R.014986 (Pet. 3709, Line 55) [Baptiste]



(Duplicative entry for Anderson Council, with visibly different signature).

Baptiste had no serious explanation for these obviously fraudulent entries beyond attributing them to random chance, an incredible explanation given the sheer volume of problems on his sheets. When asked, for example, if Isaac Escobar forgot how to spell his own name, Baptiste speculated there "might be two Isaacs in this town," even though both entries concern the Isaac Escobar living at 52 Nickel Street. Tr. 229. When asked to compare their signatures, Baptiste refused, repeatedly asserting he was not a "handwriting expert," even while agreeing that he was "pretty sure everyone knows how to sign a name." Tr. 229–30. When asked if he often misspelled his own name or capitalized random letters, he said he might do so based on his "mood." Tr. 233. And when asked specifically about Michael and Kathryn Wrotten, whose names appear *five lines apart* on the *same petition sheet*, but with different signatures, Baptiste admitted he could not answer how that happened. Tr. 235–39.

Baptiste provided other incredible testimony. For example, he was asked about a petition sheet he submitted from Sanford, and specifically whether his handwriting appeared anywhere on the body of the page. For example, he was asked whether it was his "testimony that a different person wrote 'Sanford' in each" entry in the municipality column. Tr. 222. After reviewing the sheet, he responded: "Correct." Tr. 223. As the following page from Sanford shows, that response

asks the hearing examiner to ignore common sense and to disbelieve her own eyes, as Sanford is obviously written in the same hand for most entries, as are many other fields.

Fritz Baptiste
Printed Name of Circulator
4950
Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
1.	√	DAVID CARPENTER	11/22/25	27 H CARDLEWOOD LANE	SANFORD
2.	DUP √	michale Fraser	11/22/25	1 cook Forest St	sanford
3.	√	Jennifer Ucci	11/22/25	167 high st.	Sanford
4.	√	patrica Smart	11/22/2025	147 HIGH St	Sanford
5.	AND √	Melissa Brown	11/22	8 Guilkmette st	Sanford
6.	√	Martin Eldert	11-22-25	84 Bateman St	Sanford
7.	√	Alisa Kelley	11/22/25	84 Bateman St	sanford
8.	AND STF √	robin maynard	11/22/25	24 Gillemette st	sanford
9.	√	Denis bouthyamsso	11/22/25	63 [illegible]	sanford
10.					
11.	√	Emma Westgate	11-22-25	13 Wilson St	Sanford
12.					
13.	AND √	Patrick Robichaud	11/22/25	7 wilson St	Sanford
14.	√	Piare Sullivan	11-22-25	8 benoit St	sanford
15.	√	Allyson Malloy	11-22-25	7 Collins Way	Sanford
16.	√	Spencer Wilkinson	11/22	7 Collins Way	Sanford
17.	AND √	Linda Ginchereau	11/23/25	19 State st	Sanford
18.	√	William Lavertier	11/23/2025	30 State apt a	Sanford
19.	AND √	Rah Hem	11/23	6 henry ave	Sanford
20.	√	Tharin Kenan	11/23	6 Henry Ave	Sanford
21.	AND √	Gregory King	11-23-2025	26 Ingalls St	Sanford
22.	AND √	Carole Veit	11-23-25	6 Ford st	Sanford
23.	AND √	Natisha Moran	11-23	7 maple st	Sanford
24.	AND √	Cara Cooney	11/23	39 Riverside Ave	Sanford
25.	√	Janet McKinney	11/23	63 Riverside Ave APT F	Sanford

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator: F. Baptiste — Printed Name: Fritz Baptiste

Signature of Notary: [signature] — Printed Name: Marcus Tiberio Laferrico

Notary Public - Maine
My Commission Expires
5/12/2029

Subscribed to and sworn before me on this date: NOV 25 2025 (Date must be completed by Notary)

Date my Notary Commission expires: _____

Registrar's Certification

Municipality: Sanford — Total Valid: 14 — Total Invalid: 9

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor. #lines # 10 + 12 were crossed out prior to receiving petition #

Date & Time Petition Received: 12/10/25 @ 10:50 AM

Signature of Registrar: Michelle Lemieux Deputy Clerk

Date petition certified: 12-10-25

Lines 10 & 12 Crossed out w/l received

Petition Log
For Secretary of State Use Only

Petition #: 6018 — Valid: 13 — Invalid: 10

# Invalid	Reason	Signature Lines
1	DUP	2
9	AND	5,8,13,17,19,21-24

SOS Staff: AP — Comments: 2 DUP 5995/132

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

R 024452

4

To be clear, under Maine law circulators are *permitted* to prefill certain fields on petition sheets, making Baptiste's testimony all the more notable. In his effort to make blanket denials of wrongdoing, it appears that Baptiste perjured himself regarding conduct that is, at least in some contexts, permissible.

The Sanford example is no outlier. Many of Baptiste's sheets include prefilled fields, including most obviously R.032040–41 (Winthrop), R.015086–87 (Lewiston), R.014986–87 (Lewiston), R.014971 (Lewiston). While such prefilling is not problematic *per se*, it provides further context establishing both that (1) Baptiste gave inaccurate testimony about never writing anywhere on the sheets beyond printing his name and signing the oath; and (2) Baptiste sought to juice his signature numbers after failing to obtain *bona fide* signatures after Election Day in New Gloucester. The hearing examiner should therefore conclude that he submitted fraudulent petitions.

2. Kendrick Jackson

Like Baptiste, Jackson also came to Maine from out-of-state to collect signatures through the circulator known as Cairo. Tr. 279.[7] He also worked frequently with Baptiste, and was also paid on a per signature basis. Tr. 280, 290. Jackson's pattern of conduct matches Baptiste's to a tee. Like Baptiste, he initially collected large numbers of seemingly *bona fide* signatures on Election Day in Gray, as the following excerpt from the Master List shows.

[7] Jackson could not recall the names of most of the other circulators recruited by Cairo, even though he testified to constantly traveling with them for up to 90 days. Tr. 291, 301. He did mention one circulator—Bobbie—who upon information and belief is Bobbie Nichols. Nichols' circulating conduct follows the same pattern as Baptiste and Jackson—large numbers of valid signatures on Election Day (in Kennebunk), followed by sheets with few signatures and then a handful of sheets with many signatures and extremely high invalidation rates. In particular, Nichols submitted a petition sheet (number 3733) comprised nearly entirely of entries at 23 Spofford Street in Lewiston, most of whom turned out to be not registered. The address corresponds to an assisted living facility. *See* https://lewistonhousing.org/contact/. It is therefore likely that Nichols engaged in misconduct alongside many other circulators recruited by Cairo.

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
2735	GRAY	11/4/2025	16	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	0		0		0		0
2736	GRAY	11/4/2025	43	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	1	DUP	0		2
2744	GRAY	11/4/2025	60	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	0		0		2
2743	GRAY	11/4/2025	62	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	0		0		1
2737	GRAY	11/4/2025	64	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	0		0		1
2738	GRAY	11/4/2025	64	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	0		0		1
2741	GRAY	11/4/2025	64	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	0		0		1
2742	GRAY	11/4/2025	64	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	0		0		0		0
2739	GRAY	11/4/2025	65	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	0		0		0		0
2740	GRAY	11/4/2025	65	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	0		0		0		0

After Election Day, however, Jackson struggled. Of his 88 petition sheets, all but 19 contain fewer than 10 signatures, mostly from a diverse mixture of smaller towns. Jackson even returned to Gray—which he fondly recalled in his testimony—after Election Day but met with less success. On November 11, he submitted a petition sheet from Gray with 28 signatures, 11 of which were invalidated for not coming from a registered voter. R.11507-08.

Like Baptiste, Jackson seemingly resorted to fraud to inflate his signature count. The record shows that, excepting Gray, Jackson's petition sheets with larger numbers of signatures (particularly from Auburn) include improbably higher invalidation rates.

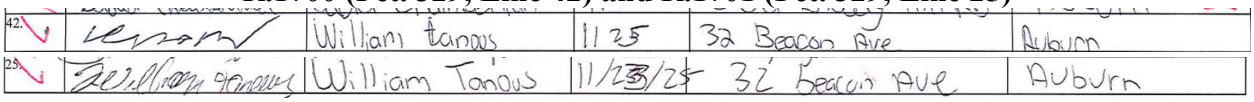
petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
329	AUBURN	11/25/2025	40	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	5	REG	20	DUP	0		25
7214	WATERVILLE	11/25/2025	3	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	20	ANO	0		22
330	AUBURN	11/25/2025	45	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	17	DUP	0		19
294	AUBURN	11/18/2025	47	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	4	REG	13	DUP	1	WD	18
3725	LEWISTON	11/18/2025	50	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	9	DUP	1	DATE	12
4831	OAKLAND	11/25/2025	17	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	7	DUP	1	WD	10
7662	WINDHAM	11/25/2025	19	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	3	DUP	1	WD	6
3866	LISBON	11/18/2025	7	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	3	REG	2	DUP	0		5
6911	TURNER	11/25/2025	21	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	2	DUP	0		4
2736	GRAY	11/4/2025	43	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	1	DUP	0		2
2731	GRAY	11/11/2025	17	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	11	REG	0		0		11

Indeed, among all circulators for the ballot initiative, Jackson submitted the *three* petition sheets with the highest invalidation rates for duplication—gold, silver, and bronze.

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
329	AUBURN	11/25/2025	40	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	5	REG	20	DUP	0		25
330	AUBURN	11/25/2025	45	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	17	DUP	0		19
294	AUBURN	11/18/2025	47	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	4	REG	13	DUP	1	WD	18

Once more, inspection of these petition sheets reveals fraudulent conduct that is impossible to ignore. In particular, Petition 329 (R.001700–71) evidences an astounding degree of fraud. The following record excerpts compare signatures from that sheet to others also submitted by Jackson.

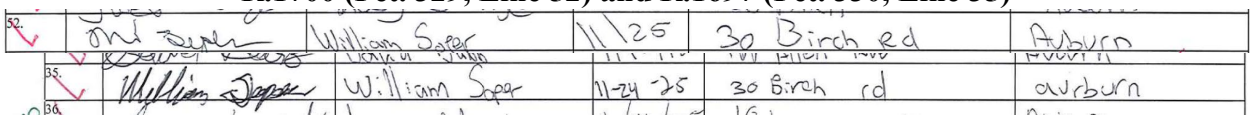
R.1700 (Pet. 329, Line 42) and R.1701 (Pet. 329, Line 25)



42.		William Tanous	11 25	32 Beacon Ave	Auburn
25.		William Tanous	11/23/25	32 Beacon Ave	Auburn

(Duplicative entry for William Tanous on the very same petition sheet, with visibly different signature)

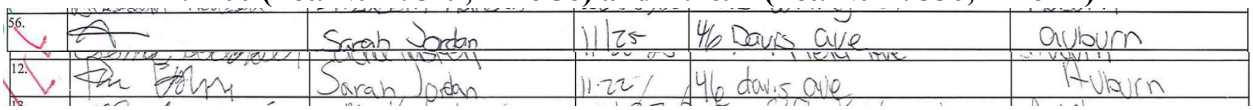
R.1700 (Pet. 329, Line 52) and R.1697 (Pet. 330, Line 35)



52.		William Soper	11/25	30 Birch rd	Auburn
35.		William Soper	11-24-25	30 Birch rd	aurburn

(Duplicative entry of William Soper with visibly different signatures, the second of which misspells Auburn as "aurburn")

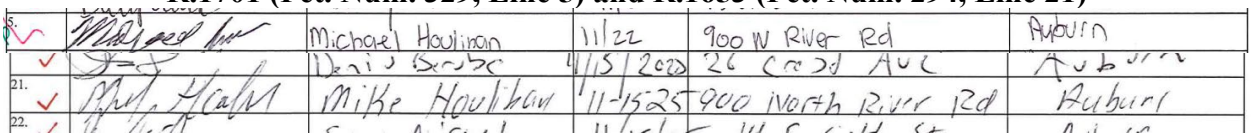
R.1700 (Pet. Num. 329, Line 56) and R.1697 (Pet. Num. 330, Line 12)



56.		Sarah Jordan	11/25	46 Davis Ave	auburn
12.		Sarah Jordan	11-22	46 davis ave	Auburn

(Duplicative entry for Sarah Jordan, with fields seemingly pre-filled in same hand, but with visibly different signatures)

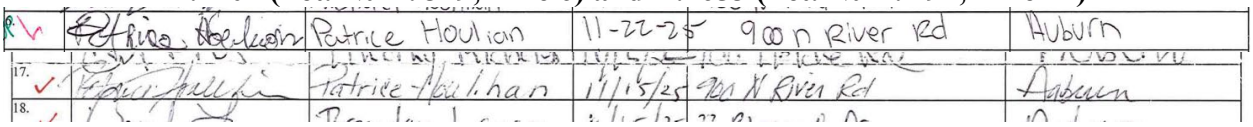
R.1701 (Pet. Num. 329, Line 5) and R.1653 (Pet. Num. 294, Line 21)



5.		Michael Houlihan	11/22	900 W River Rd	Auburn
21.		Mike Houlihan	11-15-25	900 North River Rd	Auburn
22.					

(Duplicative entry for Michael Houlihan with visibly distinct signatures)

R.1701 (Pet. Num. 329, Line 6) and R.1653 (Pet. Num. 294, Line 17)

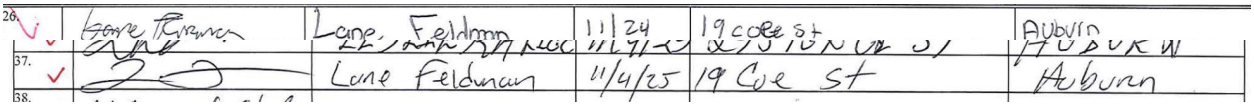


6.		Patrice Houlian	11-22-25	900 n River Rd	Auburn
17.		Patrice Houlihan	11/15/25	900 N River Rd	Auburn
18.					

(Duplicative entry for Patrice Houlihan, with last name misspelled "Houlian," and visibly distinct signatures)

The following examples are from the same Petition (number 329), but reflect fraudulent duplicates compared to sheets submitted by other circulators:

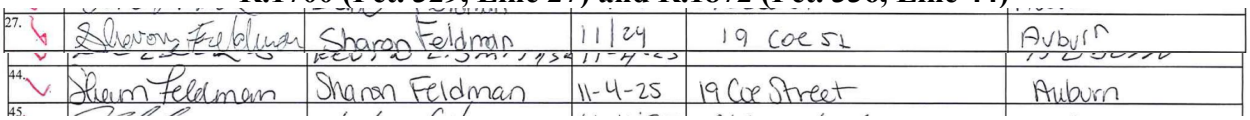
R.1700 (Pet. 329, Line 26) and R.1868 (Pet. 337, Line 37)



26.	Lane Feldman	Lane Feldman	11/24	19 core st	Auburn
37.		Lane Feldman	11/4/25	19 Coe St	Auburn
38.					

(Duplicative entry for Lane Feldman, with address misspelled as "Core" in one line, and visibly different signatures)

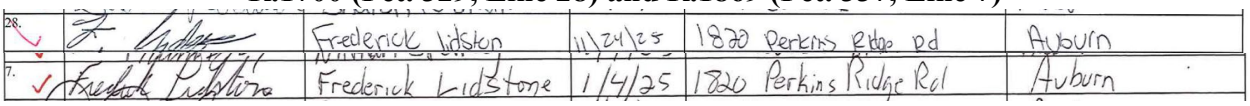
R.1700 (Pet. 329, Line 27) and R.1872 (Pet. 336, Line 44)



27.	Sharon Feldman	Sharon Feldman	11/24	19 coe st	Auburn
44.	Sharon Feldman	Sharon Feldman	11-4-25	19 Coe Street	Auburn
45.					

(Duplicative entry for Sharon Feldman with visibly different signatures)

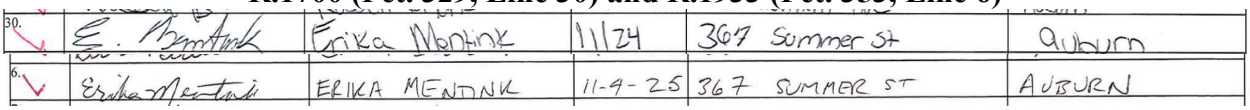
R.1700 (Pet. 329, Line 28) and R.1869 (Pet. 337, Line 7)



28.		Frederick Lidston	11/24/25	1820 Perkins Ridge rd	Auburn
7.	Frederick Lidstone	Frederick Lidstone	11/4/25	1820 Perkins Ridge Rd	Auburn

(Duplicative entry for Frederick Lidstone, with name spelled as "Lidston" in one instance, and visibly distinct signatures)

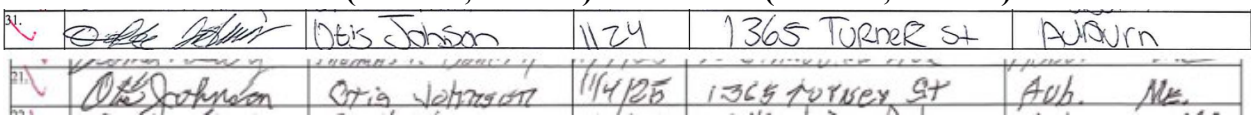
R.1700 (Pet. 329, Line 30) and R.1933 (Pet. 353, Line 6)



30.	E. Montink	Erika Montink	11/24	367 Summer St	Auburn
6.	Erika Mentink	ERIKA MENTINK	11-9-25	367 SUMMER ST	AUBURN

(Duplicative entry for Erika Montink, with last name spelled as "Mentink" in one entry, and visibly different signatures)

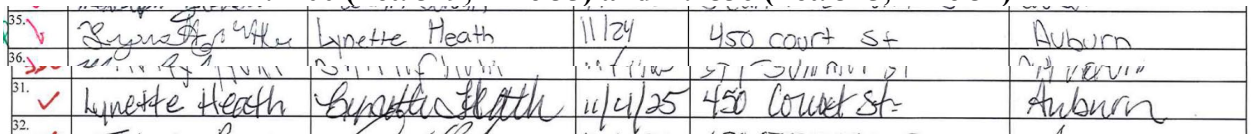
R.1700 (Pet. 329, Line 31) and R.1873 (Pet. 336, Line 21)



31.		Otis Johnson	1124	1365 TURNER St	AUBURN
21.	Otis Johnson	Otis Johnson	11/4/25	1365 Turner St	Aub. Me.

(Duplicative entry for Otis Johnson with visibly different signatures)

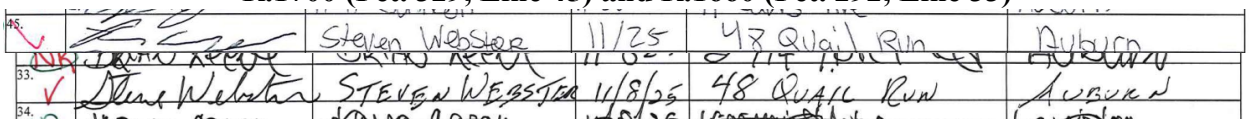
R.1700 (Pet. 329, Line 35) and R.1836 (Pet. 345, Line 31)



35.		Lynette Heath	11/24	450 court St	Auburn
36.					
31.	Lynette Heath	Lynette Heath	11/4/25	450 Court St	Auburn
32.					

(Duplicative entry for Lynette Heath, with visibly different signatures)

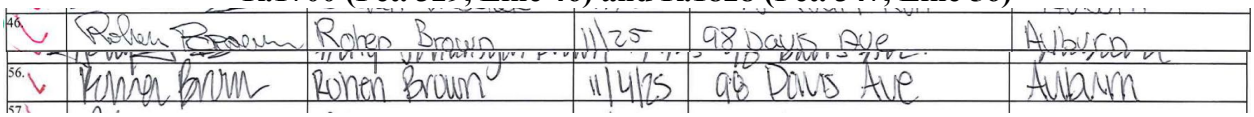
R.1700 (Pet. 329, Line 45) and R.1660 (Pet. 292, Line 33)



45.		Steven Webster	11/25	48 Quail Run	Auburn
33.	Steven Webster	STEVEN WEBSTER	11/8/25	48 QUAIL RUN	AUBURN
34.					

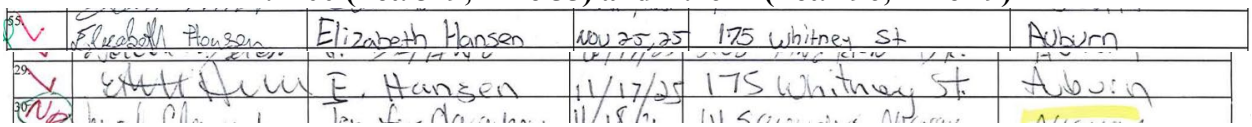
(Duplicative entry for Steven Webster with visibly different signature)

R.1700 (Pet. 329, Line 46) and R.1828 (Pet. 347, Line 56)



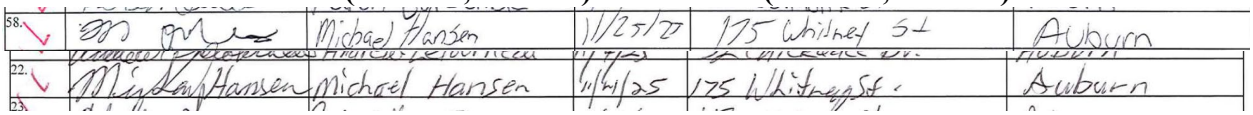
(Duplicative entry for Rohen Brown with visibly different signature)

R.1700 (Pet. 329, Line 55) and R.1644 (Pet. 296, Line 29)



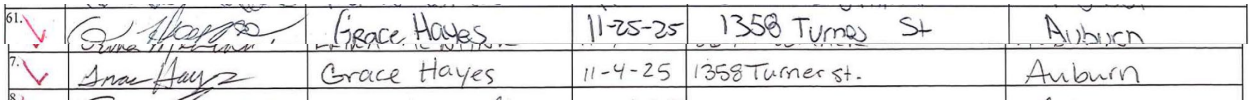
(Duplicative entry for Elizabeth Hansen with use of initial in one, but not the other, and visibly distinct signatures)

R.1700 (Pet. 329, Line 58) and R.1937 (Pet. 352, Line 22)



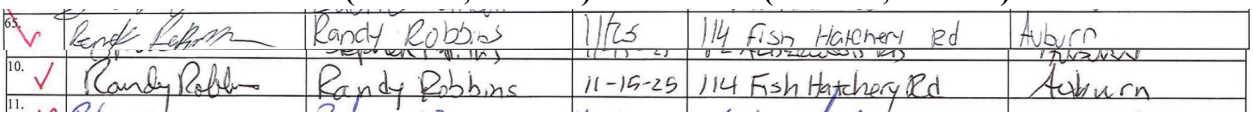
(Duplicative entry for Michael Hansen with visibly different signatures)

R.1700 (Pet. 329, Line 61) and R.1933 (Pet. 353, Line 7)



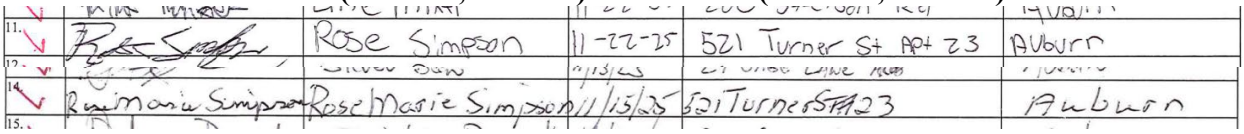
(Duplicative entry for Grace Hayes with visibly different signatures)

R.1700 (Pet. 329, Line 65) and R.1769 (Pet. 312, Line 10)



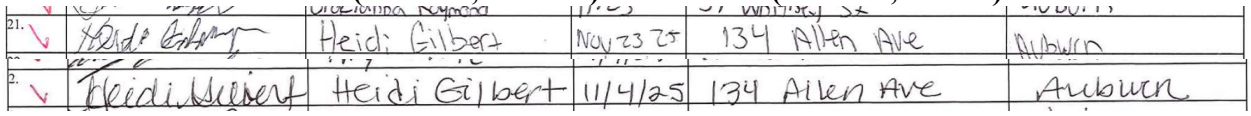
(Duplicative entry for Randy Robbins with visibly distinct signatures)

R.1701 (Pet. 329, Line 11) and R.1645 (Pet. 296, Line 14)



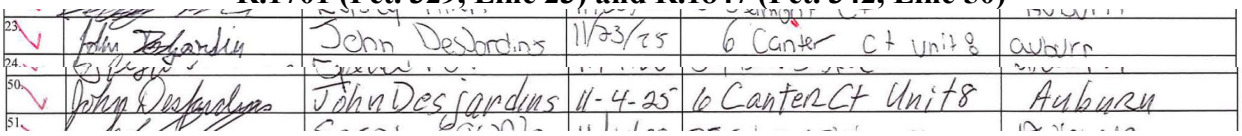
(Duplicative entry for Rose Simpson, with inconsistent use of middle name in both signature and printed name, inconsistent address conventions, and visibly different signatures)

R.1701 (Pet. 329, Line 21) and R.1833 (Pet. 346, Line 2)



(Duplicative entry for Heidi Gilbert with visibly different signatures)

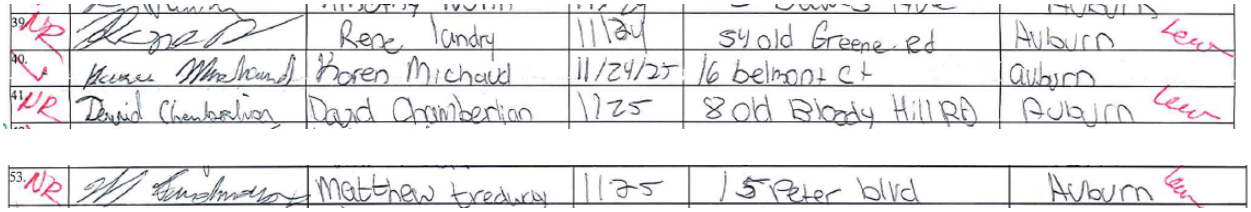
R.1701 (Pet. 329, Line 23) and R.1847 (Pet. 342, Line 50)



23.	John DesJardins	John DesJardins	11/23/25	6 Canter Ct unit 8	auburn
24.					
50.	John DesJardins	John DesJardins	11-4-25	6 Canter Ct Unit 8	Auburn
51.					

(Duplicative entry for John DesJardins with visibly different signatures)

Petition 329 contains yet more indicia of obvious fraud. For example, three entries contain the notation "Lew" in red ink, reflecting that the addresses at issue—54 Old Greene Road, 8 Old Bloody Hill Road, and 15 Peter Boulevard—actually exist in Lewiston, rather than Auburn. It beggars belief that these signatories forgot that they lived in Lewiston and mistakenly signed their entries—all in the same hand no less—with Auburn.

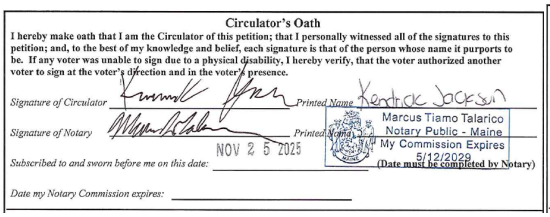


39.	NR		Rene Landry	11/24	54 old Greene Rd	Auburn Lew
40.		Karen Michaud	Karen Michaud	11/24/25	16 belmont ct	auburn
41.	NR	David Chamberlain	David Chamberlain	11/25	8 old Bloody Hill Rd	Auburn Lew
53.	NR		Matthew Fredrick	11/25	15 Peter blvd	Auburn Lew

In contrast, it makes perfect sense that Jackson—an out-of-state circulator who knew Lewiston and Auburn to be twin cities, Tr. 307—might confuse the two.

Petitioners never had an opportunity to properly examine Jackson about these flagrantly problematic entries because he did not make himself available by Zoom, purportedly due to being on an unidentified vessel in the Pacific Ocean. Tr. 266. Even so, Jackson's testimony via telephone revealed a lack of credibility, on things big and small. For example, Jackson testified to collecting "a lot of signatures" at the Bangor Christmas Parade (Tr. 285)—an event held on December 6, 2025—but his sole Bangor petition sheet was submitted on November 18 and contained just four signatures. R.2565. Similarly, counsel pressed Jackson to explain why many entries on his sheets included people misspelling their own names. When asked whether he sometimes misspells his own name, such as with "two Ks instead of one," he said that "[i]t can happen." Tr. 288. Jackson, using language remarkably similar to that offered by Baptiste, also testified that his own signature

can vary "depending on [his] mood." Tr. 300. Yet his actual signatures on his petition oaths bear remarkable consistency, unlike many of the duplicative signatures on his sheets, as the exemplars below show (R.1701, R.1653, R.29163, R.1697).



Circulator's Oath

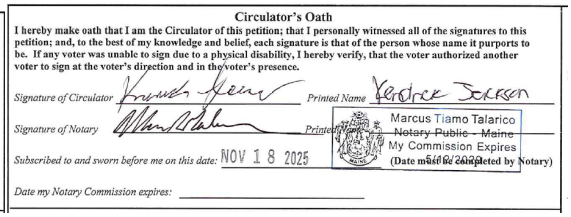
I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator _____ Printed Name Kendrick Jackson

Signature of Notary _____ Printed Name Marcus Tiamo Talarico Notary Public - Maine My Commission Expires 5/12/2029

Subscribed to and sworn before me on this date: NOV 2 5 2025 (Date must be completed by Notary)

Date my Notary Commission expires: _____



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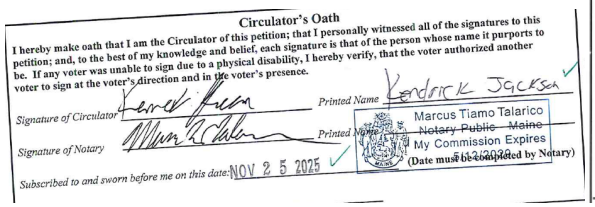

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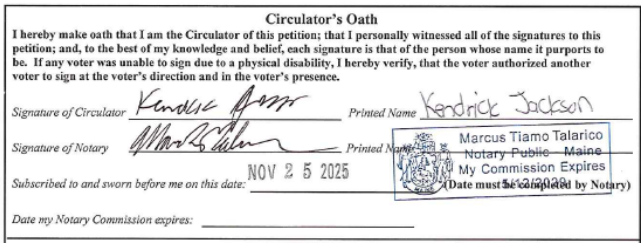

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Signature of Notary _____ Printed Name Marcus Tiamo Talarico Notary Public - Maine My Commission Expires 5/12/2029

Subscribed to and sworn before me on this date: NOV 2 5 2025 (Date must be completed by Notary)

Date my Notary Commission expires: _____

Jackson testified inconsistently on other points too. For example, he originally stated that he oftentimes saw "a wife . . . come by and sign for her or her husband," Tr. 272, but later insisted that he only ever saw family members prefill non-signature fields, Tr. 310.

Finally, Jackson discredited his own testimony in the same way Baptiste did by insisting he never prefilled petition sheets, or wrote in any field on his petition sheets. Tr. 310–11. Counsel asked him if he "ever pre-fill[ed] any part of the petition sheets for people who signed them." Tr. 310. Jackson responded: "Never." Tr. 311. Counsel then asked specifically about Auburn: "So there's no petition sheets you submitted where it looks like maybe the same person wrote out the name Auburn in all the lines?" Tr. 311. Jackson responded: "No." Tr. 311. But Jackson submitted *many* such petition sheets, with just a small sample below.

Printed Name of Circulator

Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

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	Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26.		John Pulas	John Pulas	11.16.25	18 Charles St	Auburn
27.			Louise Griffin	11.16.25	2 charles st	auburn
28.		Cindy Bowman	Cindy Bowman	11.16.25	7 Clark St	Auburn
29.	LW	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
30.	DUP	Helene Gendell	Helene Gendell	11.16.25	16 Cliff St	Auburn
31.	DUP	Michael Gendell	Michael Gendell	11.16.25	16 Cliff St	Auburn
32.		Catherine Ramey	Catherine Ramey	11.16.25	8 cliff St	Auburn
33.	DUP	Zeure Proctor	Zeure Proctor	11/16/25	36 Coachman Ave	Auburn
34.	DUP	Nathaniel Proctor	Nathaniel Proctor	11/16/25	36 coachman ave	auburn
35.		Archie Miller	Archie Miller	NOV 16 2025	19 Coachman Ave	Auburn
36.		Tina Miller	Tina Miller	11.16.25	19 Coachman Ave	Auburn
37.		Donald Helwig	Donald Helwig	11/16/25	59 Coachman ave	Auburn
38.		Elaine Berry	Elaine Berry	11.16.25	107a Lake Shore dr	Auburn
39.		Julie Francoeur	Julie Francoeur	11.16.25	36 Lexis Ln	auburn
40.		Linda Thibault	Linda Thibault	11/16/25	23 Mayfield rd	Auburn
41.		IAin Fumiento	IAin Fumiento	11.16.25	585 Maple Hill Rd	Auburn
42.		holly swain	holly swain	11.16.25	20 Egl Hollow dr	Auburn
43.		Sally Gagnon	Sally Gagnon	11.16.25	10 Groceteun Rd 4	Auburn
44.		Joseph Foltz	Joseph Foltz	11.16.2025	184 Hayward St	Auburn
45.	DUP	Joey Lamois	Joey Lamois	11.16.25	109 Lake Auburn ave	Auburn
46.		Joey Lamois	Joey Lamois	11.16.25	109 Lake Auburn ave	Auburn
47.	DUP	Tony Lamois	Tony Lamois	11.16.25	62 horizon dr	Auburn
48.		Sandra Willingford	Sandra Willingford	11.16.25	19 Jackson Hill Rd	Auburn
49.		Kyle Stone	Kyle Stone	11/16/25	10 Gracestone Rd Apt 212	Auburn
50.		Ralph Pollard	Ralph Pollard	11.16.25	74 Lake Auburn Ave	Auburn
51.		Melissa Keating	Melissa Keating	11.16.25	41 Johnson Rd	Auburn
52.	DUP	John Bishop	John Bishop	11.16.25	66 northern ave	Auburn
53.	DUP	Alison Jarvis	Alison Jarvis	NOV 16 2025	1779 Perkins Ridge Rd	Auburn
54.		Freda Freeman	Freda Freeman	11.16.25	1820 perkins Ridge Rd	Auburn
55.	DUP	Luli Farah	Luli Farah	11.16.25	18 plummer St	Auburn
56.		Chad Hall	Chad Hall	11.16.25	100 N River Rd	Auburn
57.	DUP	Shirley Cotton	Shirley Cotton	11.16.25	875 north River Road	Auburn
58.		Deborah Roberts	Deborah Roberts	11.16.25	9 N River Rd 218	Auburn
59.		Kaitlyn Pelletier	Kaitlyn Pelletier	11.16.25	5 Parker St	auburn
60.	DUP	Amy Wilkie	Amy Wilkie	11.16.25	57 Oak Hill Rd	Auburn
61.	DUP	Anna Gibson	Anna Gibson	11.16.25	9 mayfield rd	Auburn
62.		Tam Ma	Tam Ma	11.16.25	37 newell Ave	Auburn
63.	DUP	Kyle Myers	Kyle Myers	NOV 16 25	47 Northern ave	Auburn
64.		James Mindman	James Mindman	11.16.25	443 Court St	Auburn
65.	DUP	[redacted]	Reginald Desormeaux	11.16.25	450 Court St	Auburn

See page 1 for summary and fiscal impact statement, page 2 for legislation and instructions and page 4 for additional signature lines and certifications

R 001652

Printed Name of Circulator

Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

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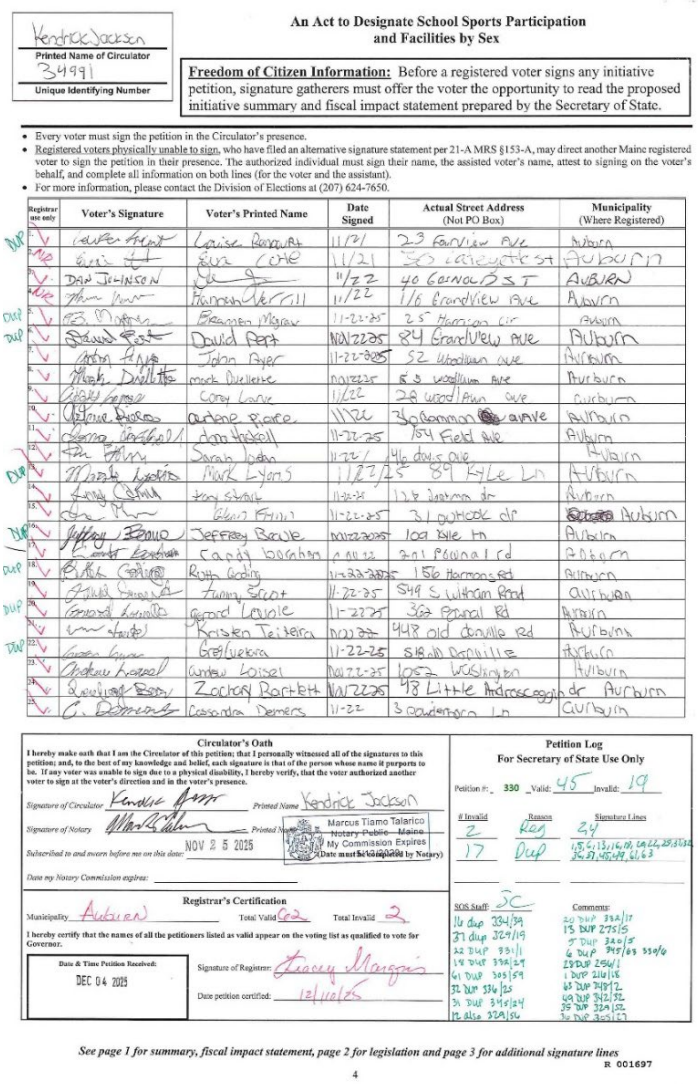
	Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26.		George Lane	Jesse Lane	11-24-25	1 Rose ter	Auburn
27.		Daniel Wade	Daniel Wade	11/24/25	9 N River Road (Apt)	Auburn
28.	DUP	Carroll Pullin	Carroll Pullin	11-24	18 Oak Rd	Auburn
29.		Thomas Lord	Thomas Lord	11-24	200 Stetson Rd	Auburn
30.		Charles Hargreaves	Charles Hargreaves	11/24	83 Shilling corner Rd	auburn
31.	DUP	[redacted]	Richard Johnson	Nov 24	34 Ryans way	Auburn
32.	DUP	Jane Dixon	Jane Dixon	11/24/25	34 Ryans way	Auburn
33.		Anthony Trottier	Anthony Trottier	Nov 24	49 Whitney St	auburn
34.		David Babb	David Babb	11/24/25	180 Allen Ave	Auburn
35.		William Spear	William Spear	11-24-25	30 Birch rd	auburn
36.	DUP	Jeanne Wright	Jeanne Wright	11/24/25	18 Brookside Cir	Auburn
37.	DUP	Tyler Bairard	Tyler Bairard	11/24/25	5 Poplar Ct	Auburn
38.		Louise Lord	Louise Lord	11-24	200 Stetson Rd	Auburn
39.		Kenneth Romero	Kenneth Romero	11/25	599 Ct St	Auburn
40.		Phoebe Voisine	Phoebe Voisine	11/25	26 crest Ave	auburn
41.		Mark Bulley	mark Bulley	11/25	165 Davis Ave	Auburn
42.		Karen Bulley	Karen Bulley	11/25	11/25 160 davis ave	auburn
43.		Isaac Karnes	Isaac Karnes	11-25	33 davis st	Auburn
44.		Charles Dix	charles Dix	11/25	151 Summer St	Auburn
45.	DUP	Peter Dingley	Peter Dingley	11/25	1017 Summer St	auburn
46.		Jessica Mann	Jessica Mann	11/25	192 Stone Rd	Auburn
47.		Fiora Dotson	Fiora Dotson	11-25-25	200 stetson Rd	AUBURN
48.		Arian Abo	Arian Abo	NOV 25	75 university St	Auburn
49.	DUP	Lawrence Rearson	Lawrence Rearson	NOV-25-25	56 E Watertown Rd	auburn
50.		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
51.		marcus strickland	marcus strickland	NOV 25 2025	32 whiting St	Auburn
52.		Timothy Myers	Timothy Myers	11/25	3 Whitman Spring Rd	Auburn
53.		Loviella Hood	Loviella Hood	11/25	105 Youngs Corner Rd	Auburn
54.		Kimberly Chesley	Kimberly Chesley	11/25	20 Allen Ave	Auburn
55.		Richard Chesley	Richard Chesley	11/25	20 Allen Ave	Auburn
56.		Justen Mallard	Justen Mallard	NOV 25	71 Davis Ave	Auburn
57.		Steven Deavila	Steven Deavila	11-25	24 Davis Ave	Auburn
58.		donna Riley	donna Riley	11/25/25	29 Dexter Ave.	auburn
59.		Amanda Surgent	Amanda Surgent	11-25	65 Fern St	Auburn
60.		Cynthia Forest	Cynthia Forest	11/25	20 davis ave	auburn
61.	DUP	Megan Gray	Megan Gray	11-25	57 Dennison St	Auburn
62.		Normand Boulette	Normand Boulette	11/25	101 Goff St	auburn
63.	DUP	Glen Rich	Glen Rich	11-25	195 Gamage Ave	Auburn
64.		Betty Lachance	Betty Lachance	11-25	41 Field ave	Auburn
65.		[redacted]	James Forrest	11-25	80 Davis ave	Auburn

See page 1 for summary and fiscal impact statement, page 2 for legislation and instructions and page 4 for additional signature lines and certifications

3

R 001696



Kendrick Jackson
Printed Name of Circulator
34991
Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

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Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
DUP		Louise Bernard	11/21	23 Fairview Ave	Auburn
DUP		Eva Cote	11/21	30 Lafayette St	Auburn
		DAN JOHNSON	11/22	40 GRINOLD ST	AUBURN
		Hannah Merrill	11/22	1/6 Grandview Ave	Auburn
DUP		Brennen Magraw	11-22-25	25 Harrison Cir	Auburn
DUP		David Pert	NOV2225	84 GrandView Ave	Auburn
		John Ayer	11-22-2025	52 Woodman ave	Auburn
		mark Dubette	NOV2225	53 woodman Ave	Auburn
		Corey Lane	11/22	28 wood Farm ave	Auburn
		Carlene Pierce	11/22	36 Bonnie Brae Ave	Auburn
		dan Hascall	11-22-25	164 Field Ave	Auburn
		Sarah John	11-22-25	46 davis ave	Auburn
DUP		Mark Lyons	11/22/25	89 Kyle Ln	Auburn
		tony Strout	11-22-25	136 Jordan dr	Auburn
		Glenn Finn	11-22-25	31 goldcrest dr	Auburn
DUP		Jeffrey Bowie	NOV222025	100 Kyle Ln	Auburn
DUP		Candy Vaughan	NOV 22	201 Pownal rd	Auburn
		Ruth Godin	11-22-2025	156 Harmon St	Auburn
		Tammy Strout	11-22-25	548 S. Witham Road	Auburn
DUP		Gerard Lavoie	11-22-25	362 Pownal Rd	Auburn
DUP		Kristen Talarico	NOV22	448 old danville rd	Auburn
		Greg Rivera	11-22-25	518 old Danville	Auburn
		Andrew Loisel	NOV22-25	1052 Washington	Auburn
		Zachary Bartlett	NOV2225	98 Little Androscoggin dr	Auburn
		Cassandra Demers	11-22	3 gooderson Ln	Auburn

Circulator's Oath

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Signature of Circulator: Kendrick Jackson — Printed Name: Kendrick Jackson

Signature of Notary: — Printed Name: Marcus Tiamo Talarico, Notary Public, Maine, My Commission Expires (Date must be typed or printed by Notary)

Subscribed to and sworn before me on this date: NOV 2 5 2025

Date my Notary Commission expires:

Registrar's Certification

Municipality: Auburn — Total Valid: 62 — Total Invalid: 2

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Date & Time Petition Received: DEC 04 2025

Signature of Registrar: Tracey Margis

Date petition certified: 12/4/25

Petition Log
For Secretary of State Use Only

Petition #: 330 — Valid: 45 — Invalid: 19

# Invalid	Reason	Signature Lines
2	Reg	2,4
17	Dup	1,5,6,13,14,16,19,22,23,31,32,34,37,45,49,51,63

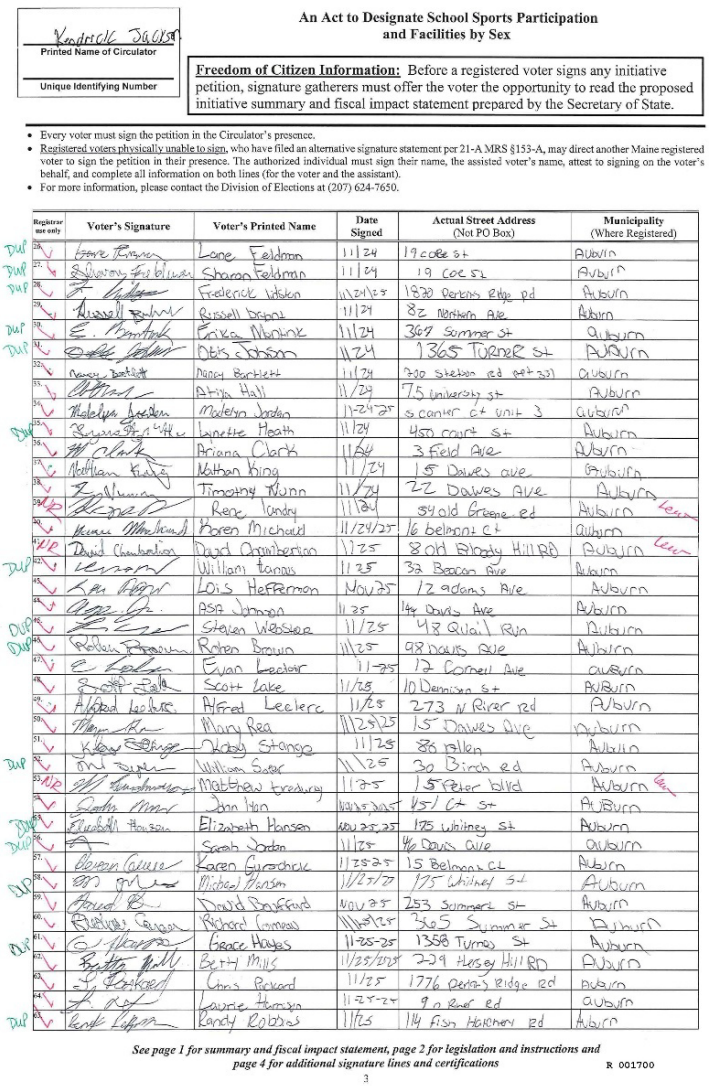
SOS Staff: SC

Comments:
20 DUP 334/17
15 DUP 275/5
5 DUP 340/5
6 DUP 345/63 339/6
29 DUP 256/1
1 DUP 228/15
65 DUP 348/2
49 DUP 342/32
35 DUP 329/32
32 DUP 325/52

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

R 001697

4



Kendrick Jackson
Printed Name of Circulator
Unique Identifying Number

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DUP		Lane Feldman	11/24	19 Coe St	Auburn
DUP		Sharon Feldman	11/24	19 Coe St	Auburn
DUP		Frederick Wilson	11/24/25	1870 Perkins Ridge Rd	Auburn
		Russell Bryant	11/24	82 Northern Ave	Auburn
DUP		Erika Martinek	11/24	369 Summer St	Auburn
DUP		Otis Johnson	11/24	1365 TURNER ST	AUBURN
		Nancy Bartlett	11/24	730 Stetson Rd apt 321	Auburn
		Atiya Hall	11/24	75 University St	Auburn
		Madelyn Jordan	11-24-25	5 center ct unit 3	Auburn
DUP		Lynette Heath	11/24	450 court St	Auburn
		Ariana Clark	11/24	3 Field Ave	Auburn
		Nathan King	11/24	15 Dawes ave	Auburn
		Timothy Munn	11/24	22 Dawes Ave	Auburn
		Rene Landry	11/24	54 old Greene rd	Auburn
		Karen Michaud	11/24/25	16 belmont ct	Auburn
		David Chamberlain	11/25	804 Bloody Hill RD	Auburn
DUP		William Tannis	11/25	32 Beacon Ave	Auburn
		Lois Heffernan	Nov25	12 adams Ave	Auburn
		Asa Johnson	11/25	14 Davis Ave	Auburn
DUP		Steven Webster	11/25	48 Quail Run	Auburn
DUP		Karen Brown	11/25	98 Davis Ave	Auburn
		Evan Lecter	11-25	12 Cornell Ave	auburn
		Scott Lake	11/25	10 Dennison St	Auburn
		Alfred Leclerc	11/25	273 N River Rd	Auburn
		Mary Rea	11/25/25	15 Dawes Ave	Auburn
		Wady Stanga	11/25	86 Allen	Auburn
DUP		William Soter	11/25	30 Birch Rd	Auburn
		Matthew Treadwell	11/25	15 Peter Wild	Auburn
		John Yan	NOV25,2025	151 Ct St	AUBURN
DUP		Elizabeth Hansen	NOV 25, 25	175 Whitney St	Auburn
DUP		Sarah Jordan	11/25	46 Davis Ave	Auburn
		Karen Gyrodchik	11/25-25	15 Belmont Ct	Auburn
DUP		Michael Hansen	11/27/25	175 Whitney St	Auburn
		David Bickford	NOV 25	253 Summer St	Auburn
		Richard Compass	11/25/25	365 Summer St	Auburn
DUP		Grace Hayes	11-25-25	1358 Turner St	Auburn
		Beth Mills	11/25/2025	729 Hersey Hill RD	Auburn
		Chris Packard	11/25	1776 Perkins Ridge Rd	Auburn
		Laurie Harmon	11-25-24	9 n River Rd	Auburn
DUP		Randy Robbins	11/25	114 Fish Hatchery Rd	Auburn

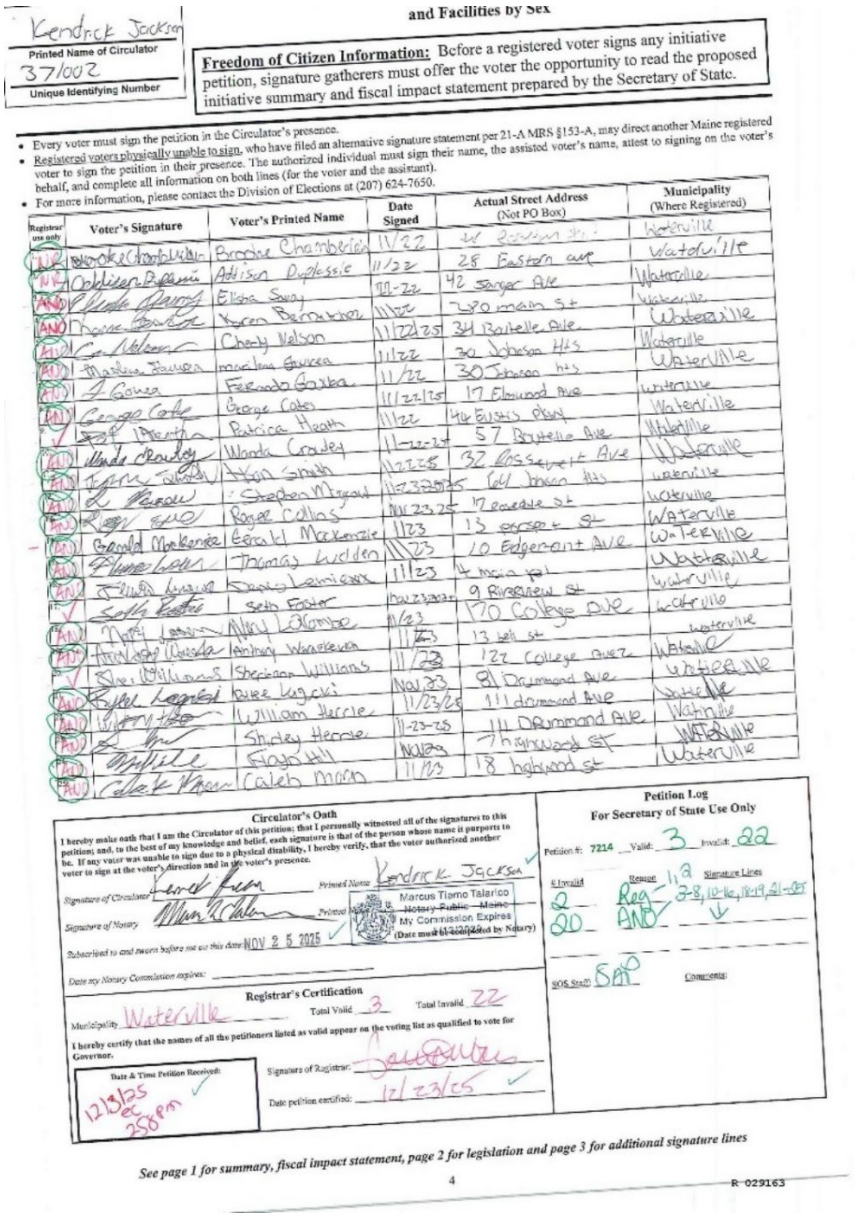
See page 1 for summary and fiscal impact statement, page 2 for legislation and instructions and page 4 for additional signature lines and certifications

R 001700

3

Counsel also asked Jackson if he "ever pre-fill[ed] a petition sheet for people in Waterville." Tr. 314. Jackson responded: "Nope." Tr. 314. Yet as his Waterville sheet shows, "Waterville" is plainly written in the same hand across the entire sheet. Jackson then made the same misrepresentation as to other fields, insisting he never wrote out the street address, date, or names on the Waterville sheet—an obvious falsehood. Tr. 314. Relatedly, Jackson provided inconsistent testimony on whether he ever visited Waterville, despite submitting a petition sheet from there that was obviously prefilled in one person's hand. Given that 20 of 25 signatures on

that sheet were invalidated as "ANO," it is entirely possible that Jackson never visited Waterville.[8]



and Facilities by Sex

Kendrick Jackson
Printed Name of Circulator
37/1002
Unique Identifying Number

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ANO		Brooke Chamberlain	11/22		Waterville
ANO		Addison Duplessie	11/22	28 Easton ave	Waterville
ANO		Elena Sway	11-22	42 Sanger Ave	Waterville
ANO		Karen Bernardin	11/22	380 main st	Waterville
ANO		Cheryl Nelson	11/22/25	34 Barrelle Ave	Waterville
ANO		marlena Gauvea	11/22	30 Johnson Hts	Waterville
ANO		Fernanda Gouvea	11/22	30 Johnson hts	Waterville
ANO		George Cates	11/22/25	17 Elmwood Ave	Waterville
ANO		Patricia Heath	11/22	4th Eustis Pkwy	Waterville
ANO		Wanda Crowley	11-22-25	57 Barrelle Ave	Waterville
ANO		Tyson Smith	11-22-25	32 Lessard Ave	Waterville
ANO		Stephen Meyout	11/23/25	64 Johnson Hts	Waterville
ANO		Roger Collins	11/23/25	17 Lemoine St	Waterville
ANO		Gerald Mackenzie	11/23	13 Forest St	Waterville
ANO		Thomas Ludden	11/23	10 Edgemont Ave	Waterville
ANO		Dennis Lemieux	11/23	4 Maia pl	Waterville
ANO		Seth Foster	11/23/2025	9 Riverview St	Waterville
ANO		Abby Colombo	11/23	120 College Ave	Waterville
ANO		Anthony Wentworth	11/23	13 Ash St	Waterville
ANO		Sheridan Williams	11/23	122 College Ave	Waterville
ANO		Renee Logacki	Nov 23	91 Drummond Ave	Waterville
ANO		William Herrick	11/23/25	111 drummond Ave	Waterville
ANO		Shirley Herrick	11-23-25	111 Drummond Ave	Waterville
ANO		Steph Hill	Nov 23	7 highwood ST	Waterville
ANO		Caleb Mann	11/23	18 highwood st	Waterville

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator: Kendrick Jackson — Printed Name: Kendrick K. Jackson

Signature of Notary: Marcus Tiamo Talarico — Printed Name: Marcus Tiamo Talarico Notary Public Maine My Commission Expires (Date must be completed by Notary)

Subscribed to and sworn before me on this date NOV 2 5 2025

Date my Notary Commission expires: _____

Registrar's Certification

Municipality: Waterville — Total Valid: 3 — Total Invalid: 22

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Date & Time Petition Received: 12/3/25 @ 2:58pm

Signature of Registrar: _____

Date petition certified: 12/23/25

Petition Log
For Secretary of State Use Only

Petition #: 7214 — Valid: 3 — Invalid: 22

Invalid: 2 — 20 — Reason: Reg — AND — Signature Lines: 1, 3, 2-8, 10-16, 18-19, 21-25

SOS Staff: SAP — Comments:

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

4

R 029163

Jackson's assertion that one person did not prefill his Waterville sheets requires the factfinder to simply disbelieve her own eyes and to set aside her own common sense. But factfinders in Maine are "not required to leave [their] common sense at the courthouse"—or in this case, State House—

[8] Ultimately, 101 signatures were invalidated as "ANO," R.0001, meaning that Jackson's Waterville sheet on its own accounted for approximately 20 percent of the ANO signatures in the entire State, out of 8,000 total petition sheets.

"door." *State v. DesRosiers*, 2024 ME 77, ¶ 22, 327 A.3d 64. Rather, they "are permitted to use their common sense in drawing conclusions that naturally are to be drawn from facts proved." *Id.* (quoting *State v. Trask*, 223 A.2d 823, 827 (Me. 1966)).

In sum, the record strongly supports the conclusion that Jackson—after initially obtaining success in Gray on Election Day—struggled to collect signatures and thus resorted to easily spotted fraud. His testimony provided no serious explanation for these discrepancies, and simply revealed a glaring lack of credibility on a wide range of topics, including as to whether he prefilled petition sheets. The hearing officer should assign his testimony no weight whatsoever and conclude that he submitted many fraudulent petitions.

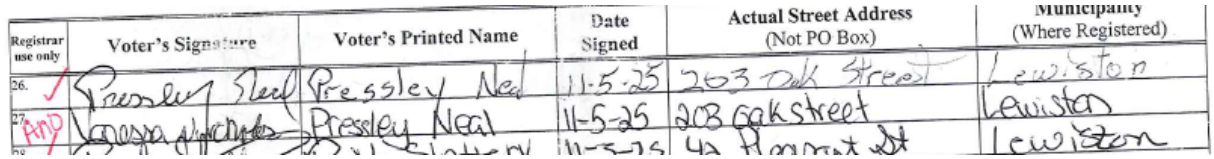
3. Adam Turner

Turner's conduct as a circulator follows the well-worn pattern above, save that he did not begin circulating until after Election Day. Of the 138 sheets Turner submitted, approximately 120 of them contained fewer than 10 signatures. These petition sheets contained a substantial number of errors, including a few that were notably comprised almost entirely of unregistered voters. *See, e.g.*, R.33167 (Petition 3564), R.14586-14587 (Petition 3616), R.15663 (Petition 3876), R.11930 (Petition 2839). On their own, these errors might generously be attributed to random chance, bad luck, or inattentiveness. But once again, Turner's petition sheets with larger volumes of signatures contain astonishingly high invalidation rates.

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
227	AUBURN	12/10/2025	27	TURNER, ADAM	TALARICO, MARCUS TIAMO	33	REG	3	DUP	0		36
3580	LEWISTON	11/11/2025	36	TURNER, ADAM	TALARICO, MARCUS TIAMO	26	REG	1	WD	1	ANO	28
3562	LEWISTON	11/18/2025	0	TURNER, ADAM	TALARICO, MARCUS TIAMO	21	REG	2	DUP	2	WD	25
3623	LEWISTON	12/10/2025	37	TURNER, ADAM	TALARICO, MARCUS TIAMO	19	REG	6	DUP	0		25
3625	LEWISTON	12/10/2025	16	TURNER, ADAM	TALARICO, MARCUS TIAMO	16	REG	1	DUP	0		17
3710	LEWISTON	11/25/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	14	REG	1	DUP	0		15
360	AUBURN	11/18/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	13	REG	0		0		13
313	AUBURN	12/2/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	12	REG	4	DUP	0		16
3566	LEWISTON	11/18/2025	14	TURNER, ADAM	TALARICO, MARCUS TIAMO	12	REG	2	DUP	1	WD	15
299	AUBURN	11/11/2025	12	TURNER, ADAM	TALARICO, MARCUS TIAMO	11	REG	2	WD	0		13
3564	LEWISTON	11/11/2025	2	TURNER, ADAM	TALARICO, MARCUS TIAMO	11	REG	1	DUP	0		12
3570	LEWISTON	12/2/2025	11	TURNER, ADAM	TALARICO, MARCUS TIAMO	8	REG	0		0		8
328	AUBURN	11/25/2025	17	TURNER, ADAM	TALARICO, MARCUS TIAMO	7	REG	8	DUP	0		15
3616	LEWISTON	12/10/2025	5	TURNER, ADAM	TALARICO, MARCUS TIAMO	7	REG	0		0		7
3905	LISBON	12/10/2025	12	TURNER, ADAM	TALARICO, MARCUS TIAMO	6	REG	1	SIG	0		7
7794	WINSLOW	11/25/2025	5	TURNER, ADAM	TALARICO, MARCUS TIAMO	6	REG	2	DUP	0		8
6846	TURNER	11/18/2025	11	TURNER, ADAM	TALARICO, MARCUS TIAMO	5	REG	1	DUP	0		6

This includes sheets with suspicious duplicative signatures, as well as sheets with improbably high numbers of signatories who were not registered to vote, suggesting Turner obtained their information from another source without verifying their registration status. And, notably, many of Turner's duplicates implicate Jackson and Baptiste as well. Below are examples of signatures from Turner that bear clear indicia of fraud.

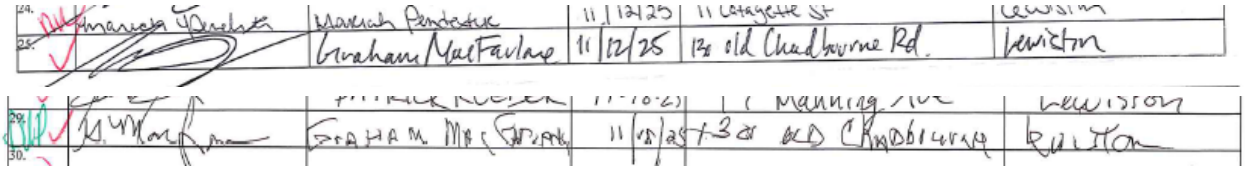
R.033231 (Pet. 3580, Line 26 & 27)



Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26.	Pressley Neal	Pressley Neal	11-5-25	203 Oak Street	Lewiston
27. AMD	Vanessa [illegible]	Pressley Neal	11-5-25	208 Oak street	Lewiston

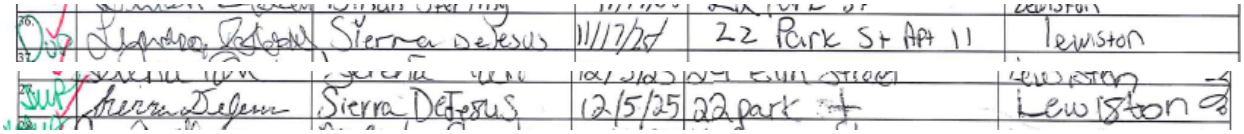
(Sequential entries with name printed as "Pressley Neal," but the second is signed by a "Vanessa")

R.033159 (Pet. 3562, Line 25) and R.033176 (Pet. 3566, Line 29)



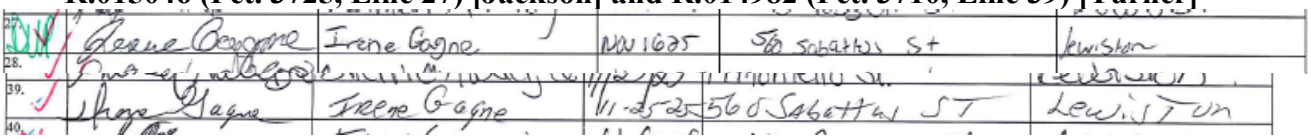
(Duplicative entries for Graham MacFarlane with obviously different signatures).

R.015062 (Pet. 3721, Line 36) [Baptiste] and R.014674 (Pet. 3623, Line 27) [Turner]



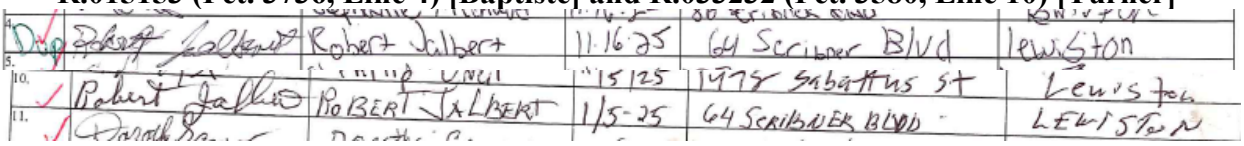
(Duplicative entries for Sierra DeJesus from Baptiste and Turner with notably different signatures)

R.015046 (Pet. 3725, Line 27) [Jackson] and R.014982 (Pet. 3710, Line 39) [Turner]



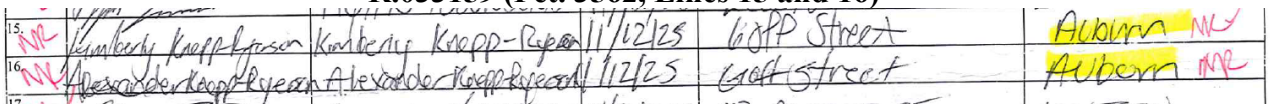
(Duplicative entry for Irene Gagne with distinct signatures from Jackson and Turner)

R.015153 (Pet. 3736, Line 4) [Baptiste] and R.033232 (Pet. 3580, Line 10) [Turner]



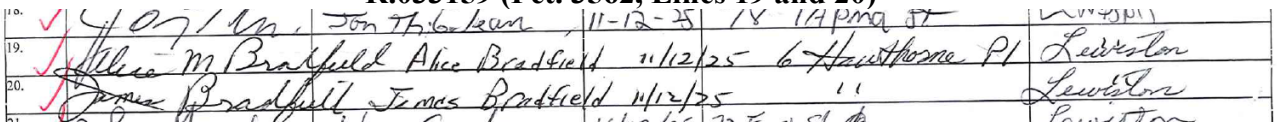
(Duplicative entries from Baptiste and Turner for Robert Jalbert with different signatures)

R.033159 (Pet. 3562, Lines 15 and 16)



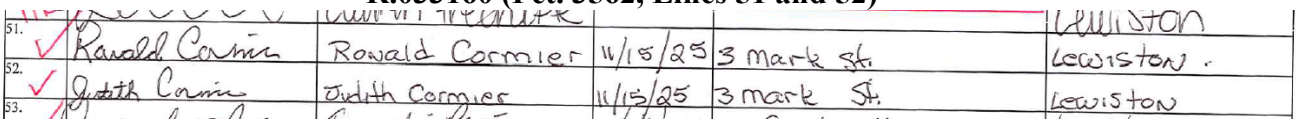
(Signatures for Alexander and Kimberly Knapp-Ryan made in same hand)

R.033159 (Pet. 3562, Lines 19 and 20)



(Signatures for Alice and James Bradfield made in same hand)

R.033160 (Pet. 3562, Lines 51 and 52)



(Signatures for Ronald and Judith Cormier made in same hand)

In sum, Turner submitted a substantial number of petition sheets that reflect clear indicia of wrongdoing and which undercut Turner's oath that he personally witnessed each signature on these sheets, as well as whether the signatures on those sheets are from the person whose name it purports to be. Turner himself did not appear at the hearing to address this record evidence, despite appearing on both parties' witness lists. Accordingly, the Court should credit the record evidence establishing that he submitted fraudulent sheets.

4. Rokelle Harris

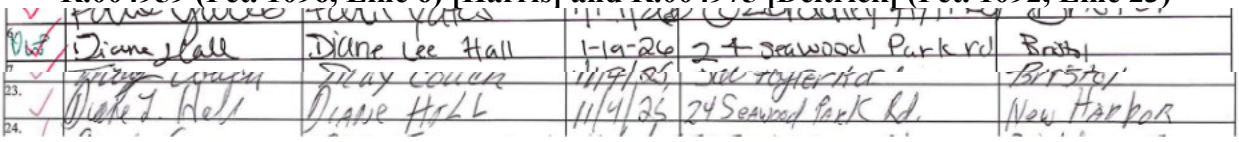
There is no dispute that Rokelle Harris also submitted petition sheets containing fraudulent signatures. Oxford Town Clerk Kathleen Dillingham, a former Republican member of the Legislature, credibly testified that she "knew for a fact" that several signatures submitted by Harris

"were not authentic signatures," based on her conversations with voters and her independent review of the voters' original voter registration cards. Tr. 74. Clerk Dillingham brought this matter to the attention of the Election Division but did not hear back. To her knowledge, the Election Division never took corrective action as to Harris. Furthermore, voter Nancy Penn, a resident of Hiram, credibly testified that she was not familiar with the ballot initiative, did not sign its petition sheets, and has no idea how her purported signature came to be affixed on a petition sheet circulated by Harris, which she separately reviewed. Tr. 81–83.

Harris was present on Zoom during the hearing when Penn and Dillingham testified. But when she testified on direct examination, she did not attempt to explain this pattern of fraudulent signatures. Rather, she took the view that it was not her duty to discern the accuracy of any given entry, notwithstanding that the circulator oath obliges her to ensure "to the best of [her] knowledge" that signatures are from who they purport to be. Tr. 201.

In addition to this testimony, the record further reflects that Harris submitted facially problematic signatures. For example, in two instances, signatories on her petition sheets gave different formulations of their municipality elsewhere on the petition.

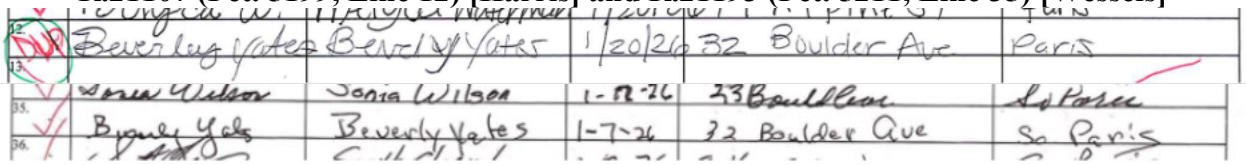
R.004959 (Pet. 1096, Line 6) [Harris] and R.004975 [Deitrick] (Pet. 1092, Line 23)



	Diane Hall	Diane Lee Hall	1-19-26	24 Seawood Park rd	Bristol
23.	Diane L Hall	Diane Hall	11/4/25	24 Seawood Park Rd.	New Harbor

(Diane Hall, with her municipality listed as Bristol and New Harbor, respectively).

R.21107 (Pet. 5199, Line 12) [Harris] and R.21193 (Pet. 5211, Line 35) [Wessels]



12.	Beverley Yates	Beverly Yates	1/20/26	32 Boulder Ave	Paris
13.	Sonia Wilson	Sonia Wilson	1-7-26	33 Boulder	S. Paris
35.	Beverly Yates	Beverly Yates	1-7-26	32 Boulder Ave	So Paris

(Beverely Yates, with her municipality listed as Paris and then South Paris).

While New Harbor and South Paris are both villages *within* Bristol and Paris, respectively—meaning either formulation might be correct—it is implausible that the voters would have listed their towns *differently* when they signed the petition a second time with Harris. The factfinder should therefore likewise determine that Harris knowingly submitted fraudulent petition sheets.

B. The proper remedy is to invalidate all petition sheets by circulators who submitted fraudulent sheets, or at minimum to invalidate all tainted petition sheets, where the circulator clearly swore a false oath.

The proper remedy for the failure of Baptiste, Jackson, Turner, and Harris to swear a valid oath is to invalidate their petition sheets in their entirety. Maine courts have long recognized that "the integrity of the initiative and referendum process in many ways hinges on the trustworthiness and veracity of the circulator." *Maine Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶ 13, 795 A.2d 75 ("*MTAN*"). As a result, petition sheets must be invalidated *in their entirety* when it is found that the circulator swore a false oath on the petition sheet. *See Knutson*, 2008 ME 124, ¶¶ 10–28, 954 A.2d 1054. These particular circulators have engaged in misconduct that severely undermines the integrity of the initiative process and therefore warrants invalidating their signatures *in toto* given the scope of their misconduct.

In *MTAN*, the Law Court upheld the Secretary's decision "to invalidate the petitions circulated" by a particular individual *in toto* after that circulator fraudulently masked his identity. *MTAN*, 2002 ME 64, ¶ 21, 795 A.2d 75. As in *MTAN*, these circulators have engaged in pervasive fraud that supplies the factfinder with "ample authority and reason to question the authenticity of the signatures" they collected. *Id.* Other courts have also adopted this reasoning, with the Montana Supreme Court favorably citing *MTAN* for this very proposition, concluding that it supported "invalidat[ing] all signatures gathered" by "out-of-state paid workers" shown to have engaged in fraud. *Montanans for Just. v. State ex rel. McGrath*, 2006 MT 277, ¶¶ 80, 83, 334 Mont. 237, 262, 146 P.3d 759, 776 (citing *MTAN*, 2002 ME 64, ¶¶ 13–14, 795 A.2d at 80); *see also Crossman v.*

Bd. of Election Comm'rs of City of Chicago, 2012 IL App (1st) 120291, ¶ 11, 966 N.E.2d 518, 521 ("Where the signature sheets of a nominating petition submitted by a circulator evidence a pattern of fraud, false swearing, and total disregard for the requirements of the Code, the sheets circulated by that individual should be stricken in their entirety."). Simply put, "[s]ignatures *must* be obtained by qualified petition circulators . . . according to an established procedure." *Reed v. Sec'y of State*, 2020 ME 57, ¶ 3, 232 A.3d 202 (per curiam) (citing *MTAN*, 2002 ME 64, ¶¶ 3, 10, 19, 795 A.2d 75) (emphasis added). The conduct of these individuals dispels the notion that they were "qualified" circulators or that they adhered to "established procedure." *Id.* And to permit their signatures to count would taint the petition process generally.

If the hearing examiner is disinclined to void these circulators' petition sheets *in toto*, she should at least invalidate all directly tainted petition sheets (identified below), for the obvious reason that they contain false oaths. When a circulator submits a sheet tainted by endemic fraud—such as where nearly half the signatures turned out to be fraudulent duplicates or to be from unregistered voters—they cannot plausibly be understood to have sincerely upheld their oath, which requires them to swear they "personally witnessed all of the signatures to th[e] petition" *and* that "to the best of [their] knowledge, each signature is that of the person whose name it purports to be." R.0017. That oath is false whenever a circulator knows their petition sheet contains fake, forged, or intentionally duplicated signatures. Indeed, even *absent* fraud, a circulator fails to make an honest oath whenever they did not in fact witness each purported signatory make a *bona fide* signature. *See Knutson*, 2008 ME 124, ¶¶ 10–28, 954 A.2d 1054.

The remedy for such a false oath is clear under Maine law—the "petitions at issue are void" in their entirety. *Id.* ¶ 28; *see also Reed*, 2020 ME 57, ¶ 24, 232 A.3d 202 (upholding Secretary's decision to "invalidate[]" a petition sheet "in its entirety" once it was shown the sheet was tainted

by fraud). That rule, firmly established in Maine, is widely followed by many other States across the country as well. *See, e.g.*, *Citizens Comm. For D.C. Video Lottery Terminal Initiative v. D.C. Bd. of Elections & Ethics*, 860 A.2d 813, 818 (D.C. 2004) ("In cases of proven false signing of affidavits, the Board thus has undeniable authority to strike whole petition sheets associated with that impropriety."); *Brousseau v. Fitzgerald*, 138 Ariz. 453, 455, 675 P.2d 713, 715 (1984) ("Cases in several jurisdictions support the proposition that fraud by the circulator voids the petitions associated with the fraud." (collecting authority)); *Zaiser v. Jaeger*, 2012 ND 221, ¶ 26, 822 N.W.2d 472, 482 (similar and collecting authority from other States); *State ex rel. Donofrio v. Henderson*, 4 Ohio App.2d 183, 192–93, 211 N.E.2d 854, 860 (1965) (invalidating entire sheets where circulator knowingly submitted false signatures).

In view of this authority, it is no answer for Intervenor to claim that some—but notably not all—of the offending entries were already invalidated *individually*. As *Knutson* makes clear, Maine law *requires* invalidating a petition sheet in full when it is proven the circulator swore a false oath, even for a reason short of fraud. *Knutson*, 2008 ME 124, ¶¶ 10–28, 954 A.2d 1054. Thus, while a handful of innocent mistakes on a petition sheet might not require complete invalidation—in such circumstances, the circulator could still theoretically swear an honest oath—pervasive and obvious fraud requires setting aside the sheet in its entirety. Such a rule is "necessary to preserve the integrity of the ballot process," *Citizens Comm. for D.C. Video Lottery Terminal Initiative*, 860 A.2d at 817, and to uphold the "constitutional requirement" in many States, like Maine, where "the validity of submitted petitions depends upon the veracity of the circulators' averment that each of the signatures in the petition was made in the circulators' presence and each signature was the genuine signature of the individual whose name it purports to be," *Zaiser*, 2012 ND 221, ¶ 26, 822 N.W.2d 472, 482.

If the Secretary's office adopts this second remedy, it should invalidate in full the following petition sheets for each circulator because they contain at least one (and typically many) established incidents of fraud that undercut that sheet's oath:

- Baptiste: Petitions 3709, 3715, 3720, 3721, 3726, 6018, and 7937 (**totaling 261 validated signatures**, compiled in Attachment D)
- Jackson: Petitions 294, 329, 330, 3725, and 7214 (**totaling 185 validated signatures**, compiled in Attachment E)
- Turner: Petitions 3564, 3566, 3580, 3623, and 3710 (**totaling 114 validated signatures**, compiled in Attachment F)
- Harris: Petitions 1096, 3067, 5199 (**totaling 17 previously validated signatures**, compiled in Attachment G)

Finally, while anything short of this second remedy would almost certainly violate *Knutson*, the Secretary must at the barest minimum invalidate any offending individual signatures still counted in favor of the ballot initiative. In tandem with such relief, the Secretary's office should rereview *every* signature submitted by these circulators against the voter's registration card to ensure the accuracy of the signature. As Oxford Town Clerk Dillingham's testimony established, such review is likely to disclose many additional instances of signature fraud.

III. Signatures from circulators who failed to properly consent to Maine's jurisdiction, including circulator Cairo, must be invalidated as a matter of law (Challenge 4).

The Constitution establishes a straightforward rule regarding qualification to circulate petitions in Maine: the person "must be a resident of this State and whose name must appear on the voting list[.]" Me. Const. art. IV, pt. 3, § 20. That rule governed Maine's petition process for more than a century, during which incidents of fraud were seemingly uncommon. A few years ago, a federal injunction modified that rule. Non-Mainers can now earn the privilege of circulating petitions in Maine if they "*first* submit to the jurisdiction of the state of Maine." *We the People*

PAC v. Bellows, 40 F.4th 1, 9 (1st Cir. 2022) (quoting *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 53 (D. Me. 2021)) (emphasis added).

The Secretary's office has appropriately recognized that four circulators failed to properly "first submit" to Maine's jurisdiction, meaning they were never qualified to circulate petitions in Maine. *See* Sec'y Resp. Br. at 31–32. Nonetheless, the Secretary afforded Intervenor an opportunity to present argument as "as to whether the Secretary should or should not accept corrected forms from circulators regarding their consent to personal jurisdiction in Maine after the petition's filing." Amended Notice Hearing. But Intervenor failed to offer any persuasive reasons for the Secretary's office to abandon the correct position taken in its response brief.

To start, after-the-fact submission to Maine's jurisdiction fails as a matter of law, regardless of why the circulator failed to properly submit to jurisdiction. Maine law is clear. If a circulator is not a Maine resident, they must promptly bring themselves within the protective carve-out of the *We the People PAC* injunction, which requires circulators to "first submit" to jurisdiction *before* collecting signatures. That is consistent with Maine law, which requires submission of a qualifying circulator affidavit "at the time the petition is filed"—not afterwards when their failure to comply with the law has been noticed. 21-A M.R.S. § 903-A(4). Any other rule would undercut the purpose of the residency requirement, which ensures that ensures that Maine has "jurisdiction over the circulators . . . if there is a question as to the validity of the signatures collected." *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165. Countenancing after-the-fact consent makes a mockery of those requirements. Just look at what happened here. If Petitioners had not filed the present challenge, none of the circulators at issue would have purported to consent to Maine jurisdiction. Three—circulators Albert, Chukwuma, and Hakeem—still have not bothered to do so, and Intervenor offers no excuse for their non-cooperation and effectively concedes the invalidity of

their signatures. Had the Secretary attempted to address errors, omissions, or other concerns *during* the petition drive, these circulators could have—rightly—noted that they had not consented to and were not subject to Maine jurisdiction. And if after-the-fact consent sufficed, the rational calculus for a nonresident circulator is to leave the box unchecked, see if anyone later notices or challenges the sufficiency of a petition, and then for an initiative sponsor to seek to have only the bare number of nonresident canvassers belatedly consent to jurisdiction as are necessary to keep the petition on the ballot. That is an invitation for misconduct.

The contents of the circulator affidavit separately confirm why submission to Maine's jurisdiction must occur *before* a circulator collects signatures. For example, it requires each circulator to attest that they have "read and understand" the Secretary's circulator instructions. R.0026. That requirement serves no purpose if the person swears to it after the fact. Similarly, the non-resident checkbox requires the circulator to promise to "maintain up-to-date contact information with the Maine Secretary of State's office *for the duration of any petition drive . . .* including while signatures are being and *through the review* of those signatures by the Secretary of State's office." *Id.* (emphases added). Consenting to jurisdiction *after* the Affidavit is filed with the Secretary—let alone *after* the petition drive ends and the Secretary renders a determination—is flatly contradictory to these requirements. Simply put, a non-resident circulator who has not already submitted to Maine's jurisdiction is not engaged in lawful signature gathering under the Constitution.

The testimony from circulator Cairo *bolsters* the Secretary's position. She testified that her decision not to check the box on the circulator affidavit consenting to jurisdiction was conscious and knowing, rather than accidental. The circulator affidavit provides two and only two options: (1) check the box that you are a resident or (2) check the box that you are a nonresident who

consents to Maine jurisdiction. Cairo knew that she was not a Maine resident, and so the first option did not apply to her. But, as to the second—consenting to jurisdiction—she was concerned about saying "yes," and had an (unspecified) question she wanted resolved. In her own words, she wanted to "get the actual data of what was being asked from [her]," so she put the affidavit "aside" in order to "get clarity on [the second box] to make sure that [she was] marking the right box." Tr. 18. To her credit, Cairo did not "want to mark the wrong box." *Id.* But as she conceded, she was "inundated" with paperwork at that time and her supervisor never "g[o]t back to addressing the specificities of the matter." *Id.* at 19. Cairo confirmed this version of events several times. *See id.* at 23–24 ("So, we did have some questions, and I don't think that we were able to address those questions . . . So, we did not get the chance to go back to that to mark that box off."); *id.* at 26 (saying she had "a question or concern that needed to be addressed" but that she was "not able to address that"); *id.* at 31 ("we had intended to specifically discuss this second box here, and we did not get the opportunity to do so").

Cairo's testimony was refreshingly clear and consistent. Far from being an oversight, she *chose* not to check the second box—and thus to submit to Maine's jurisdiction—because she had questions about the consequences of doing so; questions that were never satisfactorily answered for her. Accordingly, even if Maine law theoretically permitted after-the-fact submission due to innocent oversight—and it does not—that exception would not apply to Cairo, who intentionally opted to avoid consenting to Maine's jurisdiction due to unresolved concerns about doing so.

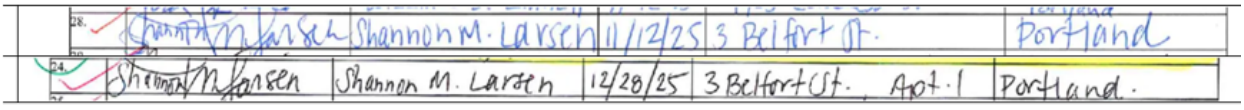
The Secretary therefore should not revisit its determination that the 1,520 validated signatures on petition sheets circulated by the four nonresident circulators at issue must be disregarded in the Secretary's forthcoming redetermination.

IV. The Secretary should invalidate additional signatures in response to Petitioners' Challenges 12, 14, 15, 16, and 18.

The Secretary's Amended Hearing Notice further permitted Intervenor an opportunity to press back on the Secretary's concessions as to several additional challenges. But Intervenor failed to present any evidence on these topics, and the Secretary should not revisit its earlier concessions.

Challenge 12. This challenge identified additional duplicate signatures in the record that were not previously invalidated by town clerks or the Secretary. These duplicates exist above and beyond the fraudulent duplicates discussed above; indeed, Petitioners acknowledge that duplicates can occur by accident and do not *always* evince fraud. For example, the except below reflects what might be deemed an "innocent" duplication from the same voter, in contrast the jarringly distinct duplicates shown above. In other words, these "innocent" duplicates confirm the strength of Petitioners' separate evidence concerning fraud.

R.022565 (Petition 5596, Line 28) and R.032580 (Petition 8052, Line 24)



The Secretary agreed these additional duplicates should be invalidated, excepting instances where the Secretary (1) concluded they had already been invalidated or (2) concluded they were not duplicates, but rather different signatures from voters with different names. *See* Sec'y Resp. Br. at 27–28. Intervenor has offered no basis for disturbing the Secretary's conclusion that these additional duplicates should be invalidated.

Challenge 14. This challenge concerns voter signatures made after the circulator swore their oath. The Secretary agrees that an additional 46 signatures must be invalidated on this basis, and Intervenor offers no reason to disturb that finding. *See* Sec'y Resp. Br. at 28–30.

The Secretary declined, however, to invalidate an additional 450 signatures on this basis, explaining that these signatures reflect mere typos. *See id.* As set forth in their reply brief, Petitioners agree with the Secretary in part, but still believe an additional 152 signatures must be invalidated because there is insufficient basis to assume the date was a typo. *See* Supplemental Table 14 (attached to Petitioners' reply brief). The Secretary should now do so on remand.

Challenge 15. This challenge concerns voter signatures that wholly omit a date. The Secretary agreed to invalidate a few additional signatures on this basis, and Intervenor again offers no reason to disturb that conclusion at this juncture. *See* Sec'y Resp. Br. at 30–31.

As set forth below, however, the Secretary should exercise authority on remand to invalidate all signatures identified in Challenge 15. The Constitution is clear that "[t]he date each signature was made *shall be written next to the signature on the petition*." Me. Const. art. IV, pt. 3, § 18 (emphasis added). This unambiguous language gives the Secretary no discretion to accept signatures that omit a date entirely, even where the Secretary's office believes it can discern the date from context. Petitioners therefore renew their request to invalidate all signatures identified in Table 15.

Challenge 16. This challenge concerns voter signatures improperly dated more than a year before the petition was submitted to the Secretary. The Secretary invalidated a handful of additional signatures on this basis, but otherwise denied the Challenge. Intervenor has offered no reason to revisit this determination and Petitioners do not seek further relief under this challenge.

Challenge 18. While the Secretary's Amended Hearing Notice did not include Challenge 18 within the scope of remand, Petitioners' respectfully renew their argument that the Secretary should avail itself of this remand to review the names identified in Petitioners' Exhibit 27 (Supplemental Table 18). Given the ballot initiative's fragile margin—and the evidence that

circulators Baptiste, Jackson, and Turner submitted sheets with extremely high rejection rates for inclusion of unregistered signatories—the Secretary's office should assure itself and the public that the ballot initiative did not rely upon ineligible signatories to qualify.

V. The Secretary should reconsider other legal positions that are contrary to Maine law.

Petitioners agree that this remand proceeding is limited chiefly to the topics identified in the Secretary's Amended Hearing Notice, which concerns factual disputes about the conduct of specific circulators. Accordingly, the only formal relief Petitioners ask for at this juncture is that identified above and reiterated in the Conclusion below, all of which is within the scope of issues identified in the Amended Hearing Notice.

Nonetheless, Petitioners contend that—in the interest of efficiency—the Secretary's office should reconsider certain legal positions taken before the Superior Court that are contradictory to Maine law. This includes **Challenge 1**, where the Secretary acknowledges that the various petition organizations violated Maine's registration laws (*see* Sec'y Resp. at 10); **Challenge 5**, where Maine law unambiguously prohibits a conflicted and disqualified notary from performing notarial acts "to the circulator of a petition," 21-A M.R.S. § 903-E, including on circulator affidavits; **Challenge 15**, where Me. Const. art. IV, pt. 3, § 18, unambiguously requires that "[t]he date each signature was made *shall be written* next to the signature on the petition"; and finally **Challenges 20 & 21**, where applicable Maine law makes clear "[t]he voter or the circulator of the petition *must write or print* the voter's residence address and municipality of registration." 21-A M.R.S. § 354(4). The Secretary did not previously accept these challenges based largely on claims of prior practice and deference, but Petitioners respectfully submit that in each instance Maine's constitutional and statutory law are unambiguous. Courts and agencies "are bound by the Legislature's choice of language," *Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054, rather than past

practice or "policy decision[s]," *id.* ¶ 27. Revisiting these positions now will expedite resolution of this matter in the event it must return to Superior Court or, in due course, the Law Court.

Petitioners otherwise reserve all rights to reraise these arguments, and all other arguments rejected by the Superior Court, once this proceeding returns to the judicial branch.

CONCLUSION

Based on the record evidence, the hearing examiner should invalidate additional petition sheets as follows:

- Vasquez: Petition 6787, 6790, 6792 and 6805-6811;
- Mays: Petition 5937, 5938, 5942, 5943, 5959 and 5963-5966;
- Turner: All submitted petition sheets or, alternatively, Petitions 115, 227, 237, 375609, 791, 1542, 2289, 2464, 2790, 2791, 3272, 3512, 3564, 3566, 3580, 3616, 3623, 3625,3710, 3905, 3988, 4204, 4530, 4820, 5389, 5484, 5836, 6590, 6761, 6882, 7989.
- Baptiste: All submitted petition sheets or, alternatively, Petitions 3709, 3715, 3720, 3721, 3726, 6018, and 7937.
- Jackson: All submitted petition sheets or, alternatively, Petitions 294, 329, 330, 3725, and 7214.
- Harris: All submitted petition sheets or, alternatively, Petitions 1096, 3067, 5199.
- Cairo: All submitted petition sheets due to failure to properly submit to Maine's jurisdiction;
- Albert: All submitted petition sheets due to failure to properly submit to Maine's jurisdiction;
- Chukwuma: All submitted petition sheets due to failure to properly submit to Maine's jurisdiction;
- Hakeem: All submitted petition sheets due to failure to properly submit to Maine's jurisdiction;
- Challenge 12: The additional signatures identified in the Secretary's response brief;
- Challenge 14: The additional signatures identified in the Secretary's response brief, alongside the additional 152 signatures identified by Petitioners in Supplemental Table 14 to their reply brief;

- Challenge 15: The additional signatures identified in the Secretary's response brief, along with all remaining signatures identified in Table 15;

- Challenge 16: The additional signatures identified the Secretary's response brief;

- Challenge 18: The Secretary's office should review the names identified in Supplemental Table 18 (Petitioners' Exhibit 27) to ensure they were registered Maine voters at the time they signed the petition.

Upon doing so, the Secretary should then issue a new Determination of Validity concluding that the initiative petition lacks the required number of valid signatures and therefore may not proceed.

Dated: May 15, 2026

Respectfully submitted,

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STATE OF MAINE CUMBERLAND, ss.		SUPERIOR COURT DOCKET NO. AP-26-10
JANE GILBERT, MARK SAYRE, and KAITLIN WEBBER, Petitioners, v. SHENNA BELLOWS, in her official capacity as Maine Secretary of State, Respondent, PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee, Proposed Intervenor.	)	

INTERVENOR, PROTECT GIRLS SPORTS, BALLOT QUESTION COMMITTEE'S POST-HEARING BRIEF ON REMAND TO THE SECRETARY OF STATE

TABLE OF CONTENTS

I. PROCEDURAL POSTURE 1

II. SUMMARY OF ARGUMENT 2

III. ARGUMENT 3

A. Purpose and Primacy of the Initiative Amendments 3

B. The Electors' Rights to Initiate and Promote Initiatives and Referenda, including Signing Petitions, are Joined with and Protected by the Right to Petition the Government 7

C. Standards of Review. 9

D. Petitioners' Challenges 10
1. Challenge 1: Registration Challenge 10
2. Challenge 4: Circulator Cairo Name 10
3. Challenge 5: Notaries Providing Other Services-Circulator Affidavits 11
4. Challenge 7: Failure to Display Initiative Summary 12
5. Challenge 8: Absence of Notary Date on Circulator Affidavit 12
6. Challenge 10: One Year Date Discrepancy 13
7. Challenge 11: Absence of Notary Public's Commission Number 13
8. Challenge 18: Central Voter Registration System-Municipal Registrars 15
9. Challenge 20: Electors' Failure to Provide Street Address 15
10. A. Challenges 9, 12, 14, 15, and 16 – Date-Based Challenges 16
B. Challenge 12: Duplicate Signatures 16
C. Date of Electors' Signatures and Circulators' Oaths 16
D. Electors' Signature and Circulators' Oaths 16
E. Elector Signatures Ostensibly Outside of Circulation Period 17
11. Challenge 3: Failure to Submit to Jurisdiction before Circulating Petitions 17
12. Challenge 6: Invalidation of Petitions Notarized by "Other Services" Notaries 24
13. Challenge 13: Lack of Notary's Signature 25
14. Challenge 17: Ditto Marks for Dates 26
15. Fraud Allegations 27
A. ANO Circulators 28
B. Alleged Failure to Observe Signatures 31

E. Statutes Placing Severe Burdens on the Electors' Right to Petition the Government are Subject to Strict Scrutiny 34

IV. CONCLUSION 34

TABLE OF AUTHORITIES

Cases

Allen v. Quinn,
459 A.2d 1098, 1102-03 (Me. 1983) 5, 6, 11

Ayotte v. Planned Parenthood of Northern New England
543 U.S. 320 (2006) 23

Borough of Duryea, Pennsylvania v. Guarnieri
564 U.S. 379, 395-398 (2011) 8

Buck v. Town of Ogunquit
York County Superior Court, Docket No. AP-2019-0008 .....27, 28

Buckley v. American Constitutional Law Foundation, Inc.
525 U.S. 182, 186 (1999).....3, 34

Doe No. 1 v. Reed
561 U.S. 186, 221 (2010).....8

Farris ex rel. Dorsky v. Goss
143 Me. 227, 231, 60 A.2d 908 (1948).....16, 15, 27

Hart v. Secretary of State
1998 ME 189, ¶715 A.2d 165.....17, 22

Jones v. Secretary of State
2020 ME 113, ¶¶ 34-35.....17, 22

Knutson v. Department of Secretary of State
2008 ME 124, ¶ 10, 954 A.2d 1054 (2008) 33

La Fleur ex rel. Anderson v. Frost
146 Me. 270, 280, 80 A.2d 407 24

League of Women Voters v. Secretary of State
683 A.2d 769, 771 (Me. 1996).....5, 11, 14, 21, 22

McDonald v. Smith
472 U.S. 479, 486 (1985).....11, 14

McGee v. Secretary of State
2006 ME 50 ¶ 21, 896 A.2d 933.....3, 4, 5, 6, 11, 15, 26, 27

Meyer v. Grant
486 U.S. 414, 420, 425 (1988).....8, 12, 14, 25

Moulton v. Scully
111 Me. 428, 89 A. 94, 953 (1914).....4

Opinion of the Justices
132 Me 512, 174 A. 853, 855 (1933).....6

Opinion of the Justices
275 A.2d 800, 803 (1971).....4, 27

Petit v. Key Bank of Maine
688 A.2d 427, 431 (1996) 27

Pollack v. Fournier
2020 ME 93, ¶15, 237 A.3d 149.....8

Reed v. Secretary of State
2020 ME 57, 232 A.3d 202.....24

United Mine Workers of America v. Illinois Bar Ass'n
389 U.S. 217, 222 (1967).....34

United States v. Cruickshank
92 U.S. (2 Otto) 542, 552 (1875).....8

We the People PAC v. Bellows
519 F. Supp.3d 13, 53 (D. Me. 2021) 18, 19, 20

We the People v. Bellows
40 F.4th 1, 14 (1st Cir. 2022) 18

We the People v. Bellows
Docket No. 1:20-cv-00489-JAW 19

Other Authorities

Maine Rules of Civil Procedure, Rule 80C 1

Me. Const., art. I, § 4 7

Me. Const., art. I, § 15 7

Me. Const., art. II, §§ 2-3.....9

Me. Const., art. IV, Pt. 3d, § 1 ..... 3, 24

Me. Const., art. IV, Pt. 3d, §§ 17-22 3

Me. Const., art. IV, Pt. 3d, § 20 25

Me. Const., art. IV, Pt. 3d, § 22 5

4 M.R.S. § 1904(5) 24

5 M.R.S. § 11001, *et seq* 1

21-A M.R.S. § 901, *et seq* 1

21-A M.R.S. § 901-A(1) 12

21-A M.R.S. § 903-E 24

21-A M.R.S. § 904(4) 21

21-A M.R.S. § 354(9) 28

R. Hofstadter, The Age of Reform: From Bryan to F.D.R., at 257 (Vintage Books 1955) 4

NOW COMES, Intervenor, Protect Girls Sports in Maine Ballot Question Committee ("PGS"), by and through its attorneys, Timothy C. Woodcock, Esq. and Janna Gau, Esq., and file their Post-Hearing Brief on Remand to the Secretary of State as follows:

I. PROCEDURAL HISTORY

At issue is the sufficiency of the number of valid signatures submitted to the Secretary of State in support of an initiative entitled "An Act to Designate School Sports Participation and Facilities by Sex" ("PGS Initiative"). The PGS Initiative is supported by Protect Girls Sports in Maine, a Ballot Question Committee ("PGS Committee" or "Committee").

On February 2, 2026, 8,067 petition forms containing 79,694 signatures in support of the Ballot Initiative were submitted to the Secretary for her review in accordance with Article IV, Part Third, Section 18 of the Maine Constitution.

On March 17, 2026, the Secretary issued her Determination that 71,033 signatures were valid, a figure above the minimum threshold of 67,832 required to place the Initiative on the ballot for the November 3, 2026 General Election. [R 0102]. On March 27, Petitioners Jane Gilbert, Mark Savre, and Webber ("Petitioners") timely appealed the Secretary's Determination pursuant to Superior Court pursuant to 21-A M.R.S. § 901, *et seq.,* 5 M.R.S. § 11001, *et seq*., and Rule 80C of the Maine Rules of Civil Procedure. *Gilbert, et al. v. Secretary of State,* PORSC-AP-2026-10. On April 17, 2026, the Committee timely moved to intervene.

After full briefing by the Parties, the Superior Court issued its decision finding in Petitioners' favor on some of their challenges and finding against them on others. *Gilbert v. Secretary of State*, PORSC-AP-2026-10, Decision and Order, 4/24/2026 ("Decision"). Although for the most part upholding the Secretary's positions on the Petitioners' manifold challenges, the

Court determined that some challenges required additional evidence and remanded the matter to the Secretary for further consideration.

Although ruling on many particular issues, the Court's remand order opened all aspects of the Petitioners' challenge for the submission of additional evidence and argument providing that "this matter is REMANDED to the Secretary of State for further proceedings consistent with this Order, which may include correcting concessions identified herein, taking new evidence, and developing further findings of fact, as necessary." *Id*. at 17.

Accordingly, pursuant to notice, a hearing was held on May 12-13, 2026 before Hearing Officer, Katherine McBrien. On May 13, 2026, the hearing record closed. The Secretary invited briefs from Petitioners and Intervenor. *Id.* at 17 (Conclusion).

II. SUMMARY OF ARGUMENT

The Petitioners have raised myriad challenges to the petitions submitted to the Secretary in support of placing the PGS Initiative on the general election for November of 2026. While some of their challengers have merit, the bulk are nothing more than nitpicking. Highly technical instances of alleged noncompliance with statute or rule which, if accepted by the Secretary, would convert the petition process from its true purpose—the peoples' exercise of their sovereign lawmaking power –to a procedural minefield in which a single misstep could invalidate the signatures of scores of elector signatories who, in the exercise of their free speech rights and their right to petition the government, signed the petitions to allow Maine voters to decide whether to approve the PGS Initiative or not.

Beyond their many hyper-technical complaints, Petitioners have smeared many circulators with unconditional, unrestrained allegations of fraud and other dishonest conduct.

For the reasons stated below, other than in a handful of instances, such as Petitioners' identification of some duplicate signatures which the Secretary missed on her initial review, Petitioners' challenges are almost wholly without merit. The Secretary should place at the fore the right of the electors under the Initiative Amendments and construe all the technical obstacles that the Petitioners have raised the objective of facilitating rather than handicapping the electors' right to exercise their sovereign lawmaking power in accordance with the imperatives of the Maine Constitution.

III. ARGUMENT

A. Purpose and Primacy of the Initiative Amendments

Effective in 1909, Maine voters amended the Maine Constitution to allow for the enactment of law and their repeal by direct action. Me. Const., art. IV, Pt. 3d, §§ 17-22 ("Initiative Amendments"). Before the adoption of the Initiative Amendments, the Maine Constitution vested the authority to make and repeal laws exclusively in the Legislature. See, Me. Const., art. IV, Pt. 3d, § 1.[1]

The Law Court has held that "[a]ny analysis of the initiative provisions in the Constitution must take account of their significance and purpose." *McGee v. Secretary of State*, 2006 ME 50, ¶ 24, 896 A.2d 933. Maine voters' adoption of these amendments was part of a national trend seeking governmental reform through enhanced popular democracy. "Ballot initiatives…were a central part of the Progressive movement's agenda for reform at the turn of the 20th century, and were a means of limiting the control of wealthy special interests and restoring electoral power to the voters." *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182, 226-27 (1999)

[1] The Committee incorporates by reference all the arguments set forth in its initial brief of April 17, 2026 to the Superior Court.

(Rehnquist, C.J., dissenting). Central to the movement for direct democracy of which the initiative and referendum power prominent manifestations was distrust of those elected to legislatures and the legislatures, themselves.[2]

For these reasons, the Law Court advised that "[a]ny analysis of the initiative provisions in the Constitution must take account of their significance and purpose." *McGee,* 2006 ME ¶ 24. The Court then explained,

> "The direct initiative right was added to the Constitution by an amendment effective 1909. [citations omitted]. Prior to the enactment of the initiative amendment, the ability to enact legislation rested solely with the Legislature. The amendment placed in the hands of the people a powerful tool for shaping and creating legislation. The fundamental change in the form of government reserved directly to the people a power that previously been held solely by the people's elected representatives."

Id.

Shortly after their adoption, the Law Court confirmed that these amendments had invested Maine voters—that is, Maine electors—collectively with the lawmaking power. *Moulton v. Scully,* 111 Me. 428, 89 A. 94, 953 (1914). Later, the Justices recognized their fundamental character and effect, observing that, ""by the initiative amendment the people, **as** sovereign, have retaken unto themselves legislative power." *Opinion of the Justices*, 275 A.2d 800, 803 (1971) (emphases supplied).

[2] "What the majority of Progressives hoped to do in the political field was to restore popular government as they imagined it to have existed in an earlier and purer age. This could be done, it was widely believed, only by revivifying the morale of the citizen, and using his newly aroused zeal to push through a series of changes in the mechanics of political life—direct primaries, popular election of Senators, initiative, referendum, recall, the short ballot, commission government, and the like. Such measures, it was expected would deprive machine government of the advantages it had in checkmating popular control, and make government accessible to the superior disinterestedness and honesty of the average citizen." R. Hofstadter, The Age of Reform: From Bryan to F.D.R., at 257 (Vintage Books 1955)

To begin with, in general, "Constitutional provisions are accorded a liberal interpretation in order to carry out their broad purpose because they are expected to last over time and are cumbersome to amend." *Allen v. Quinn*, 459 A.2d 1098, 1102 (Me.. 1983).

Where the Initiative Amendments are concerned, as the Law Court explained, "[t]he broad purpose of the direct initiative is the **encouragement** of participatory democracy." *Id.* at 1102 (emphasis supplied). Therefore, with the people having reinvested themselves with the legislative power, a court "primary consideration" must construe the Initiative Amendments "liberally" in order to "facilitate rather than handicap the people's exercise of their sovereign power." *League of Women Voters v. Secretary of State*, 683 A.2d 769, 771 (Me. 1996); see also, *McGee,* 2006 ME 50, ¶ 25, quoting, *Allen,* 459 A.2d at 1102-03.

To wholly insulate the electors' powers to enact and repeal laws from interference or obstruction by the parallel lawmaking power of the Legislature,[3] the Initiative Amendments provided that the amendments, themselves, did not require such implementing legislation; to the contrary, they were expressly "self-executing." Me. Const., art. IV, Pt. 3d, § 22. And, although the Legislature was empowered to "establish procedures for the determination of the validity of written petitions', such laws could not be "inconsistent with the Constitution." *Id*.

The Law Court has recognized the "self-executing" effect of the Initiative Amendments and the self-evident intent of electors, in approving these amendments, "had laid out in unusual detail the procedure by which they will legislate by direct vote." *Allen*, 459 A.2d at 1103. Indeed, aside from Section 20's express directive, the Court observed that, "[i]ndeed, section 18 is detailed enough to be self-executing." *Id.*

[3] See, n. 1, supra.

This is not to say that the Initiative Amendments excluded the Legislature altogether. The amendments authorized the Legislature to enact "further laws for **applying** the people's veto and direct initiative." Me. Const, art. IV, Pt. 3, § 20. Similarly, and more particularly, the amendments provided that the Legislature could "enact laws not inconsistent with Constitution to establish **procedures** for determination of the validity of written petitions." Me. Const., art. IV, Pt 3d, § 22. (emphasis supplied).

In recognition of the fundamental popular and populist rationales undergirding the Initiative Amendments and the broad powers they expressly reinvested in the people, the Law Court cautioned, a court should be "chary" of reading other limitations into these amendments. *Allen,* 459 A.2d at 1103 (rejecting deadline outside of Section 18). *Allen* further cautioned further that a "court should infer additional procedural requirements only if they are **clearly necessary** to achieve consistency with other constitutional provisions or to accomplish the general purpose of the direct initiative. *Id.* (emphasis supplied),

Thus, "although the Legislature has the authority to enact laws for the implementation of the initiative right, any legislative implementation must respect the substance of the constitutional right." *McGee*, 2006 ME 50, ¶ 20. In other words, as the Law Court also explained, "[t]he right of the people…to enact legislation and approve or disapprove legislation enacted by the legislature is an absolute one and cannot be abridged directly or indirectly by **any** action of the legislature." *Farris ex rel. Dorsky v. Goss,* 143 Me. 227, 231, 60 A.2d 908 (1948) (emphases supplied); accord, *McGee*, 2006 ME 50, ¶ 21; see also, *Opinion of the Justices*, 132 Me 512, 174 A. 853, 855 (1933) ("The right of the voters to pass upon the act is absolute. It cannot be abridged by further action of the Legislature." (emphasis supplied)).

In sum, the courts, the executive branch, and the Legislature may facilitate but they may not hinder the electors' exercise of their lawmaking and repealing rights under the Initiative Amendments. They may not change the substance of these rights or, in the name of efficiency or integrity, unnecessarily impede their exercise. These principles apply just as much to the full range of the electors' constitutional rights to initiate legislative proposals as they do to their rights to campaign for or against them and their right to vote to approve or disapprove.

B. The Electors' Rights to Initiate and Promote Initiatives and Referenda, including Signing Petitions, are Joined with and Protected by the Right to Petition the Government

The Maine Constitution has always provided that the people have the right to petition the government:

> "The people have the right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request of either department of the government by or remonstrance, redress of their wrongs and grievances."

Me. Const., art. I, § 15.

Though distinct in their own rights, these guarantees of the rights to assemble and to petition the government are interrelated with the Maine Constitution's guarantees of free speech and freedom of the press. Me. Const., art. I, § 4.

The Supreme Court has long recognized that the right to petition the government is an essential and distinctive right:

> "The right of the people to peaceably assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the Powers or duties of the national government is an attribute of national Citizenship, and, as such, under the protection of and guaranteed by the United States. The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for redress of grievances."

United States v. Cruickshank, 92 U.S. (2 Otto) 542, 552 (1875).

At its core, the Petition Clause has always protected the people's right to seek redress of grievances, including changes in policy, from the executive and lawmaking governmental bodies. *Borough of Duryea, Pennsylvania v. Guarnieri*, 564 U.S. 379, 395-398 (2011) (recounting history of Petition Clause); see also, *id*. at 403 Scali, J, concurring and dissenting, ("There is abundant evidence that 'Petitions' were directed to the executive and legislative branches of government…"). As the *Duryea* Court explained, "[t]he right to petition allows citizens to express their hopes, and concern to their government and their elected representatives." *Id.* at 389; accord, *Pollack v. Fournier*, 2020 ME 93, ¶15, 237 A.3d 149. Thus, when, with the adoption of the Initiative Amendments, Maine voters regained their sovereign lawmaking power, within the confines of those amendments, they, as the lawmakers, invested with the authority to enact or reject legislative proposals, became subject to the Petition Clauses of the Maine and United States Constitutions.

As the Supreme Court has observed, when an elector signs a petition, it does not necessarily mean that that elector endorses the proposed legislation; that elector may only have concluded that "the matter is one deserving of the public scrutiny and debate that would attend its consideration by the whole electorate." *Meyer v. Grant*, 486 U.S. 414, 421 (1988). In this respect, the elector is clearly petitioning the lawmaking body of government—that is, the elector's fellow electors to consider whether to enact the proposal into law. At the same time, as Justice Scalia noted, when a voter signs such a petition, "he is acting as a legislator." *Doe No. 1 v. Reed*, 561 U.S. 186, 221 (2010) (Scalia, J., concurring in the judgment).

The values that the Petition Clauses of the Maine and U.S. Constitutions protect where the initiation and submission of ballot measures are at issue is further underscored and reinforced by

the Maine Constitution's special recognition of electors in the state's participatory democracy. Article II of the Maine Constitution provides that, in the exercise of their voting rights, voters are ad hoc constitutional officers. Me. Const., art. II, *passim*. In recognition of their essential, if temporally limited, role in the function of the state's representative form of government, the Maine Constitution has invested them with discrete protections while discharging their electoral rights. *Id,* art. II, §§ 2-3. Electors exercising their rights under the Initiative Amendments are, therefore, also acting as constitutional officers as provided in Article II.[4]

As will be discussed in more detail below, the foregoing discussion, therefore, establishes two points: First, as limited and confined by the Initiative Amendments, statutory limitations on the rights to initiate and effectuate initiatives and referenda may not impose substantive limitations on those rights nor unnecessarily burden them. Second, burdens placed on the initiative process, whether statutory or regulatory, must be considered to the extent they limit or impair the electors' rights under the Petition Clauses of the Maine and U.S. Constitutions as well as under the Freedom of Speech and Freedom of Assembly Clauses of both Constitutions, including the rights of association inherent in each of these rights. In other words, the electors' rights must also be considered along with those of others involved in the commencement and advancement of proposed initiatives and referenda, including petition circulators.

C. Standards of Review

The Committee incorporates by reference its discussion of the standards of review as set forth in its brief of April 17, 2026.

[4] See also, Me. Const., art. IV, Pt 3d, § 20 defining "elector" as one qualified to vote for governor.

D. Petitioners' Challenges

Petitioners have raised many challenges to the petitions supporting voter consideration of the PGS Initiative and the validated elector signatures thereon. The Committee addresses each as follows:

1. Challenge 1: Registration Challenge

Challenge 1 contends that tens of thousands of signatures and petitions should be invalidated because for organizations failed to properly register with the Secretary and failed to meet other requirements for doing business in Maine. The Committee agrees with and adopts the Secretary's argument as set forth in her brief as if fully set forth herein. Resp. Br. 7-13. The Committee also agrees with the Court's decision on these related challenges. Decision at 9-10.

2. Challenge 4: Circulator Cairo Name

Challenge 4 sought to disqualify the petitions and all the validated signatures thereon gathered by circulator Cairo on the grounds that she had not listed her full name. The Secretary opposed this challenge on the grounds, *inter alia*, that Petitioners had failed to meet their burden of proof that "Cairo" was not a "mononym." Resp. Br. 13-14. The Court agreed that Petitioners had failed to meet their burden on this point. Decision at 13.

Ms. Cairo appeared at the hearing by videoconference and testified that Cairo was her full name and that she held a U.S. passport issued to her in that name, alone. It is not known whether Petitioners press this challenge but, in light of the Petitioners' initial failure to meet their burden and Ms. Cairo's confirmation that "Cairo" is her full name, Petitioners' Challenge 4 should be rejected.

3. Challenge 5: Notaries Providing Other Services—Circulator Affidavits

Petitioners challenged petitions and all the validated elector signatures thereon in which the circulator affidavit had been witnessed by two notaries public, Robert DeClerqc and Patrick Harrington, who, themselves, had earlier circulated petitions for the PGS Initiative. The Secretary opposed this challenge on the grounds that the statutory prohibition on notaries who had provided "other services" to an initiative campaign witnessing circulators' signatures on petitions did not extent to circulator affidavits. Resp. Br. 13-14. The Committee agrees with and incorporate by reference the Secretary's arguments with respect to the notaries' capacity to witness circulator affidavits. The Committee also agrees with the Court's reasoning on this point. Decision at 5-6.

In the Committee's view, the Secretary's position that the absence of any specific statutory prohibition on notaries witnessing circulator affidavits is fully consistent with the purposes behind the Initiative Amendments and the principles that the Law Court has articulated that must guide their interpretation by the Secretary and the courts. Chief among these rules is that the "primary consideration" in the construction of the Initiative Amendments must be to do "liberally" in order to "**facilitate** rather than handicap the people's exercise of their sovereign power." *League of Women Voters*, 683 A.2d at 771 (emphasis supplied); see also, *McGee,* 2006 ME 50, ¶ 25, quoting, *Allen,* 459 A.2d at 1102-03.

It is also consistent with the protection of the rights of the signatory electors and the Committee, individually and collectively, and the circulators to petition the government under Article I, Section 15 of the Maine Constitution and the First Amendment to the U.S. Constitution. See, *McDonald v. Smith*, 472 U.S. 479, 486 (1985) ("the right to petition the Government requires stringent protection."). It also consistent with the protection of rights of the signatory electors, the Committee, individually and collectively, and the circulators to freedom of speech and rights of

association inherent therein, as protected by the Maine and U.S. Constitutions. *Meyer,* 486 U.S. at 421 ('the circulation of an initiative petition of necessity involves both an expression of a desire for political change and a discussion of the merits of the proposed change.")

For these reasons, the Committee urges that the Secretary uphold her initial decision on Challenge 5.

4. Challenge 7: Failure to Display Initiative Summary

Challenge 7 seeks to invalidate all petitions, including all the validated elector signatures thereon, that were circulated Hope Angel on the grounds that she had not displayed the summary of the PGS Initiative to prospective signers in compliance with 21-A M.R.S. § 901-A(1). The Secretary opposed this challenge. Resp.Br. 16-17. The Committee agrees with and adopts the Secretary's arguments in response to this challenge. The Court agreed with the Secretary and rejected this challenge. Decision at 14-15.

On remand to the Secretary, the Petitioners did not present testimony on this challenge. To the extent that they are, as noted above, the Committee adopts the Secretary's arguments in opposition.

5. Challenge 8: Absence of Notary Date on Circulator Affidavit.

Challenge 8 sought to invalidate petitions and all the validated elector signatures thereon on the grounds that the notaries failed to date the notarial certificate. The Secretary opposed this challenge on the grounds that the pertinent notarial statute did not require invalidation under those circumstances. Resp. Br. at 17-18. The Committee agrees with and adopts the Secretary's reasoning in response to this challenge. The Court also rejected this challenge. Decision at 15.

In addition to the foregoing, the Committee adds that the Secretary's interpretation of the pertinent statutory standards is consistent with the standards that the Law Court has identified for

interpreting and applying the Initiative Amendments and statutory and regulatory impediments to the voters' rights, including the signatory electors and the Committee, under those amendments. It is also consistent with rights of the signatory electors, the Committee, individually and collectively , and the circulators to petition the government and to freedom of speech and associated rights as guaranteed by the Maine and U.S. Constitution. See discussion above.

6. Challenge 10: One Year Date Discrepancy

Challenge 10 seeks to invalidate all petitions and the validated elector signatures thereon of circulators Derrell King and Karen Wellman on the grounds that, ostensibly, one year separated the date of the circulator's signatures and the date on which the notary witnessed their signatures. The Secretary rejected this challenge on the grounds that the year that "the only reasonable explanation for the [year-date] discrepancy is that the circulator misprinted the year when they completed the field." Resp. Br. at 18. The Committee agrees with and adopts the Secretary's arguments in response to this challenge. The Court agreed with the Secretary and rejected Petitioners' challenge on this point. Decision at 15-16.

The Secretary's opposition and the Court's endorsement thereof were consistent with and protective of the rights of the electors. the committee, individually and collectively, and the circulators under the Petition Clauses of the Maine and U.S. Constitution and the guarantees of freedom of speech and related associational rights in both constitutions. See discussion above.

7. Challenge 11: Absence of Notary Public's Commission Number

Challenge 11 seeks to invalidate the petitions and validated elector signatures thereon because the out-of-state notary who witnessed the circulator's oath failed to include her commission number. The Secretary rejected this challenge on the grounds that, although Secretary would have been justified in invalidating the electors' otherwise valid signatures based on this

omission, the Secretary was not required to do so. Resp. Br. 19. The Secretary noted that, notwithstanding the omission, the notary's name was legible and determining that that notary was authorized to witness the circulator's signature would not have been burdensome. *Id.*

The Committee disagrees with the Secretary, however, that her decision on this challenge was solely left to her discretion. As has been noted above, the Law Court has expressly enjoined the Secretary to interpret laws governing the petition process "liberally" in order to "facilitate rather than handicap the people's exercise of their sovereign power." *League of Women Voters,* 683 A.2d at 771. Had the Secretary adopted the Petitioners' crabbed reading of the pertinent notary standards, she would have acted entirely inconsistently with this constitutionally-based directive.

Moreover, by disqualifying the otherwise valid elector signature on those petitions, on the grounds urged by the Petitioners would have imposed the severest of burdens on each signatory elector's attempt to petition the government under the Maine and U.S. Constitution. See discussion above. *Cf., Meyer,* 486 U.S. at 421 (a signatory voter must "at least [conclude]… that the matter is one deserving of public scrutiny and debate that would attend its consideration by the whole electorate."); see also, *McDonald*, 472 U.S. at 486 ("the right to petition the government requires stringent protection."

Therefore, although the Committee agrees with the Secretary's conclusion in rejecting Petitioners' challenge on this point, the Committee disagrees that, with the confines of the Initiative Amendments and the rights protected by the Petitions Clauses and the Freedom of Speech and Freedom of Assembly Clauses of the Maine and U.S. Constitutions, the Secretary had the discretion to invalidate the petitions at issue and the otherwise validated elector signatures thereon.

8. Challenge 18: Central Voter Registration System—Municipal Registrars.

Challenge 18 sought to invalidate certain signatures on the grounds that, as validated by the municipal registrars, they did not match information on the Centralized Voter Registration ("CVR") system. In addition, Petitioners argued that the Secretary should conduct a comprehensive review of the 71,033 validated electors' signatures against the CVR. The Secretary rejected the Petitioners' challenge and their demand for a comprehensive comparison of registrar-validated signatures against the CVR. Resp. Br. at 20-23.

The Court accepted and approved the Secretary's argument in response to both the challenge and the CVR demand. Decision at 16.

The Committee agrees with and adopts the Secretary's arguments against both the Petitioners' challenge and the Petitioners' demand for the comparison of registrar-approved signatures and the CVR.

9. Challenge 20: Electors' Failure to Provide Street Address

Challenge 20 seeks to invalidate 158 otherwise valid elector signatures because the elector failed to provide a street address on the petition form. The Secretary provided a detailed opposition to this challenge. Resp. Br, 23-25. Although the Committee agrees with and adopts the Secretary's argument, as is explained below, the Committee believes that the Secretary's interpretation and application of the pertinent statutes include the longstanding guidelines that the Law Court has set forth for the consideration of statutes or rules that would impede the electors' exercise of their rights under the Initiative Amendments. See, *McGee*, 2006 ME 50, ¶ 20, citing, *Farris*, 143 Me. at 231.

In addition, the Secretary's rejection of this challenge consistent with the rights of the electors, the Committee, collectively and individually, and the circulators as protected by the

Petition Clauses of the Maine and U.S. Constitutions and the rights of Freedom of Speech and Freedom of Assembly, and the rights of association inherent in both under the Maine Constitution and the First Amendment to the U.S. Constitution. Had the Secretary viewed the question as being closer, she should have applied all these constitutional standards to her analysis.

10-A. Challenges 9, 12, 14, 15, and 16: Date-Based Challenges

Challenges 9, 12, 14, 15 and 16 seeks to invalidate petitions and the otherwise valid elector signatures affixed thereto on the grounds that the date of the circulator's signature is not the same as the date of in the notarial certificate.

The Committee accepts the distinctions that the Secretary drew between those petitions validly challenged in this group of challenges and those that were not. In particular, the Committee endorses and adopts the Secretary's defense of the affidavits at R0328884 and R032905,

10-B. Challenge 12: Duplicate Signatures

Challenge 12 seeks invalidation of signatures on the grounds they are duplicate signatures. The Secretary accepted some of these challenges but rejected others. Pet. Br. 27-28. The Committee accepts the Secretary's position on this aspect of the Petitioners' challenge.

10-C. Date of Electors' Signatures and Circulators' Oaths

Challenge 14 seeks to invalidate 373 signatures of electors on the grounds that the dates of the electors' signatures were later than the date entered for the circulators' oath. The Secretary addressed this challenge in detail and with considerable specificity. Resp. Br. at 28-30, The Committee agrees with and adopts the Secretary's response to Challenge 14.

10-D. Electors' Signature and Circulators' Oaths

Challenge 15 seeks to invalidate 47 elector signatures because the electors failed to place a date by their signature. The Secretary addressed this challenge in detail and with considerable

specificity. Resp. Br. at 30-31, The Committee agrees with and adopts the Secretary's response to Challenge 15.

10-E. Elector Signatures Ostensibly Outside of Circulation Period

Challenge 16 seeks to invalidate electors' signatures on the grounds that they were made before the PGS Initiative. The Secretary closely reviewed these signatures and concluded that all but 80 were made within the circulation period. The Committee agrees with and adopts the Secretary's response to Challenge 16.

11. Challenge 3: Failure to Submit to Jurisdiction before Circulating Petitions

Challenge 3 seeks to invalidate the petitions circulated and all the otherwise valid elector signatures thereon on the grounds that the four circulators—Cairo, Kewechi Chukwuma, Ummsalaamah Hakeem, and, Jordan Albert—failed to check a box on the circulator form confirming that they would submit to the jurisdiction of the State of Maine. The Secretary conceded the validity of this challenge. Resp, Br. 31-32. In noting her concession to Challenge 3, the Secretary reserved decision on whether a circulator who failed to check the box could remedy it after that the Secretary had issued her Determination by agreeing to consent to Maine's jurisdiction. *Id.*, 32, n. 4.

To begin with, as will be explained in detail below, the affirmative relief in the U.S. District Court Consent Order and Judgment is invalid. Circulators are defined in the Initiative Amendments which requires that they be both Maine residents and registered to vote in Maine. art. IV, Pt.3d, § 20. As Petitioners have repeatedly pointed out, the Law Court has upheld the residency requirement in the face of a federal First Amendment challenge. *Hart v. Secretary of State*, 1998 ME 189, ¶715 A.2d 165. And more recently has rejected a federal First Amendment

challenge to the voter registration requirement. *Jones v. Secretary of State*, 2020 ME 113, ¶¶ 34-35.

Despite these decisions, We the People, PAC and others, including a professional out-of-state circulator, sued the Secretary in U.S. District Court alleging that the Maine Constitution's residency and registration requirements violated their First Amendment rights and seeking preliminary injunctive relief. The District Court found that plaintiffs were likely to succeed on the merits and issued an injunction barring the Secretary from enforcing the statutory provisions including the residency and registration requirements. *We the People PAC v. Bellows*, 519 F. Supp.3d 13, 53 (D. Me. 2021). [5]

On appeal, the First Circuit sustained the District Court's decision that Plaintiffs had demonstrated a likelihood of success on their claim that the residency requirement imposed a "severe burden on core political speech" and that it would survive judicial scrutiny on the merits "only if it is narrowly tailored to serve a compelling state interest." *We the People v. Bellows*, 40 F.4th 1, 14 (1st Cir. 2022). The First Circuit confirmed the District Court's conclusion that the residency requirement "likely 'inhibit[s] communication by the voters about political change' and is likely 'not warranted the state interests…alleged to justify it.'" *Id.* at 23. The First Circuit reached the same conclusion as to the likelihood of success of Plaintiffs' challenge to the voter registration requirement. *Id.* at 24. The First Circuit then upheld the preliminary injunction. *Id.* at 27.[6]

[5] The injunction was not merely prohibitory. It included a mandatory requirement that, to obtain the benefit of the prohibitory injunction, nonresident circulators who "first submit to the jurisdiction of the state of Maine for any investigation and/or prosecution of alleged violations of Maine's election code with respect to Referendum and/or People's Veto petitions filed with Shenna Bellows or July Flynn. *We the People v. Bellows*, 519 F. Supp.3d at 53.

[6] Neither the First Circuit nor the District Court appears to have expressly considered any of the First Amendment rights held by electors, whether as potential or actual signatories or as approving or not

On remand, the parties opted to avoid a trial or summary judgment proceeding that would have yielded a judgment on the merits. Instead the parties entered into a Consent Order and Judgment, *We the People v. Bellows*, Docket No. 1:20-cv-00489-JAW ("Consent Order"). The Consent Order provided that the Secretary and the other State defendants were permanently enjoined from enforcing the residency and voter registration requirements of Article IV, Part Third, Section 20 of the Maine Constitution. *Id.* at ¶¶ 2-3.

To large extent, but not entirely, it carried over the mandatory elements of the District Court initial injunction both for party circulators and nonparty circulators. In pertinent part, the Consent Order provided that the Secretary of State could require out-of-state circulators, whether parties to the litigation or not, to submit to agree to the following conditions:

> "(a) submit to the jurisdiction of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions; (b) maintain up to date contact information with the Maine Secretary of State's office, by whatever means identified by the Secretary of State's office, for the duration of any petition drive for which they circulation (sic) petitions, which drive includes the collection of those signatures and review of those signatures by the Secretary of State's office; and (c) are responsive to requests for information from the Secretary of State's office for the duration of the petition drive, as defined above."

Id. at ¶ 2.

It is evident that the Secretary treats the Consent Order, to which it did agree, as the governing its authority over out-of-state circulators and not the District Court's preliminary injunction to which she did not consent and which she appealed to the First Circuit. Resp. Br. 31-32. It is equally evident that Consent Order differs from the District Court's preliminary injunction in that it does not include the requirement that out-of-state circulators must "**first** submit to the jurisdiction of the state of Maine…" *We the People*, 519 F.Supp.3d at 53; cf., Consent Order, ¶ 2.

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initiatives or referenda in a general election. Neither decision mentioned the right to petition the government whether as held by electors or any other person or entity, including nonparty circulators.

Consent Order applied to Ms. Cairo. On May 12, Ms. Cairo appeared by videoconference before the Hearing Officer designated by the Secretary. She authenticated a circulator's affidavit on which, as of May 6, 2026, she had completed in the presence of a notary. [Intervenor's Exhibit 2]. She also explained that, when faced with the length and detail of the jurisdiction box as devised by the Secretary, she did not fully understand it and put it to one side with the intent to examine it more closely later.[7] In the crush of activity surrounding her petition work, however, she failed to return to the form.

She testified that when it was called to her attention that she had not completed the form, she completed the form and submitted it to the Secretary. By her testimony and her appearance, Ms. Cairo showed beyond peradventure that she was willing to submit to the jurisdiction of the state of Maine and, in fact, did so. Under these circumstances, the Secretary should accept her appearance and her circulator's affidavit with the jurisdiction box checked as compliance with Paragraph 2 of the Consent Order.[8]

Although Ms. Cairo's submission to the Secretary's jurisdiction, though belated, should suffice as timely for purposes of the Consent Order, the Secretary should also consider that this question is not limited to Ms. Cairo's interests as a circulator or even the Committee's interest as promoting the PGS Initiative; it also concerns the rights of electors who, in the exercise of their right to petition the government under the Petition Clauses of the Maine and U.S. Constitution

[7] The jurisdiction box on the circulator's affidavit is, indeed, quite long and detailed. A reasonably careful reader might very well fail to fully understand its provisions and its implications upon first encountering it. Indeed, it has the appearance of conditions which, if the Secretary actually possessed the authority to issue them, would be derived from specific statutory authority or rulemaking. Given that, notwithstanding the preliminary injunction decision of the First Circuit and District Court and the Consent Order, the residency and voter registration requirements of the Maine Constitution remain in effect, it is apparent that the Secretary lacks the authority to add the jurisdiction provision to the circulator's form under any constitutional or statutory authority of the State of Maine. This point is discussed further below.

[8] On this point, it bears emphasis that this proceeding is not over and, based on her May 6, 2026 circulator form, Ms. Cairo will remain subject to the jurisdiction of the state of Maine throughout its pendency.

signed Ms. Cairo's petition in good faith subject to the restriction that they could not knowingly sign another petition for the PGS Initiative. See, 21-A M.R.S. § 904(4).

This point is all the more compelling when it is considered that no one, not even the Petitioners, are asserting **any** deficiencies in the petitions Ms. Cairo submitted. Yet, to invalidate all the otherwise valid elector signatures on her petitions would frustrate those electors' effort to fully exercise their Freedom of Speech, Freedom of Assembly and Right to Petition rights, including rights of association inherent in each.

Such a result would be an extreme example of the exaltation of form over substance. And, when it comes to the electors' exercise of their rights under the Initiative Amendments, such a result it precisely what the Law Court has repeatedly forbidden. Instead, the Law Court had enjoined the Secretary and the courts "liberally" construe the Initiative Amendments with an eye to "facilitat[ing] rather than handicap[ping] the people's exercise of their sovereign power." *League of Women Voters,* 683 A.2d at 771.

Consent Order Applied to Ummsalaamah Hakeem, Kewechi Chukwuma + Albert Jordan: Umsalaamah Hakeem, Kewechi Chukwuma and Albert Jordan did not submit belatedly completed jurisdiction forms nor did they appear at the hearing. Nonetheless, the invalidity of the mandatory provisions of the Consent Order and the jurisdiction provision of the circulator's affidavit aside, all of the otherwise valid elector signatures on their petitions should be sustained a valid.

First, as with Ms. Cairo, the Petitioners have not challenged any of the electors' signatures on any of these petitions. No has suggested that, aside from their failure to check the jurisdiction box, either the Petitioners or the Secretary has any reason to challenge or even question the elector signatures on their petitions or any other aspect of their petition circulation and submission.

Although it is understandable that, if the Secretary had the authority to require out of state circulators to submit to the jurisdiction of the state of Maine, which she does not, that she would seek such consent from circulators, as a practical matter, she would not invoke a circulator's submission unless a question arose about a circulator's actual discharge of their duties.

With no questions having arisen about petitions circulated by Mssrs. Hakeem, Chukwuma, and Jordan, the otherwise valid signatures of the electors who signed their petitions should be left intact. See, *League of Women Voters,* 683 A.2d at 771.

The District Court Lacked the Authority to Issue the Affirmative Requirements in the Consent Order. As has been noted above, the Secretary agreed to the terms of the Consent Order without a trial of the facts leading to an adjudication on the merits.

As agreed to by the parties, the District Court's Consent Order is a mix of prohibitory and mandatory provisions. The prohibitory provisions are directed at the Secretary of State. Consent Order at ¶ 3. The mandatory provisions are directed the Secretary's power over out-of-state circulators who were parties and the entire universe of out-of-state litigators who were not but who someday might aspire to circulate petitions in Maine. *Id.* at ¶ 2.

It is plain that Paragraph 2 expressly purports to empower to Secretary to impose its conditions on would be out-of-state circulators, But in so doing, it seeks to invest the Secretary with powers she does not and cannot possess. As the District Court recognized, the residency and voter registration requirement are imposed by the Maine Constitution. *We the People*, 519 F.Supp.3d at 20. Moreover, as has been discussed above, in the *Hart* and *Jones* decisions, the Law Court upheld these requirements in the face of challenges that they violate First Amendment guarantees, including the right to Freedom of Speech in political discourse.

As long as these two requirements remain intact in the Maine Constitution, neither the Maine Legislature nor the Secretary has the authority to override them. That does not mean that the Secretary, in her discretion, can decide not to enforce them. It does mean that the Secretary cannot, even with the sanction of a federal court, devise and enforce a regulatory scheme that is not authorized by and even conflicts with the Maine Constitution—the fundamental law. For these reasons, the mandatory provisions of the Consent Order, though clearly well intentioned and assented to by the parties (and only the parties) lie outside of the District Court's remedial powers. In *Ayotte v. Planned Parenthood of Northern New England*, 543 U.S. 320 (2006), the Supreme Court counseled caution in the total invalidation of statutes asking courts to consider "[w]ould the legislature have preferred what is left of the statute to no statute at all?" *Id* at 330. In this instance, that neither the District Court nor the parties—least of all the Secretary—can answer that question in the affirmative.

When the voters of Maine amended the Initiative Amendments to add the residency and voter registration requirements, their choice was clear. Just because their decision was later found to conflict with the First Amendment does not empower either the District Court to impose or the Secretary by her consent to tacitly authorize the de facto amendment of the Maine Constitution by federal court order. Under the circumstances of this case, the mandatory provisions of the Consent Order exceed the federal court's remedial powers. Paragraph 2 of the Consent Order is invalid.

The Out-of-State Jurisdiction Requirements in the Circulator Form are Ultra Vires. Apparently acting on the authority of the Consent Order, the Secretary issued a revised circulator form imposing jurisdictional consent on out-of-state circulators which, if they failed to comply, could lead to the invalidation of otherwise valid elector signatures. The Initiative Amendments

are the fundamental source of the Secretary's authority over the initiative process. But the Initiative Amendments do not and cannot authorize the Secretary to issue rules of forms rendering any of its provisions mere nullities. Yet that is the effect that the revised circulator form has on the Initiative Amendments have on the Constitution's residency and voter registration requirements.

Nor may the Secretary's authority to issue the revised circulator form be found in any Maine statute for the simple reason that, the Legislature cannot enact a valid statute in violation of the Maine Constitution. Me. Const., art. IV, Pt. 3d, § 1 ("the Legislature …shall have full reasonable laws and regulations for the defense and benefit of the this State, this Constitution, nor that of the United States."); *See also, La Fleur ex rel. Anderson v. Frost*, 146 Me. 270, 280, 80 A.2d 407 (a power granted or reserved by the Constitution may not be limited by the Legislature.").

12. Challenge 6: Invalidation of Petitions Notarized by "Other Services" Notaries

Challenge 6 seeks to invalidate the petitions which Robert DeClerqc and Patrick Harrington notarized on the grounds that, earlier, each has circulated PGS Initiative petitions to electors. As authority for this invalidation, Petitioners and the Secretary rely on 21-A M.R.S. § 903-E and 4 M.R.S. § 1904(5) which bar notaries from "providing services" to an initiative campaign and later notarizing the petitions of other circulators. By, notwithstanding the Law Court's decision in *Reed v. Secretary of State*, 2020 ME 57, 232 A.3d 202 and the Secretary's interpretation and application of that term in this instance, this exclusionary standard is unconstitutional both as violative of the Initiative Amendments and the offending notaries' rights to freedom of speech and to petition the government under the Maine and U.S. Constitution.

This double-barreled statutory disqualification found in both Title 21-A and Title 4 adds a substantive limitation neither found nor authorized in the Initiative Amendments. This is particular striking because the Initiative Amendments provide considerable detail about the standards

applicable to petition circulators and those that notarize their oaths regarding the signatures they have gathered. See, Me. Const., art. IV, Pt. 3d, § 20. Though Section 20 could certainly have been drafted to include the absolute exclusion in Section 903-E and Section 1904(5), it clearly was not--and for good reason.

As the Committee argued in its initial brief, the answer can be found in part in the burden that that restriction imposes on the notaries' First Amendment rights. In addition, it strikes at another aspect of the initiative process that is equally fundamental. The submission of initiatives to the voters at large for their approval or rejection. In *Meyer*, the Supreme Court recognized that a voter's signature on a petition did not necessarily signify that the voter supported the proposal. To the contrary, it could mean that the voter concluded that the proposal should be placed before the voters for their consideration and discussion. Meyer, 486 U.S. at 421 (a petition signatory may only have concluded that "the matter is on deserving of the public scrutiny and debate that would attend its consideration by the whole electorate.").

Whether a notary supports adoption of a proposed initiative or has only decided that it warrants consideration, debate and decision by the voters at large is no basis for either disqualifying that notary from circulating petitions or barring the notary from doing so. It is apparent, therefore, that the statutory "other services" exceeds the legislative authorized by the Initiative Amendments and violates the affected notaries' free speech and right to petition rights as guaranteed by the Maine and U.S. Constitutions.

13. Challenge 13: Lack of Notary's Signature

Challenge 13 seeks to invalidate petitions which lack a notary's signature. The Secretary did not oppose this challenge. Resp. Br. 33. The Committee does not oppose it, either.

14. Challenge 17: Ditto Marks for Dates

Challenge 17 seeks to disqualify otherwise valid elector signatures on the grounds that the electors indicated their date of signature by using "ditto" marks rather than by writing in the date. The Secretary agrees reasoning that statutory standards incorporated reference from candidate petition requirements to initiative petitions warrant the disqualification. It would be hard to imagine a more hyper-technical ruling.

For, as has been noted repeatedly above, the Initiative Amendments occupy a special place in the Constitution. Having arisen out of a fundamental distrust of the elected legislature and a countervailing confidence in the voters at large, the Initiative Amendments were "self-executing" and were designed to be untrammeled by post-adoption impediments the Legislature might devise. The origins and purposes of the Initiative Amendments prompted the Law Court's longstanding admonition that courts should construe these amendments and any implementing (not substantive) legislation to "facilitate" not to "handicap" the electors exercise of their hard-won popular lawmaking power. See, *McGee,* 2006 ME 50, ¶ 24.

Held to these standards, the "ditto" objection fades to nothingness. To begin with, in invalidating the "ditto" date signatures, the Secretary does not contend that she cannot discern the voters' intent. Nor could she. The use of ditto marks is common. Indeed, it has been defined as meaning, "1.The aforesaid; the above; same as before. Used to avoid repetition and indicated by a part of small marks (") placed under the word that would otherwise be repeated." American Heritage Dictionary (ed. 1976).

Nor does the Secretary's reasoning justify depriving all the "ditto" electors of their right to petition the government and to have their fellow electors, and the public at large, consider the

public policy questions, including arguments against it, that would necessarily inhere in the voters' consideration of the PGS Initiative as a ballot measure.

The Committee urges the Secretary to withdraw her concession to this near-fanatical objection and return to guiding principles of *McGee*.

As has been noted above, the Initiative Amendments were adopted at a time when many voters were skeptical of the Legislature's responsiveness to the popular will in the discharge of its lawmaking duties. That the voters felt compelled to "retake[] unto themselves" (*Opinion of the Justices*, 275 A.2d at 803) by itself is eloquent testimony as to the intensity of that skepticism. Beyond that, however, as has also been seen, recognizing the risk that the elected lawmaking body might frustrate this newly won popular power, the Initiative Amendments expressly limited the Legislature to the enactment of implementing legislation. See, art. IV, Pt.3d, § 20; *McGee*, 2006 ME 50, ¶ 20, citing, *Farris*, 143 Me. at 231.

15. Fraud Allegations

From the outset, Petitioners consistently accused circulators of the PGS Initiative petitions of "fraud", piling one accusation upon another building to a crescendo accusation of "patterns of fraud."

Yet, at the hearing no convincing evidence of such conduct was adduced. To begin with, Maine law is clear, when fraud is alleged, the accuser must prove the allegation by clear and convincing evidence. As with all fraud allegations, this applies where signature on voter petitions are in question as well as in all other instances. *Buck v. Town of Ogunquit*, York County Superior Court, Docket No. AP-2019-0008 (Judgment) citing *Petit v. Key Bank of Maine*, 688 A.2d 427, 431 (1996). (Attachment A).

As here, in *Buck v. Town of Ogunquit*, the Court was tasked with reviewing allegations of fraud and knowingly false swearing by circulators of petitions for the recall of Select Board members. However, the *Buck* Court found that any allegations of fraud in the circulation of petitions under Title 21-A must be proven by clear and convincing evidence. *Id*. The *Buck* Court specifically found that:

> A balancing of the public and private interests at stake guides the Court to conclude the Plaintiffs must prove fraud or a knowingly false statement" by clear and convincing evidence. The circulators at issue have a private, reputational interest in not being branded a liar. The public has an interest in preserving the will of the substantial portion of Ogunquit voters who signed the petitions and for whom Plaintiffs have failed to generate evidence of wrongdoing. While Plaintiffs have a substantial interest in ensuring the integrity of the process for calling a recall election, the risk of error is appropriately placed on them because the outcome they seek to avoid is simply putting the ultimate question of recall to the voters. Moreover, Plaintiffs seek to void the effect of solemnly sworn written statements through a showing of "fraud or a knowingly false statement." This is precisely the type of instance where the Law Court has consistently held that clear and convincing evidence is required.

A. ANO Circulators:

Petitioners accused three circulators with ANO designations on certain of the petitions they circulated of fraud. These circulators are Kendrick Jackson, Fritz Jean-Baptiste, and Rokelle Harris.

But, by statute, circulators are not required to verify the identity of voters who sign their petitions and, as long as they believe in good faith that the person signing is qualified to sign, the circulator has met the statutory standards and the oath that circulator must eventually take. See., 21-A M.R.S. § 354(9). Moreover, an ANO designation by a municipal registrar does not constitute a finding that "another" has actually signed a voter's name. It only means that, in the registrar's view, the signature on the petition does not match the signature card.

Rokelle Harris: Petitioners allege that Rokelle Harris engaged in fraud that rises to the level wherein ALL of her petitions should be invalidated. Hearing Tr. at __. Specifically, Petitioners two claims of fraud against Ms. Harris. First, Petitioners allege that due to multiple instances of "DUP" (duplicate) and "ANO" (signed by another) designations in the Town of Oxford it implies that Ms. Harris was engaging in intentional fraudulent conduct which was motivated by her getting paid per signature that she acquired. Hearing Tr. at __. Second, Petitioners allege that Rokelle Harris engaged in fraudulent conduct because Nancy Penn's name appeared on a petition in the town of Hiram, Maine, and Nancy Penn, after being notified by attorneys for the Petitioners, did not know her name was on a petition and claims she did not sign it. Hearing Tr. at __. Although Ms. Penn's testimony that she did not sign Ms. Harris' Hiram petition would appear to disqualify her signature, it remains that Ms. Harris, coming to Maine from Mississippi, would not have recognized anyone signing her petitions and, if someone sought to forge another person's. name, she would have had no way of knowing that.

Ms. Harris testified that she is an experienced circulator with a very good reputation in the industry. She testified she understands the importance of witnessing the signatures of the voters but she does not ask for a voters' identification when they sign petitions she is circulating. She testified she got paid $4.00 per signature while circulating the PGS petitions and she believes she was a paid a total of approximately $500.00.

Ms. Harris testified honestly and credibly. Her petitions and the validated elector signatures on them should be sustained.

Fritz Jean Baptiste: Petitioners allege that Mr. Baptiste engaged in fraudulent conduct because in (name towns), there were three instances where a voter placed their name on more than one petition. Hearing Tr. at __. Petitioners also allege that in one instance on the same petition a

couple placed their names on the petition twice which Petitioners allege indicates that Mr. Baptiste was so motivated by his pay per signature employment that he disregarded his oath to witness every signature. Hearing Tr. at __. Petitioners allege that due to this alleged conduct ALL of Mr. Baptiste's petitions should be invalidated.

Mr. Baptiste testified he is any experienced circulator and his reputation is very important to him. He testified that he understood that he must witness voters signatures on the petitions, but he did not ask for identification of the voters signing the petitions he circulated. Mr. Baptiste testified that he had a QR code to provide voters so they could learn more about the initiative on-line if they wanted more information prior to signing the petition.

Moreover, as the Secretary noted in her initial brief, the overall validation rate for Mr. Baptiste's petitions was high. Petitioners did not present sufficient grounds to invalidate any more signatures on Mr. Baptiste beyond those that, at the time of the Secretary's Determination, had already been invalidated.

Kendrick Jackson: Finally, Petitioners allege that Mr. Jackson engaged in fraud due to the number of "DUP" and "ANO" invalidations from the town of Waterville. (Hearing Tr. at __). Petitioners argue that this should invalidate ALL of Mr. Jackson's petitions.

Despite technical difficulties, Mr. Jackson made himself available for questioning. Although Petitioners sought to portray him as venal, Mr. Jackson explained that, although he was paid per signature, he did not need the money. The income he received from his petition work, he donated to the Disabled Veterans Administration.

Although Mr. Jackson had a large number of ANO designations by the registrar in Waterville, that was an outlier. Overall, as the Secretary noted in her initial brief, Mr. Jackson's validation rate was high. Petitioners failed to adduce evidence warranting the invalidation of any

signatures on his other petitions. Petitioners challenge to Kendrick Jackson and the validated elector signatures on his petitions should be rejected.

B. Alleged Failure to Observe Signatures

Petitioners produced three witnesses who asserted that Susan Mays, Elias Vasquez, and Adam Turner failed to witness all of the signatures on their petitions. Petitioners seek to invalidate all the signatures they collected.

Susan Mays: Petitioners, through testimony from Amy Stubbs and Gabriel LaSalle, allege that Ms. Mays engaged in fraudulent conduct because she stepped away from her signature gathering table twice during a 5 hour period and voters signed a petition while she was on a break. Hearing Tr. at _.

Amy Stubbs testified that she is employed by Planned Parenthood and she had a table in the Thorton Academy Gymnasium in Saco on November 4, 2025. Ms. Stubbs testified that she was at the far end of the gym and the last table. Next to her was a table for Maine People's Alliance and then the furthest table away from Planned Parenthood was a PGS table. Ms. Stubbs testified that due to her line of work she is very familiar with the obligations imposed on circulators who are engaged in circulating an initiative petition. Ms. Stubbs testified that at two separate times from approximately 10am until 2pm, Susan Mays left her table unattended and left petitions right side up for voters to sign. Ms. Stubbs attempted to support this testimony through three uninformative photographs and a short video of Gabriel LaSalle which largely focuses on him rather than the surrounding area.

The first photograph shows the PGS table with blank petitions and two pens. One petition does appear to have signatures on it, however, it is unclear how many signatures. *See* Pet. Ex. 9. The next photograph is a picture of a woman holding a child while bending over a table apparently

signing something on the table. *See* Pet. Ex. 10. It is unclear from the photograph whether Ms. Mays is near the table or absent. The third photograph is a picture of a line of people allegedly signing the petition at the PGS table. Pet. Ex. 11. The viewer cannot see the PGS table or determine whether Ms. May is present because the angle of the photograph only shows the line of people. Pet. Ex.11.

Ms. Mays testified that she has been a circulator for 16 years. She is a supervisor and has a deep understanding of the obligations imposed on circulators. Ms. Mays testified that her reputation as a circulator is very important to her as it is her livelihood and she had a reputation for her ethical conduct. Ms. Mays testified that she did leave her table twice. Once to eat lunch for approximately 20 minutes and once to use the restroom for approximately 5 to 10 minutes. She testified that she took her petitions with her on her boards when she left for lunch but there may have been a blank form turned over on the table. She testified that a gentlemen from a table next to her indicated that he had sent voters over to her table to sign while she was gone. Ms. Mays testified that she saw the signatures of voters who she did not witness sign and put them in her Tupperware container and destroyed them as they were not valid. She testified that she does not recall whether anyone signed while she was in the restroom but she would have destroyed any petition that was signed that she did not witness.

Adam Turner: Petitioners further allege that Adam Turner engaged in fraudulent conduct at the Auburn Christmas Parade when he circulated petitions for PGS in a line of people at the event. Hearing Tr. at __. Petitioners allege that this conduct should result in ALL of Adam Turner's petitions being invalidated.

Cynthia Grimm, an employe of Planned Parenthood and an experienced petition circulator with an understanding of the obligations imposed on petition circulators, testified that she observed

a man circulating petition for PGS at the Auburn Christmas Parade. Hearing Tr. at __. Ms. Grimm, who testified she was seated in her wheelchair, heard verbal exchanges between Mr. Turner (the circulator) and voters inquiring about which town in Maine they were from so he could provide them with the appropriate petition to sign. *Id*. Ms. Grimm testified that Mr. Turner would then step away from the line of voters while these voters had the petitions. *Id*. Ms. Grimm further testified that Mr. Turner repeatedly came back to the line and answered questions when asked by a voter relating to which town petition to sign. *Id*. She also testified at some point, Mr. Turner stepped back from the line and appeared to be taking a video. *Id*. None of this was documented by video or photographic evidence. Far from providing grounds to disqualify any of Mr. Turner's petitions, Ms. Grimm's testimony established that at all times he was near the petitions See. *Knutson v. Department of Secretary of State*, 2008 ME 124, ¶ 10, 954 A.2d 1054 (2008).

Ms. Grimm claims that, in a public place, surrounded by hundreds of people, she was uncomfortable taking a video or photograph of Mr. Turner's activities. However, Ms. Grimm did take two photographs of Mr. Turner holding his petitions in his arms after he had allegedly circulated these petitions through the crowd. *See* Petitioner's Exs. 18, 19. Ms. Grimm testified that the photographs were for identification purposes only.

Ms. Grimm is attacking the reputation of circulator Adam Turner by making blanket statements that the mere fact he gave voters some space to review and/or sign the petitions, he engaged in fraud when he signed the circulator oath stating he had observed the voters sign the petitions. However, there was no evidence presented by Petitioners through their sole witness, Ms Grimm, that identifies what petition and what voter signatures were not observed. Instead, the Petitioners make a blanket claim that Mr. Turner engaged in fraud without producing the clear and convincing evidence necessary to meet their burden. Petitioners' intent is only to harm the

reputation of the circulators in hopes that the Secretary of State will invalidate all of the voter signatures associated with Mr. Turner's petitions. The Secretary should disregard such unsubstantiated allegations and uphold the will of the voters to petition the government and disregard these unsubstantiated, inflammatory, and harmful reputational attacks on Mr. Turner.

Elias Vasquez: Elias Vasquez was accused by Jillian McLeod Tardiff, Mary T. Henderson, and Deborah Considine of failing to witness all signatures. There was, however, a curious disconnect in their testimony---particularly that of Ms. McLeod-Tardiff and Ms. Considine—in that despite having ample opportunity to document Mr. Vasquez's omissions by video-recording or photograph, they produced, at most, fleeting and seemingly selective photographs.

These witnesses did not provide a sufficient basis on which to invalidate all of the otherwise valid elector signatures on Mr. Vasquez's petitions.

E. Statutes Placing Severe Burdens on the Electors' Right to Petition the Government are Subject to Strict Scrutiny

As has been noted, "the rights to assemble peaceably and to petition for redress of grievances are among the most precious of liberties safeguarded by the Bill of Rights." *United Mine Workers of America v. Illinois Bar Ass'n,* 389 U.S. 217, 222 (1967). Therefore, statutes placing severe burdens on those rights are subject to strict scrutiny. *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182, 206 (1999) (Thomas, J., concurring in the judgment on burdens placed on freedom of speech

IV. CONCLUSION

Petitioners have raised a seemingly endless parade of challenges to the petitions submitted on behalf of the PGS Initiative. While a small number, such a duplicate signatures, have merit, the remainder range from unrestrained and unsubstantiated accusations to hyper-technical objections which would turn the people's sovereign lawmaking powers under the Initiative

Amendments into litigious nightmare in which the enduring and protected values of political speech and the power of the people to effect change by petitioning the government would be lost. The Committee respectfully urges the Secretary to reject the Petitioners' extreme contentions to decide the matters here at issue in a manner that facilitates rather than handicaps the electors' exercise of their sovereign lawmaking powers.

Date: May 15, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2026, I caused the foregoing document to be served upon all counsel of record via electronic mail and First Class Mail

Timothy C. Woodcock

STATE OF MAINE
SECRETARY OF STATE

In re: Remand of *Gilbert v. Bellows*, No. PORSC-AP-2026-10 (Cumb. Cty. Super. Ct.)	**RECOMMENDED DECISION**

This matter was remanded by the Superior Court (Cashman, J.) to the Secretary of State ("Secretary") to make additional findings and take other actions concerning the above-captioned challenge to the direct initiative petition to enact "An Act to Designate School Sports Participation and Facilities by Sex" (the "Initiative"). The Secretary designated me to serve as presiding officer and to issue a recommended decision. After consideration of evidence and sworn testimony adduced at hearing and extensive post-hearing briefs by the parties, I recommend that the Secretary make the findings of fact and conclusions of law set forth below and issue the proposed revised determination of validity set forth at the end of this recommended decision. The proposed revised determination would conclude that the direct initiative petition does not meet the constitutional threshold of 67,682 valid signatures and is therefore invalid.

Procedural History

On March 17, 2026, the Secretary issued a decision validating the petition for the Initiative. AR003–006. On March 27, 2026, Maine voters Jane Gilbert, Mark Sayre, and Kaitlin Webber ("Gilbert") filed a Rule 80C appeal in Superior Court, Cumberland County, appealing the Secretary's determination. *See Gilbert v. Bellows*, Docket No. AP-2026-10 (Cum. Cty. Super. Ct.). The ballot question committee that supported the initiative, Protect Girls Sports in Maine ("the Committee") was granted intervenor status.

In her Rule 80C brief, Gilbert raised 21 challenges to the validity of the petition. The Secretary contested some of these challenges, partly or wholly conceded others, and argued that a few others should be remanded for additional factfinding if resolution of the other challenges made these challenges potentially dispositive. The Superior Court agreed with the Secretary's positions in the appeal, both with regard to her arguments against some of the challenges and her concessions as to others. The Court thus ordered a limited remand of the matter back to the Secretary to act in accordance with her concessions as to challenges 3, 6, 9, 12, 13, 14, 15, 16, and 17, and to conduct additional factfinding with regard to challenges 2 and 19. Decision and Order at 8–9, 11–12. The Court's remand order directed the Secretary of State to engage in "further proceedings consistent with this Order, which may include correcting the concessions identified herein, taking new evidence, and developing further findings of fact as necessary." Order at 17. The Court directed the Secretary to issue a new Determination of Validity within 30 days of the Order.[1]

The same day as the Court's decision, the Secretary's counsel notified Gilbert's and the Committee's counsel by email that the Secretary intended to hold an evidentiary hearing on May 12, 2026, to hear evidence on the matters remanded to the Secretary. A formal notice of hearing issued April 28, 2026, and an amended notice of hearing issued later that same day. The hearing notice specified that the hearing would be held in accordance with the Maine Administrative Procedure Act., 5 M.R.S.A. § 9051 *et seq.* (MAPA), and that I would serve as the Presiding Officer.

[1] Because the 30th day after the April 24, 2026 order falls on a weekend, the deadline is the following business day, May 26, 2026. M.R. Civ. P. 6(a); 21-A M.R.S.A. § 6.

As permitted by the hearing notice, Gilbert requested issuance of four subpoenas: for Kathleen Dillingham, town clerk of Oxford, and for petition circulators Fritz Jean-Baptiste, Kendrick Jackson, and Rokelle Harris. The Committee objected to issuance of the Dillingham and Harris subpoenas on timeliness and relevance grounds. I overruled those objections but concluded that I was unable to issue MAPA subpoenas to the out-of-state circulators due to the restriction in 5 M.R.S.A. § 9060(1)(A) that subpoenas be issued "only within the territorial limits." I instead issued letters to these circulators pursuant to their agreement to submit to the jurisdiction of Maine in their circulator affidavits, requesting that they appear at the hearing and give testimony, either in person, by Zoom link, or by telephone. All three circulators appeared, with Jean-Baptiste and Harris appearing by Zoom and Jackson appearing by telephone after attempts to connect by Zoom were unsuccessful.[2]

The hearing was held as scheduled on May 12, 2026. Gilbert called the following witnesses:[3]

Jillian McLeod-Tardiff
Mary Henderson
Amy Stubbs
Gabriel LaSalle
Deborah Considine
Cynthia Grimm
Kathleen Dillingham (by subpoena)

[2] Jackson attempted to appear by Zoom, as evidenced by his appearance in the Zoom waiting room during the hearing. However, he was unable to connect when his turn came to testify, apparently due to a poor connection. The hearing was reconvened on May 13, 2026, so that Jackson could again attempt to connect by Zoom. That effort was unsuccessful, resulting in taking his testimony by telephone. Jackson later testified that the poor connection was the result of his current employment on a ship in the Pacific Ocean. Although Gilbert objected to the testimony by telephone, arguing that it prejudiced her ability to show documents to the witness, I conclude that Jackson acted in accordance with the letter requesting him to testify by methods including phone (to which Gilbert did not object at the time) and, furthermore, appeared to have made good-faith efforts to connect by Zoom before resorting to a telephone connection.

[3] This list does not reflect witness order, as some witnesses were taken out of turn to accommodate their schedules.

Nancy Penn

The Committee called the following witness:

Cairo
Susan Mays
Rokelle Harris (by letter request)
Fritz Jean-Baptiste (by letter request)
Kendrick Jackson (by letter request).

In addition, the following exhibits were entered into evidence.

Committee Exhibits:

Committee 1: Corrected State of Maine Circulator Affidavit from Cairo

Gilbert Exhibits:

Gilbert 2: Photo, Topsham
Gilbert 3: Photo, Topsham
Gilbert 4: Video, Topsham
Gilbert 5: Video, Topsham
Gilbert 9: Photo, Biddeford
Gilbert 10: Photo, Biddeford
Gilbert 11: Photo, Biddeford
Gilbert 13: Video, Biddeford
Gilbert 18: Photo, Auburn
Gilbert 19: Photo, Auburn
Gilbert 27: Supplement to Challenge Table 18

Prior to the hearing, Gilbert also circulated some demonstrative exhibits to the parties and the Secretary, which appear to contain excerpts from the Agency Record (AR) filed with the Court. Gilbert used some of these demonstratives to examine witnesses but did not request their admission. In a post-hearing email, the Committee objected to these demonstratives on grounds that they were not admitted to the record. However, the Agency Record is already a part of the hearing record and the Committee makes no argument that the demonstratives are anything more than excerpts from that voluminous record. Because the demonstratives are not themselves evidence, it would have been proper for me to rely upon them in reaching my recommended

decision. I note, however, that other than the extent to which I observed counsel use them at hearing to examine witnesses, I did not in fact rely upon these demonstratives in reaching my conclusions.

After briefly reconvening the hearing on May 13, 2026, to hear the telephone testimony of Mr. Jackson, I closed the evidentiary portion of the hearing. The parties submitted written post-hearing briefs on May 15, 2026.

Based on the credible testimony at hearing by witnesses Nancy Penn and Kathleen Dillingham indicating that two petition forms circulated by Rokelle Harris listed voters who did not sign the petition, I also directed Elections Division staff to review the other signatures on Circulator Harris's petition forms. Upon review of each signature, the Elections Division concluded that all 61 of the signatures collected by Circulator Harris should have been invalidated for ANO, i.e., signed by another. I will be providing the parties with the voter registration applications that the Elections Division used to draw these conclusions, which the parties are directed to refrain from publicly disseminating under 21-A M.R.S.A. § 196-A(1).

Also, based on Gilbert's contention that the Secretary erred in contesting the invalidity of 152 of the signatures challenged in Challenge 14, I further directed the Elections Division to review those 152 signatures pursuant to the Division's usual practices for resolving date discrepancies on petition forms. The Elections Division review determined that 6 of the 152 signatures contested by Gilbert should have been invalidated.

Proposed Findings of Fact

I recommend that the Secretary make the following findings of fact:

Circulation of Petitions at Mt. Ararat High School on November 4, 2025

1. On Election Day, November 4, 2025, a circulator for the Initiative collected signatures at Mt. Ararat High School, the polling place for Topsham. (Test. of McLeod-Tardiff; Test. of Henderson; Test. of Considine; Gilbert Exs. 2–5).

2. The circulator collected signatures at a table set up in a hallway near where voters exited from the gymnasium, where voting was taking place. Two other tables for other causes were set up in the same area. (Test. of McLeod-Tardiff; Gilbert Exs. 2–5).

3. Attached to the circulator's table, so that they hung in front of the table and would be visible to voters as they passed, were two identical printed color signs, approximately 18" x 24" in size, that invited voters to "Sign the Petition," followed underneath with "Protect Girls Sports in Maine" in large text. (Gilbert Ex. 3).

4. The circulator was paid a fixed amount for each signature he collected. AR 0051.

5. Three testifying witnesses staffed the two other tables, collectively between the hours of approximately 8:00 a.m. and 3:00 p.m., and were able to observe the circulator during this time. (Test. of McLeod-Tardiff; Test. of Henderson; Test. of Considine).

6. At approximately 8:20 a.m., the circulator left his table, leaving petition forms face up on the table. The circulator went to an unknown location outside the vicinity of the hallway in which the circulating tables were set up. (Test. of Henderson).

7. The circulator was gone from the table for at least several minutes, with no one substituting for him. (*Id.*)

8. While the circulator was gone, one person signed one of the petition forms that the circulator left behind. (*Id.*)

9. The circulator was expected by his supervisor to be circulating petitions the entire day on November 4, 2025, and was disgruntled about the lack of a lunch break. (Test. of McLeod-Tardiff).

10. Around midday, the circulator again left the circulating table, with no one substituting for him. The circulator went to an unknown location outside the vicinity of the hallway in which the circulating tables were set up. (Test. McLeod-Tardiff; Test. of Considine).

11. The circulator left petition forms on the table, attached to two clipboards, turned face down on the table, together with a pen and other papers. (Test. of McLeod-Tardiff; Test. of Considine; Gilbert Ex. 2).

12. The circulator was gone 40 to 45 minutes. (Test. of McLeod-Tardiff; Test. of Considine).

13. While the circulator was gone approximately 7 to 10 people signed the petition form. (Test. of Considine; Test. of McLeod-Tardiff; Gilbert Exs. 2, 4–5).

14. The circulator was male and stated to others present that he was from Texas, specifically Austin. (Test. of McLeod-Tardiff; Test. of Henderson; Test. of Considine).

15. Eight circulators submitted circulator affidavits to the Secretary listing a Texas residence. AR 032605–032926. Circulator Elias Vasquez is the only one of those circulators who submitted signatures from Topsham. (AR 0263–65).

16. Circulator Vasquez listed his residence on his Circulator Affidavit as Hutto, Texas, a town approximately 20 miles from Austin, Texas.[4] (AR 032911.)

17. Circulator Vasquez submitted a total of 10 petition forms with signatures of Topsham voters, containing a total of 605 signatures validated by the Secretary of State. (AR 0263–65.)

18. All of the signatures Circulator Vasquez collected for the Initiative that were submitted to the Secretary were collected in Topsham on Election Day, November 4, 2025. (AR 0465; Pet. Nos. 6787, 6790, 6792, 6805, 6806, 6807, 6808, 6809, 6810, 6811).

19. No other circulator who submitted signatures from Topsham submitted more than 20 signatures. (*Id.*)

20. Circulator Vasquez is the circulator who left his petition forms unattended twice at Mt. Ararat High School on November 4, 2025, as found above. (Test. of McLeod-Tardiff; Test. of Considine; Test. of Henderson; AR 0465; Pet. Nos. 6787, 6790, 6792, 6805, 6806, 6807, 6808, 6809, 6810, 6811).

21. Circulators are instructed that, if someone signs one of their petition forms outside their presence, the proper procedure is to cross out that signature. (AR 0025).

22. Circulator Vasquez's submitted petitions contain two cross-outs. One was crossed out by the municipal clerk, as evidenced by the use of red ink, likely due to the failure of the voter to list a street address or municipality. Pet. No. 6805. The other cross-out was originally made in black ink (though the municipal clerk also crossed it out in red ink), *see* Pet.

[4] The distance calculation is from maps.google.com, of which calculation I recommend the Secretary take official notice.

No. 6806, and was coded by the Secretary as WD—withdrawn—meaning that the cross-out could have been done by either the voter or the circulator. (AR 0100).

23. The single cross-out, even if it was done by Circulator Vasquez and not the voter, is not sufficient to account for the number of people who signed the petition while it was unattended. (Test. of Considine; Test. of McLeod-Tardiff).

24. On each of the petition forms Circulator Vasquez submitted, he swore the following oath:

> I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

(Pet. Nos. 6787, 6790, 6792, 6805, 6806, 6807, 6808, 6809, 6810, 6811).

25. Circulator Vasquez also swore in his circulator affidavit that he "read and understand[s] the information provided by the Secretary of State's Office to the applicant, pursuant to Title 21-A § 903-A, sub-§3, including the laws and rules governing the circulation of petitions." AR 032911.

26. The Secretary's Instructions to Circulators state that "you may not leave the petitions unattended at a location, or attended by someone other than yourself. You must be able to take the oath that is written on the petition and state truthfully that you personally witnessed each person sign the petition." R0024.

27. At least one, and likely more, of the 10 petition forms circulated by Circulator Vasquez at Mt. Ararat High School on November 4, 2025, contain signatures that Circulator Vasquez did not witness, despite his oath that he witnessed all signatures.

28. On at least those petition forms, Circulator Vasquez could not have reasonably believed his oath to be true and accurate.

Circulation of Petitions at Thornton Academy on November 4, 2025

29. On Election Day, November 4, 2025, Circulator Susan Mays collected signatures for the Initiative at Thornton Academy, the polling place for Saco. (Test. of Mays; Test. of Stubbs; Test. of LaSalle).

30. Circulator Mays submitted a total of 9 petition forms in support of the Initiative, all of which exclusively contained signatures collected on November 4, 2025. The petitions collectively contained 194 validated signatures. (AR 0419; Pet. Nos. 5937, 5938, 5942, 5943, 5959, 5963, 5964, 5965, 5966).

31. On each of the petition forms Circulator Mays submitted, she swore the following oath:

> I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

(Pet. Nos. 5937, 5938, 5942, 5943, 5959, 5963, 5964, 5965, 5966).

32. Circulator Mays also swore in her circulator affidavit that she "read and understand[s] the information provided by the Secretary of State's Office to the applicant, pursuant to Title 21-A § 903-A, sub-§3, including the laws and rules governing the circulation of petitions." AR 032594.

33. Circulator Mays was in fact aware of the requirement that she personally witness all signatures. (Test. of Mays).

34. Circulator Mays collected signatures at a table in a cordoned area of the Thornton Academy gymnasium between the voting area and the exit. Two other tables for other causes were set up in a row with Circulator Mays's table. (Test. of Stubbs; Gilbert Ex. 11).

35. Two testifying witnesses staffed the two other tables, collectively from 10:00 a.m. until after Circulator Mays left for the day and were able to observe the circulator during this time. (Test. of Stubbs; Test. of LaSalle).

36. Circulator Mays was the only circulator staffing the table between approximately 9:00 a.m. and 3:15 p.m. (Test. of Mays; Test. of Stubbs; Test. of LaSalle).

37. Circulator Mays's practice was to place active petition forms on clipboards for voters to sign and had petition forms attached to approximately six clipboards while she was circulating at Thornton Academy. (Test. of Mays).

38. Around noon, Circulator Mays left the gymnasium for approximately 25 minutes to eat lunch. (Test. of Mays; Test. of Stubbs).

39. Circulator Mays took with her clipboards containing petition forms but left on the table stacks of blank petition forms, pens, and signs identical to the signs described in paragraph 3, urging voters to "Sign the Petition." (Test. of Mays; Test. of Stubbs; Gilbert Ex. 9).

40. While Circulator Mays was gone, 25 to 30 people signed one or more of the blank petition forms. (Test. of Stubbs).

41. Later in the afternoon, at approximately 1:50 p.m., Circulator Mays again left the gymnasium for between 15 and 30 minutes. (Test. of Stubbs; Test. of Mays; Gilbert Exs. 9–11, 13).

42. Circulator Mays again left on the table stacks of blank petition forms, pens, and signs urging voters to "Sign the Petition." (Test. of Mays; Test. of Stubbs; Gilbert Ex. 9).

43. While she was gone, as many as 30 more people signed the unattended petition forms on Circulator Mays's table. (Test. of Stubbs; Test. of LaSalle; Gilbert Exs. 10–11, 13).

44. A photograph of Circulator Mays's unattended table shows two distinct stacks of petition forms. One stack was positioned on the left side of the table and one on the right. The right stack had a pen next to it while the left stack had a pen on top of it. Additional pens were in the middle of the table. The petitions were positioned so that two voters could simultaneously approach the table and sign the forms. No petition forms are attached to clipboards in the photograph. (Gilbert Ex. 9).

45. At 1:52 p.m. (the time of the photograph) the top petition form on the right stack contained 20 signatures. (Gilbert Ex. 9).

46. Circulator Mays did not witness any of these 20 signatures. (Gilbert Ex. 9; Test. of Stubbs; Test. of Mays).

47. After the photograph was taken, more people signed one or more unattended petition forms on the table. (Gilbert Ex. 10–11, 13).

48. Although Circulator Mays testified that she sequestered and then destroyed the petition form containing unwitnessed signatures, a comparison of the photograph of Circulator Mays's unattended table to Circulator Mays's submitted petition forms shows that form was in fact submitted to the Secretary for validation, resulting in 24 validated signatures and 1 invalid signature. (Gilbert Ex. 9; Pet. No. 5943).

49. The final petition form submitted to the Secretary contained the 20 signatures shown in the photograph plus 5 more, completely filling the front side of the petition form. (Pet. No. 5943).

50. Circulator Mays swore the circulator's oath for the petition form containing the unwitnessed signatures on the same day, November 4, 2025, attesting that she witnessed all signatures on the form. (Pet. No. 5943).

51. Circulator Mays swore the circulator's oath on an unknown number of additional petition forms with unwitnessed signatures from that day.

52. With regard to at least those petition forms containing unwitnessed signatures, Circulator Mays could not have reasonably believed her oath to be true and accurate.

Circulation of Petitions at the Auburn Tree Lighting and Parade on December 7, 2025

53. Several circulators for the Initiative circulated petitions at a Christmas tree lighting ceremony and parade held in Auburn on December 7, 2025. (Test. of Grimm).

54. During the event, one circulator approached a line of people waiting for hot cocoa, inquired whether people in line would like to sign the petition, and then handed a petition form to the first person in line. (Test. of Grimm).

55. The circulator then moved to a location approximately 15 feet away while the petition form was passed from person to person in the line.

56. The circulator periodically returned to the line, collected the petition form, and then approached a new group of people in line, asking if they wished to sign the petition. (Test. of Grimm).

57. The circulator made inquiries to the people in line to ensure that he was providing them with the proper petition form for their municipality of residence. (Test. of Grimm).

58. In total, the circulator collected several dozen signatures from people of various municipalities using this method. (Test. of Grimm).

59. For periods of indeterminate length while the petition was in the possession of people in line, the circulator had his back turned to the line, using his phone. (Test. of Grimm).

Circulation of Petitions by Rokelle Harris

60. Rokelle Harris is a professional petition circulator who submitted petitions for the Initiative. (Test. of Harris).

61. Circulator Harris was paid $4 per signature collected. (Test. of Harris; *see* AR 0051).

62. Circulator Harris submitted 14 petition forms to the Secretary, which were initially determined to consist of 61 valid signatures and 16 invalid signatures. (AR 0375).

63. Two signatures were invalidated for ANO, meaning that the signatures did not match the voters' signatures on file with the municipal registrar. An additional 5 signatures were invalidated because the signing voters had signed the petition more than once (DUP). The remaining invalidations were for REG—meaning the voter was not registered. (*Id.*)

64. Circulator Harris's petition form from Hiram contained 8 signatures (7 determined valid). (Pet. No. 3146).

65. One of the signatures on the Hiram petition, for voter Nancy Penn, was a forgery. (Test. of Penn; Pet. No. 3146).

66. Ms. Penn does not know how her signature came to be on the petition and does not know Circulator Harris. (Test. of Penn).

67. Circulator Harris submitted two petition forms containing a total of 8 signatures from Oxford. (Pet Nos. 5122, 5123).

68. The Deputy Clerk for Oxford reviewed and validated 6 of the signatures. Two signatures were invalidated for NR—not registered to vote. (Pet. No. 5122; Test. of Dillingham).

69. Following submission of the petition forms to the Secretary, the Oxford Town Clerk, Kathleen Dillingham, received a complaint from a voter concerning a change of address form they had received as a result of signing the petition. In the course of resolving that complaint, Clerk Dillingham noticed two signatures on the petition forms submitted by Circulator Harris that she deemed suspicious. (Test. of Dillingham).

70. Clerk Dillingham contacted the two voters, Diane Jackson and Robert Plummer. Both voters confirmed that they did not sign the petition. (Test. of Dillingham).

71. Clerk Dillingham then notified the Secretary and conducted a review of the remaining signatures on the petition forms, which she also deemed suspicious. (Test. of Dillingham).

72. A post-hearing review by the Election Division staff comparing signatures contained in the 14 petition forms submitted by Circulator Harris with voters' signatures on their voter registration applications concluded that all 61 validated signatures collected by Harris should have been invalidated for ANO.

Circulation of Petitions by Fritz Jean-Baptiste

73. Fritz Jean-Baptiste circulated 77 petition forms submitted to the Secretary, containing 765 validated signatures and 156 invalidated signatures. (AR 0389–0391).

74. Circulator Jean-Baptiste was paid by the signature. (Test. of Jean-Baptiste).

75. Circulator Jean-Baptiste submitted five petition forms containing 324 signatures collected on Election Day in New Gloucester that had no invalidations. (Pet Nos. 4576, 4577, 4578, 4579, 4580).

76. One of Circulator Jean-Baptiste's petition forms, submitted to the Sanford clerk, was found to contain 9 signatures invalid for ANO—signed by another. That petition also had one duplicate signature and 13 validated signatures. (Pet. No. 6018).

77. Circulator Jean-Baptiste submitted petition forms with three other signatures invalidated for ANO. One was on a petition form submitted to Cumberland that also contained 5 validated signatures and two were on a petition form submitted in Lewiston that had 48 validated signatures, as well as 10 signatures invalidated for NR and 4 signatures invalidated for DUP. (Pet. Nos. 1846, 3726).

78. Circulator Jean-Baptiste had a high number of signatures invalidated for DUP relative to other circulators. AR 0296–0488.

79. A comparison of the duplicate signatures shows that some of them have discrepancies in the signature, handwriting, and spelling of names and addresses, suggesting that the same person did not sign both times.

Circulation of Petitions by Kendrick Jackson

80. Kendrick Jackson circulated 88 petitions containing 955 validated signatures and 162 invalidated signatures. AR 0387–89.

81. Circulator Jackson was paid by the signature at $3 or $4 per signature. (Test. of Jackson).

82. Circulator Jackson submitted 10 petition forms collected on Election Day in Gray, with 567 validated signatures and only 8 invalidated signatures. AR 0388.

83. Following Election Day, Circulator Jackson circulated petitions at various events, such as hockey games and a festival in Bangor, in which people from multiple municipalities would be present. (Test. of Jackson).

84. Circulator Jackson did not ask for identification when people signed the petitions. (Test. of Jackson).

85. Circulator Jackson submitted a petition form to Waterville that the municipal clerk concluded contained 20 signatures invalid for ANO as well as 2 signatures invalid for NR. The clerk validated only 3 signatures on that petition form. (Pet. No. 7214).

86. None of Kendrick Jackson's other 87 petitions had any signatures invalidated for ANO. (AR 0387–89).

87. Circulator Jackson had a high number of signatures invalidated for DUP relative to most other circulators. AR 0296–0488.

88. Three petitions Circulator Jackson circulated were found by the Secretary to have between 13 and 20 signatures invalid for DUP. Each of these petitions also had between 40 and 50 valid signatures. (Pet. Nos. 329, 330, 294).

89. A comparison of the duplicate signatures shows that some of them have discrepancies in the signature, handwriting, and spelling of names and addresses, suggesting that the same person did not sign both times.

Circulation of Petitions by Adam Turner

90. Circulator Adam Turner circulated 138 petition forms containing 539 valid signatures and 341 invalid signatures. AR 0458–0461.

91. The vast majority of Circulator Turner's invalidations, 288, were for NR—not registered. (AR 0458–0461).

92. Circulator Turner had 39 signatures invalidated for DUP. (*Id.*)

93. A comparison of the duplicate signatures shows that a few of them have discrepancies in the signature, suggesting that the same person did not sign both times.

Failure to Consent to the Jurisdiction of Maine

94. Cairo circulated 466 petition forms containing 1,472 validated signatures. AR 0319–30.

95. "Cairo" is the circulator's full legal name. (Test. of Cairo).

96. Cairo's circulator affidavit, signed and notarized November 4, 2025, and submitted to the Secretary with the petition forms, reflects that she resides in Arizona. However, Cairo did not check the box consenting to the agreement set forth on the affidavit for out-of-state circulators, which includes submitting to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law. AR 032665.

97. Cairo's failure to check the box was not inadvertent. Rather, Cairo was concerned that checking the box may require her to appear in court during midterm season and wished to get a better understanding of the requirement before consenting to it. Cairo was never provided with that better understanding and therefore executed the affidavit without checking the box. (Test. of Cairo).

98. Cairo executed a new circulator affidavit on May 6, 2026, in which she did check the box agreeing to the conditions required of an out-of-state circulator. (Test. of Cairo; Committee Ex. 1).

99. Cairo did not agree to the out-of-state circulator conditions until after the petition had been submitted to the Secretary of State on February 2, 2026, and validated by the Secretary on March 17, 2026. (AR 0096, 0002).

100. Cairo appeared by Zoom and testified in this matter at the May 12, 2026 hearing as a voluntary witness for the Committee. (Official Notice).

101. Three other circulators who reside out of state, Kewechi Chukwuma, Albert Jordan, and Hakeem Ummsalaama, did not check the box agreeing to the out-of-state circulator conditions in their circulator affidavits submitted with the petition and have not since submitted corrected affidavits. (AR 032608, 032767, 032674).

Legal Analysis

I. Recommended Resolution of Challenge 2

A. Signatures collected by Elias Vasquez on Election Day in Topsham should be invalidated.

Gilbert presented testimony from three witnesses present at Mt. Ararat High School on Election Day, November 4, 2025, indicating that the sole circulator present to circulate petitions for the Initiative left his petition forms unattended on at least two separate occasions during the day, during which time 8 to 11 people signed the petition forms. I found the testimony of these three witnesses to be credible. Moreover, their testimony was corroborated with photographic and video evidence. The Committee did not call the circulator as a witness to contest the testimony presented by Gilbert or offer any other evidence contradicting those witnesses' accounts. Witness testimony and a review of the petition forms submitted from Topsham make clear that this circulator could only have been Elias Vasquez.

Circulator Vasquez submitted 10 petition forms containing signatures collected on Election Day from Topsham voters. The testimony and evidence establishes that at least one and likely more than one petition form submitted by Circulator Vasquez contained unwitnessed signatures, given the two different times of day he left the petitions unattended in direct violation of the Secretary of State's instructions to circulators and the multiple signings of the petition

form that occurred when he was away. What is more, the testifying witnesses were only present until 3:00 p.m. while the circulator indicated that he was assigned to stay the entire day. Given the circulator's demonstrated pattern of leaving petitions unattended and the lack of any backup, it is very possible that he left the petitions unattended additional times after the witnesses left and before polls closed at 8:00 p.m.

Although the evidence is clear that Circulator Vasquez submitted signatures with unwitnessed signatures in violation of his circulator's oath, the evidence at hearing did not establish which of the 10 petition forms submitted by Circulator Vasquez from that day contain the unwitnessed signatures. The question presented is whether this lack of proof prevents the Secretary from invalidating any signatures or whether, as Gilbert urges, the circulator's course of conduct is sufficient to allow invalidation of all signatures collected by Circulator Vasquez on that day or, even, during the entire petition drive.[5]

Maine statute largely does not specify the circumstances under which the Secretary may invalidate signatures on a petition form, providing only that the Secretary "shall determine the validity of the petition" and "may invalidate a petition if the Secretary of State is unable to verify the notarization of that petition." 21-A M.R.S.A. § 905. Despite the dearth of express statutory guidance, it is "well established that the Secretary has the authority to invalidate petitions *in toto* when the circulator has not complied with statutory or constitutional requirements." *Maine Taxpayers Action Network v. Sec'y of State* ("*MTAN*"), 2002 ME 64, ¶ 12, 795 A.2d 75. The requirement that circulators witness all signatures on a petition is both a statutory and a constitutional requirement. Me. Const. art. IV, pt. 3, § 20 (requiring circulator oath that "all of

[5] It turns out that this distinction is moot as a practical matter since Circulator Vasquez only circulated petitions on Election Day.

the signatures to the petition were made in the presence of the circulator"); 21-A M.R.S.A. § 902 (circulator must take an oath that "the circulator personally witnessed all of the signatures to the petition"). The Legislature has underlined the importance of this requirement by making it a Class E crime to willfully swear that a signature was made in the circulator's presence when it was not. 21-A M.R.S.A. § 904(5). So too has the Law Court recognized the importance of the circulator's oath, calling it "critical to the validation of a petition," since it serves to help verify that "a signing voter actually signed the petition." *MTAN*, 2002 ME 64, ¶ 13, 795 A.2d 75.

The Law Court has confirmed that flaws in the circulator's oath generally require at least invalidation of all signatures on the petition form containing the flaw. *See Palesky v. Sec'y of State*, 1998 ME 103, ¶ 11, 711 A.2d 129 (failure to take circulator's oath before a notary required invalidation of the petition); *MTAN*, 2002 ME 64, ¶ 18, 795 A.2d 75 (circulator's use of a false name required invalidation of all petition forms circulated under that name). In *MTAN*, the Law Court concluded that invalidation of all petitions with the false circulator name was permissible because "the Secretary had ample authority and reason to question the authenticity of the signatures" collected by the circulator. 2002 ME 64, ¶ 21, 795 A.2d 75. What is more, there is no constitutional requirement that the Secretary find fraud before she may invalidate full petitions for noncompliance with statutory or constitutional requirements. *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 26, 954 A.2d 1054.[6]

[6] The Legislature has provided more detailed instructions for when *candidate* petition forms should be invalidated. Under the current version of that test (which was amended after the *Knutson* decision), petition forms may be invalidated in full only if (1) the circulator did not "reasonably believe[]" their circulator oath to be true when taken, or (2) there is "proof of fraud or a knowingly false statement by the circulator." 21-A M.R.S.A. §§ 335(8); 354(9). These provisions do not apply to direct initiative petitions. *See* 21-A M.R.S.A. § 902 (incorporating subsections 3 and 4 of § 354 into the direct initiative process but not subsection 9). And, in any event, even if they did, they would not prevent invalidation of full petition forms, since any subjective belief Circulator Vasquez might have had in the truth and accuracy of his circulator oath was not reasonable given his conduct.

The question posed by the facts here is novel: what is the appropriate remedy when it is proven that a circulator left his petitions unattended, resulting in multiple unwitnessed signatures that the circulator then swore he witnessed, but the specific petition forms containing the unwitnessed signatures cannot be determined? It is my recommendation that, in the factual circumstances presented here, the proper remedy is invalidation of all signatures collected by Circulator Vasquez on November 4, 2025.

Here, the evidence established that Circulator Vasquez left his petitions unattended more than once on November 4, 2025, suggesting a general practice at least on the day in question where he was circulating alone and expected by his supervisor to stay the entire day. The evidence further established that more than one of the 10 petition forms circulated by Circulator Vasquez likely had unwitnessed signatures. And the evidence left no doubt that the circulator who engaged in this misconduct was Circulator Vasquez. Under these circumstances, I conclude that the circulator's oath on each of the 10 petition forms that Circulator Vasquez circulated that day is sufficiently untrustworthy to warrant invalidation of the signatures contained on each of those petition forms. I further conclude that failure to invalidate signatures despite proven serial misconduct by the circulator, based solely on an inability to pinpoint the exact petition forms affected, would reward improper conduct and undermine public confidence in the direct initiative process. What is more, given that Circulator Vasquez engaged in clear misconduct by leaving his petition forms unattended, leading to unwitnessed signatures, my recommendation does not depend on whether Circulator Vasquez was consciously aware that his petition forms contained unwitnessed signatures when he took the circulator's oath. Even if he had a subjective belief in the truth of his circulator oath, that belief would have been unreasonable in light of his conduct.

Although the issue is moot in this case since Circulator Vasquez only circulated petitions on one day, I note that my recommendation is deliberately cabined to the petitions submitted from the day in question. The evidence at hearing established a course of circulator conduct in a particular circumstance—collecting signatures at a polling place over a long day with no backup. Recognizing the important rights of voters that are at stake in petition validation decisions, I would be reluctant to extend my recommendation to invalidating petition forms collected by Circulator Vasquez on different days under different circumstances, absent some evidence or testimony that the course of conduct witnessed on Election Day had repeated itself.

In short, I recommend that the Secretary invalidate all signatures collected by Circulator Vasquez on November 4, 2025.

B. Signatures collected by Susan Mays on Election Day in Saco should be invalidated.

My analysis is similar with regard to petitions circulated by Susan Mays at Thornton Academy in Saco on Election Day. As with Topsham, credible witnesses staffing tables adjoining Circulator Mays's table testified that she left petition forms unattended twice during the day, during which time many people signed the petition. As with Topsham, their testimony was corroborated by photo and video evidence. Unlike with Topsham, however, Gilbert submitted photographic evidence confirming that one of the petition forms that Circulator Mays left unattended on the table, which contained 20 signatures at the time of the photograph, was submitted to the Secretary for validation.

Although Circulator Mays, unlike Circulator Vasquez, testified at the hearing, I found her testimony to be largely not credible, other than her admission against interest that she left blank petition forms unattended on two occasions. Most troublingly, Circulator Mays testified that she knew that she was not permitted to submit unwitnessed signatures and therefore, when she

returned from one of her absences and found a form containing an unwitnessed signature, she sequestered it in a Tupperware container and later destroyed it. Photographic evidence admitted at hearing, however, establishes that at least one petition form circulated by Circulator Mays that contained many unwitnessed signatures[7] was not destroyed, but instead submitted to the Secretary for validation. Circulator Mays also gave shifting accounts of what happened that day. She testified that only a single person signed the petition form while she was away, and then later indicated that it was multiple people. She testified about her interaction with a person staffing a table promoting a candidate after she returned from an absence, despite the photos and videos in evidence showing no table where she claimed it was located and no other witnesses describing such a table. Given the inconsistencies within her testimony and between her testimony and the credible evidence submitted by Gilbert, I have declined to credit the exculpatory aspects of Circulator Mays's testimony in reaching the proposed findings above.

Moreover, while photographic evidence establishes that one petition form was almost certainly submitted to the Secretary with unwitnessed signatures, the evidence further showed that it is highly likely that other petition forms from that day with unwitnessed signatures were also submitted. Circulator Mays left the area twice at different times for significant periods of time. Witness testimony, video, and photographs establish that many people signed the petition forms she left behind during those periods. The petition form containing the 20 unwitnessed signatures was photographed at the start of Circulator Mays's second break, after which many additional people signed the petition. Gilbert Exhibit 9 shows that the front of the petition form

[7] Circulator Mays testified that she circulated petitions on clipboards and that when she left the table she would take the clipboards with her but not the stacks of blank petition forms that she also kept on the table. That the unattended petition form in the photograph is on top of a stack of petition forms and not attached to a clipboard is thus strong evidence that none of the signatures on that form were witnessed by Circulator Mays.

was already almost full at that point, with 20 of the 25 available signature lines filled in. Given the number of people observed to have signed the petition during Circulator Mays's absence (as many as 30), and the fact that five prospective signers are pictured waiting in line to sign the petition in one photograph alone, it is highly likely that signers filled the remaining five lines on that petition and then moved on to the next blank petition form—possibly the one arranged to face prospective signers just to the left of the partially filled one (with a pen placed on top). What is more, Gilbert's witnesses provided estimates of the total number of unwitnessed signatures they observed that day ranging between 35 and 60 people. Even the lowest estimate—35 people—exceeds the 25 signatures contained on the petition form affirmatively identified as containing unwitnessed signatures. In short, more than one petition form with unwitnessed signatures was likely submitted to the Secretary.

This fact pattern is remarkably similar to the fact pattern in Topsham: a sole circulator left petitions unattended multiple times while tabling on Election Day, resulting in numerous unwitnessed signatures spanning multiple petition forms, at least some of which cannot be specifically identified. If anything, the case for invalidation is even stronger here, where the circulator testified that she understood she could not submit unwitnessed petitions and claimed to have destroyed a form containing unwitnessed signatures, despite photographic evidence showing that one of her petition forms containing unwitnessed signatures was submitted to the Secretary for validation. Under this specific set of facts, I again conclude that none of the circulator oaths taken by Circulator Mays for petitions circulated on this day are trustworthy and

therefore recommend that the petition forms submitted by Circulator Mays containing signatures gathered on November 4, 2025, be invalidated.[8]

C. The evidence is insufficient to invalidate any signatures collected in Auburn on December 7, 2025 for failure to witness signatures.

Gilbert also seeks the invalidation of all petition forms circulated by a circulator that Gilbert contends to be Adam Turner[9] based on conduct observed by a single witness at an outdoor Christmas event in Auburn on December 7, 2025. Specifically, Circulator Turner is alleged to have allowed his petition forms to be passed from person to person in lines of people waiting to purchase hot cocoa and other things while he was standing some distance away with his back turned, while he was operating his phone, or both.

In assessing this challenge, I recommend that the Secretary apply the longstanding two-part framework for assessing whether a petition was signed in the "presence" of a circulator: whether there was both "physical proximity" and "awareness." *See Knutson*, 2008 ME 124, ¶ 12, 954 A.2d 1054. Under this test, if the circulator is "too far away to see the voters sign their names," *id.*, or, alternatively, within range but not actually observing the signing process, due to distractions or otherwise, the petition is not signed in the circulator's "presence" as required by the Maine Constitution and statute. Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S.A. § 902.

Here the evidence indicated that the circulator was positioned roughly 15 feet from the signers. That distance, while perhaps further than ideal, would not appear to be so far away as to

[8] As with Circulator Vasquez, this amounts to all of Circulator Mays's petition forms. But as with Topsham, my recommended remedy would not have extended beyond signatures gathered on the day in question, absent evidence of misconduct on other days.

[9] The testimony indicated that there were multiple circulators present at the event in question and the witness did not identify the circulator as Adam Turner. Gilbert contends that I could rely on the photographs in the record and social media accounts belonging to Mr. Turner to identify him. Because I do not recommend invalidating signatures based on this challenge, I need not consider whether it would be appropriate for me to take official notice of a private citizen's social media account.

violate the "presence" criteria. Moreover, while Gilbert presented evidence suggesting that the circulator displayed lapses in "awareness" of the signatures, by turning away from the petition signers or operating his phone, this evidence was markedly weaker than the evidence presented in support of the Topsham and Saco challenges. Gilbert presented only a single witness who testified to the circulator's conduct. Moreover, the witness, who was waiting in line for hot cocoa with her daughter, testified that her view was obstructed. When asked on direct "Had you taken any photographs of the circulator?" the witness responded "No, I was trying to, but it was impossible to get an angle from where I was sitting. There were people in the way." Although the witness later testified on cross-examination that the issue was being unable to get the circulator and petition forms in the same frame due to "people who were not involved in the way" or being "too far apart," it seems clear that the witness had a less than ideal view of the circulator and petition-signers from her position in line. Gilbert was unable to present any additional witnesses to the alleged behavior or any video or photos that might have corroborated the witness's testimony.[10]

While I do not doubt that the witness observed the circulator at various points with his back turned to the line, taking video with his phone, or otherwise operating his phone, I conclude that the evidence is insufficient to recommend finding that the circulator was engaged in those actions continuously while the petition forms were circulating through the line, such that he generally lacked awareness of who was signing his forms. At most, the evidence establishes that the circulator's attention was diverted enough that he lacked awareness of what was happening with the petition at a few specific points in time. Such an infraction might warrant invalidation

[10] There is no dispute that the two photos of the circulator admitted to the record were taken after he completed his circulating efforts.

of any signatures collected during these lapses, or possibly even a full petition form containing such signatures if it could be affirmatively identified, but it does not, in my view, warrant the more severe remedy of invalidation of all of the circulator's petition forms collected on December 7, 2025. Since the evidence does not establish any specific problematic signatures or petition forms, I recommend that no signatures be invalidated under this challenge.

To be clear, this recommendation is not to condone the circulator's actions. Circulators who fail to actively observe their petition forms while they are being signed risk invalidation of those signatures and potentially all others that they have collected on that form or even on other forms. However, given the relative weakness of the evidence, and in absence of any evidence of specific unwitnessed signatures on specific forms, I do not recommend invalidating any signatures in response to this challenge.

D. The evidence is insufficient to invalidate any signatures collected by Circulator Jean-Baptiste for failure to witness signatures.

Gilbert seeks to invalidate all signatures collected by Fritz Jean-Baptiste during the entire campaign based on his testimony that "There were times where the petition was placed on a table, and there was a crowd of some people, and I did my best to witness *most* of the signatures, yes" (Test. of Jean-Baptiste (emphasis added)), and further testimony that he sometimes allowed his form to be passed amongst a crowd of people and did not follow it around the crowd, though he was "there within the crowd." *Id.*

Circulator Jean-Baptiste's testimony is concerning. The circulator's obligation is to witness *all* signatures, not "most." And, as discussed above, passing a petition form through a crowd creates risks that not all signatures will be made in the presence of the circulator if the circulator is inattentive or too far away. However, with that said, there is no evidence in the record that would allow me to pinpoint which signatures or petition forms might be subject to

invalidation based on Circulator Jean-Baptiste's testimony. The only option would be to invalidate all of Circulator Jean-Baptiste's 77 petition forms. I do not believe such a remedy is appropriate based on a few concerning but vague sentences of testimony. I therefore recommend that the Secretary invalidate no signatures under this challenge.

II. Recommended Resolution of Challenge 19

A. Signatures collected by Rokelle Harris should be invalidated.

At hearing, a voter who appeared on Rokelle Harris's petition form for Hiram, Nancy Penn, testified credibly under oath that she never signed the petition and, indeed, had never heard of it. In addition, Oxford Town Clerk Kathleen Dillingham credibly testified that she identified two suspicious signatures on Circulator Harris's petition forms for Oxford and those two voters, Diane Jackson and Robert Plummer, then personally confirmed to Clerk Dillingham that they had never heard of the petition and were very sure that they did not sign it. Clerk Dillingham further testified that she also found the remaining signatures on the petition form to be suspicious, and the record reflects that she reported those considerations to the Secretary of State's Elections Division while it was in the process of validating the petition.[11] AR 0074.

Based on this testimony, I directed the Elections Division to review all the signatures on the two Oxford and one Hiram petition forms circulated by Circulator Harris.[12] Elections staff

[11] The Election Division was apparently unable to review Clerk Dillingham's concerns at the time, likely due to the extreme workload that comes with reviewing a direct initiative petition for validity within the 30-day statutory time period.

[12] While the Elections Division is not required to review petition signatures under the statutory and constitutional scheme—and it is therefore not reversible error if it fails to do so—it is certainly permitted to review such signatures if there are sufficient indicia of fraud or other misconduct. Moreover, nothing in the Superior Court's remand order prevents the Elections Division from conducting additional investigation to supplement the evidence in the hearing record where, as here, the evidence at hearing strongly indicated a need for additional investigation.

determined that none of the signatures on these three petition forms matched the voters' signatures on their voter registration applications. Elections staff reviewed the signatures based on the image of the application contained in CVR or, if no image was available, by requesting a copy of the original registration application from the relevant clerk. Based on the results of this review, I asked the Elections Division to extend their review to Circulator Harris's remaining 11 petition forms. They concluded that each of the validated signatures collected by Harris on these forms also should have been invalidated for ANO.

The conclusion of the Elections Division is obviously very concerning. However, for purposes of this remand proceeding I need not determine whether Circulator Harris committed fraud, or the resulting legal question raised by the Committee of whether such a finding must be made by clear and convincing evidence. Rather, because a signature-by-signature review of Circulator Harris's petition forms indicated that 100% of Circulator Harris's signatures should have been invalidated for ANO, I recommend invalidation of those 61 signatures on the straightforward basis that those signatures were not made by the named voters.

B. The discrepancies identified in the remaining circulators' petition forms, while sometimes troubling, are insufficient to prove fraud.

Gilbert also challenges all of the petition forms circulated by three circulators, Fritz Jean-Baptiste, Kendrick Jackson, and Adam Turner, on a theory that all three circulators engaged in fraud. Gilbert's theory of fraud however, is constructed solely around a paper review of these circulators' petition forms combined with cross examinations of Circulators Jean-Baptiste and Jackson in which they did not admit to fraud.

Gilbert correctly points out that these three circulators had unusually high rates of invalidated signatures, including a notable number of invalidations for DUP (duplicate signature) and, in the cases of Jean-Baptiste and Jackson, also a notable number of invalidations for ANO

(signed by another). Circulator Jackson submitted a single petition form to Waterville in which 20 signatures of 25 were invalidated for ANO. Similarly, Circulator Jean-Baptiste submitted a petition form to Sanford in which 9 signatures were invalidated for ANO. Gilbert's paper review of the petitions of Jean-Baptiste and Jackson uncovered some troubling entries, such as duplicates in which the handwriting or signatures diverged or in which names or addresses were spelled wrongly in one version of the duplicate. Moreover, Gilbert has correctly pointed out that certain aspects of these circulators' testimony, such as their claim that they never pre-filled information on their petition forms despite visual evidence seemingly to the contrary on some of the forms, called into question their credibility.

Ultimately, while Gilbert's paper review of the petitions suggests that some signatures on these two circulators' petitions were not made by the named voter, I conclude that the evidence did not rise to the level of proving that either circulator engaged in forgery or other fraudulent conduct. Neither circulator asked petition signers for identification, nor were they required to do so. The alleged forgeries identified by Gilbert are not—or at least not obviously—written by the same hand. Notably, with the exception of Jackson's Waterville petition form, even those petition forms submitted by these circulators with unusually high invalidation rates were found to contain mostly valid signatures. It is thus unclear without more evidence how any scheme by the circulators to forge signatures on the petitions would have worked in practice.[13]

[13] Of the petition forms at issue, the most troubling form remains the petition form submitted by Jackson containing 20 signatures invalidated for ANO, and only 3 valid signatures. However, Jackson submitted a total of 88 petition forms and had no other signatures on any of those forms invalidated for ANO. It is hard to know what to make of this discrepancy. Without more supporting evidence, I am unable to recommend finding that Jackson forged 20 signatures on a single petition form, despite apparently not repeating that conduct on any of the 87 other forms.

In addition, unlike in her challenge to petition forms circulated by Rokelle Harris, Gilbert did not present any testimony from witnesses, such as other circulators, observers, municipal clerks, or voters whose names appeared on these circulators' petitions that might have helped establish circulator misconduct. For example, testimony from the Sanford and Waterville clerks who invalidated multiple signatures for ANO concerning their level of certainty that the signatures were not those of the voters, or any interactions they may have had with the circulators, may have been probative. Testimony from voters confirming that a given signature was not theirs would also have been potentially probative. The lack of such testimony may be understandable given the expedited nature of this proceeding and the resulting limited time for the parties to prepare and present evidence. But given the lack of any direct evidence of misconduct by the circulators and the existence of other explanations for the petition discrepancies that do not involve circulator misconduct, I cannot recommend concluding that seeming discrepancies in a relatively small number of petition forms submitted by Circulators Jean-Baptiste and Jackson establish that either circulator engaged in fraud.

Finally, while Gilbert's paper review of Circulators Jean-Baptiste's and Jackson's petition forms identified some substantial issues, her challenge to the petition forms of Circulator Turner is weaker. A review of Turner's forms shows that, while he had an unusually high invalidation rate, the vast majority of his invalidations were for NR—not registered. While such invalidations might theoretically be an indication of fraud, they may also simply reflect circulation of petitions in settings in which a large number of non-voters are likely to be present. I do not recommend invalidating any signatures collected by Circulator Turner on the basis of alleged circulator fraud.

III. Recommendations concerning corrections to the Secretary's concessions.

A. The Secretary's concession that some signatures should be invalidated under Challenge 14 should be corrected from 43 to 49 signatures.

Gilbert's Challenge 14 seeks to invalidate signatures on grounds that the signature is dated after the circulator oath. In the proceedings above, the Secretary opposed most of Gilbert's proposed invalidations on grounds that the date discrepancy was due to obvious typographical errors. However, the Secretary conceded that, in 43 cases, it could not be discerned from context that the signature was made before the circulator's oath, and that those signatures should therefore be invalidated. Gilbert contends in her post-hearing brief that the Secretary should have invalidated an additional 152 signatures according to this contextual approach.

Given the Superior Court's directive that the Secretary may "correct[]" her concessions to the Superior Court, Order at 17, I directed Elections Division staff to review the 152 signatures that Gilbert continues to challenge. Upon review, staff determined that the six signatures listed below should also be invalidated due to an inability to confirm from context that the signature was dated before the circulator's oath. I recommend that the Secretary invalidate these six signatures in addition to the 43 already identified in her Superior Court brief.

Petition #	Line #
224	7
634	65
1792	1
2241	2
5027	3
6402	3

B. The Secretary's remaining concessions should remain unchanged.

1. *The Secretary's partial concession of Challenge 15 should not be corrected.*

Gilbert argues that the Secretary should revisit her legal position that signatures lacking dates should not be invalidated if it can be determined from context that the date was within the

circulation period. I recommend that the Secretary reject this argument for the reasons set forth in the Secretary's Rule 80C brief filed with the Superior Court.

2. *The Secretary's rejection of Challenges 1, 5, 15, 18, 20, and 21 should not be revisited.*

Gilbert argues, somewhat perfunctorily, that the Secretary should revisit her litigation positions with regard to Challenges 1, 5, 15, 18, 20, and 21. The Secretary successfully opposed these challenges in Superior Court and, as Gilbert concedes, they are not within the scope of the Court's remand order. I recommend that the Secretary conclude that consideration of these challenges is outside the scope of the Court's remand order and, alternatively, that the challenges are meritless for the reasons set forth in the Secretary's Rule 80C brief in Superior Court.

3. *The Secretary's concession that signatures of circulators who failed to consent to the jurisdiction of the State should stand.*

The Committee urges the Secretary to reconsider her position on Challenge 3, challenging the validity of petitions collected by out-of-state circulators who failed to check the box on their circulator affidavit consenting to the jurisdiction of the State of Maine. In her Superior Court brief, the Secretary confessed error in not invalidating these signatures but took no position in that brief as to whether the circulators might be able to correct their failure by submitting a corrected circulator affidavit on remand. Circulator Cairo, who circulated a considerable number of petitions, submitted such a corrected affidavit, dated May 6, 2026, and the Committee makes various arguments in its post-hearing brief that none of the petitions circulated by the four circulators who initially failed to consent to Maine's jurisdiction should have their signatures invalidated. Committee Ex. 1. I recommend that the Secretary maintain her initial position that all signatures collected by these circulators are invalid.

The statute requiring a circulator affidavit specifies a deadline for submitting that affidavit: the circulator "shall file" the affidavit "at the time the petition is filed." 21-A M.R.S.A.

§ 903-A(4). Title 21-A expressly states that "the words 'shall' and 'must' are used in a mandatory sense to impose an obligation to act in the manner specified by the context." *Id.* § 7. During the validation process, Elections staff are instructed to invalidate all petition forms by a circulator who fails to submit a circulator affidavit using the code AFF. AR 0098. And although the instructions are not specific on this point, an affidavit that does not contain essential required elements cannot be deemed to satisfy the filing requirement.

As the Secretary explained in her Superior Court brief, the requirement that out-of-state circulators consent to Maine's jurisdiction is a substitute for the previous requirement that all circulators be registered Maine voters. The United States District Court authorized Maine to impose this requirement by limiting its injunction of Maine's ability to enforce the residency requirement to circumstances in which the circulator fails to consent to Maine's jurisdiction. In other words, Maine may treat out-of-state circulators as unauthorized to the extent they fail to consent to the jurisdiction of the State.

There is no dispute that three of the circulators at issue, Kewechi Chukwuma, Albert Jordan, and Hakeem Ummsalaamah, did not and have never consented to the jurisdiction of Maine. The Committee did not offer any testimony or corrected affidavits from these circulators. I recommend that the Secretary invalidate these petition forms on remand.

The Committee did, however, offer the testimony of Cairo, as well as a corrected affidavit dated May 6, 2026, in which she checked the box consenting to Maine's jurisdiction. Cairo's testimony, however, revealed that she did not inadvertently fail to check the box consenting to jurisdiction but, rather, had concerns about the implications of agreeing to Maine's jurisdiction, concerns that were apparently not assuaged by the time she executed her circulator affidavit. While I would conclude that even an inadvertent failure to check the box would render

the affidavit invalid under 21-A M.R.S.A. § 903-A(4), I recommend concluding that Cairo's error was, at the time she submitted the affidavit, *not* an inadvertent failure to express her agreement to the terms on the affidavit, but a substantive lack of agreement to those terms. Given that failure to agree, under the U.S. District Court's consent judgment, the Elections Division should have treated Cairo (and the other three circulators) as in violation of the requirements of 21-A M.R.S.A. § 903-A(4)(C) and Me. Const. art. IV, pt. 3, § 20, requiring circulators to be Maine residents. The Secretary has historically invalidated all signatures collected by non-resident circulators for violation of these provisions. *See, e.g.*, *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165. The same result should have occurred here.

The Committee objects to this result as elevating "form over substance." Committee Br. at 21. But a circulator's submission to the jurisdiction of Maine is no mere academic exercise. Courts have recognized that it is a requirement narrowly tailored to furthering the state's compelling interest in "policing the integrity of the petition process." *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 33 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022). Indeed, the misconduct described earlier in this recommended decision—all committed by out-of-state circulators—demonstrates the importance of requiring these circulators to consent to Maine's jurisdiction and agree to the other terms contained in the circulator's affidavit, such as maintaining up-to-date contact information.

What is more, the timing of this agreement matters. While submitting to Maine's jurisdiction three months after the petition was filed with the Secretary still has some value—in that it facilitates investigation of the circulator in a remand proceeding like this one or a criminal prosecution under 21-A M.R.S.A. § 904—it omits the most crucial part of the petition review process: the 30 business days during which the Secretary is determining as an initial matter

which signatures on the petition forms should be validated. 21-A M.R.S.A. § 905(1). During this time, it is essential that the Secretary be able to obtain information and conduct investigations concerning circulators to the extent questions arise as to whether they collected signatures in conformity with Maine's direct initiative laws.

It is no answer that Cairo, in this case, voluntarily appeared at the hearing, such that her intentional failure to submit to Maine's jurisdiction at the time of petition filing caused no harm. While there may have been no harm in this case, universalizing such a "no harm no foul" rule would effectively negate, in most cases, the requirement that circulators consent to Maine's jurisdiction. Circulators could refuse to agree at the time of petition filing (perhaps because, like Circulator Cairo, they were concerned about having to appear in court during a particularly busy time), and the Secretary would have no recourse unless the circulator happened to become subject to investigation and failed to reconsider their refusal once they were summonsed by the Secretary or a Court. And that hypothetical assumes that the circulator could even be located, given they would be under no obligation to keep their contact information current with the Secretary. What is more, even if the circulator were located, the only available remedy for a failure to appear for a hearing or investigation would be to invalidate the circulator's signatures. But that remedy would only be available for as long as the validity of the petition was not finally determined. Once the petition's validity became final the circulator would have no incentive whatever to file a corrected affidavit if Maine wished to, say, investigate them for potential criminal violations discovered after litigation over the petition's validity had concluded.

The Committee's "no harm no foul" argument fails with regard to the other three circulators for the same reasons. These circulators still to this day have not submitted to Maine's jurisdiction, making it plainly appropriate under the U.S. District Court's consent judgment to

treat their signatures as invalid under the statutory and constitutional residency requirements. While the Committee is correct that Gilbert did not challenge the signatures of these three circulators, a rule that a circulator need not submit to Maine's jurisdiction unless they become subject to investigation would be unworkable and would substantially impair Maine's interest in policing its direct initiative petition process, especially with regard to potential criminal investigations or prosecutions occurring after petition validity is finally determined.

The Committee further argues that the Secretary cannot enforce the residency requirement in the manner permitted by consent judgment because the enforcement approach permitted by the Court violates the Maine Constitution and is "ultra vires." Committee Br. at 22–24. To the extent the Secretary might have authority to decide these constitutional questions on remand, I recommend that she reject these arguments. The enforcement approach to the residency requirement set forth in the Consent Order does not contradict the Maine Constitution's prohibition on out-of-state circulators. Rather, it narrows the scope of that prohibition, allowing enforcement against only those out-of-state circulators who decline to agree to certain terms meant to allow Maine to enforce its other circulator requirements. Precisely because the Consent Order merely narrows the scope of the Constitution's prohibition to a subset of out-of-state circulators most likely to cause enforcement challenges—those who fail to agree to consent to the State's jurisdiction—there is no serious question that the framers of that provision would have preferred that "half a loaf" to no loaf at all.

4. *The Secretary's concession of Challenge 6 should not be corrected.*

The Committee argues that the Secretary should reconsider her concession of Challenge 6, which demonstrated that two notaries public notarized circulator petitions after circulating petitions. The Committee argues that the statutes restricting notaries from notarizing circulator oaths after performing campaign services are not authorized by the Maine Constitution and

violate the First Amendment rights of the conflicted notaries. Assuming the Secretary may properly consider this constitutional question at the agency level, I recommend that she reject these challenges. The Law Court gave its imprimatur to the Secretary's invalidation of such signatures in *Reed v. Sec'y of State*, 2020 ME 57, ¶ 17, 232 A.3d 202. Although that decision did not involve a constitutional challenge, it nonetheless recognized that invalidation of such signatures "rationally advances the legislative purpose of discouraging fraudulent notarizations by prohibiting the use of notaries who have a demonstrable conflict of interest at the time of their notarial acts in connection with the campaign." *Id.* at ¶ 12. Any minor expressive or associational burden placed on notaries by the challenged statutes is easily justified by, and narrowly tailored to, this compelling governmental interest in ensuring valid circulator oaths.

What is more, the Maine Constitution allows the Legislature to enact "further laws not inconsistent with the Constitution applying the . . . direct initiative." Me. Const. art. IV, pt. 3, § 22. The notarial conflict of interest laws challenged by the Committee, 21-A M.R.S.A. § 903-E and 4 M.R.S.A. § 1904(5), specify the circumstances under which the constitutionally required circulator's oath may be deemed to have been validly taken before "a person authorized by law to administer oaths," Me. Const. art. IV, pt. 3, § 20, and therefore fall squarely within this constitutional authorization of initiative-related legislation.

5. *The Secretary's concession of Challenge 17 should not be corrected.*

The Committee argues that the Secretary should reconsider her concession that signatures containing ditto marks in the date field should be invalidated, characterizing such invalidations as hyper-technical. Committee Br. at 27. I acknowledge that these invalidations are in some tension with the Secretary's treatment of other date discrepancies in the petition forms. However, the Legislature has prohibited the use of ditto marks in direct initiative petitions, other than for residence address and municipality. *See* 21-A M.R.S.A. §§ 354(4); 902. That statutory

prohibition would seem to cabin the Secretary's discretion to apply her usual contextual approach to determining signature date. Moreover, such a prohibition is a reasonable way to prompt each petition signer to independently determine the date and not simply add to a column of ditto marks that may or may not have been made on the same day. I therefore recommend that the Secretary leave unchanged her concession that these signatures be invalidated.

IV. Recommended Amended Determination of Validity

Based on my proposed findings and recommendations above, I recommend that the Secretary issue a revised Determination of Validity in the following form:

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

Revised Determination of the Validity of a Petition Upon Remand for Initiated Legislation Entitled:

"An Act to Designate School Sports Participation and Facilities by Sex"

1. On February 2, 2026, 8,067 petition forms containing 79,692 signatures were submitted to the Secretary of State pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 on behalf of the above-entitled initiated legislation.[14]

2. Following a review of these 8,067 petition forms, I find the following signatures to be invalid for the following reasons:

   A. 5,066 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)

   B. 1,930 signatures are invalid because they are duplicates of signatures already counted. (279 of these signatures were invalidated during the remand). (DUP)

   C. 675 signatures are invalid because they were dated after the date that the circulator's oath was completed in the presence of the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (171 of these signatures were invalidated during the remand). (DATE)

[14] An additional 3 petition forms were submitted that contained only signatures that were certified as invalid by municipal registrars or included no municipal certification. The Secretary of State did not complete a full review of signatures included on these 3 petition forms and these signatures were not included in the final tally of signatures that culminated in this Determination of Validity.

D. 2,813 signatures are invalid because the circulator did not file a valid circulator's affidavit at the time the petitions were filed with the Secretary of State. (2335 of these signatures were invalidated during the remand). (AFF)

E. 278 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)

F. 233 signatures are invalid because the voter failed to provide a signature. (SIG)

G. 152 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)

H. 162 signatures are invalid because the registered voter's signature was made by another. (61 of these signatures were invalidated during the remand). (ANO)

I. 1,127 signatures are invalid because the circulator's oath was not complete, not administered properly, or untrustworthy. (1,037 additional signatures were invalidated during the remand).(OATH)

J. 64 signatures are invalid because of material alterations to the petition. (ALT)

K. 29 signatures are invalid because the certification of the registrar was not completed. (CERT)

L. 9 signatures are invalid because the petition was not on the approved form. (FORM)

M. 4 signatures are invalid because the petition forms were received by the municipal office after the municipal filing deadline. (AMD)

3. For the reasons set forth above, on the 8,067 petition forms filed with the Secretary of State, I find that 67,150 signatures are valid and 12,542 signatures are invalid. The number of signatures required to determine the petition to be valid is 67,682. Because the number of valid signatures is short of the required number by 532 signatures, I find the petition to be invalid.

Opportunity to Object

Any party may file an objection to this recommended decision for consideration by the Secretary of State. Objections must be filed by email no later than **11:59pm on Saturday, May 23.**

/s/ Katherine McBrien
Katherine McBrien
Chief Deputy Secretary of State
Presiding Officer

STATE OF MAINE
CUMBERLAND COUNTY

DOCKET NO. AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

PETITIONERS' OBJECTIONS TO CERTAIN FINDINGS AND CONCLUSIONS OF THE DEPUTY CHIEF SECRETARY OF STATE

PRELIMINARY STATEMENT

Petitioners agree with the Chief Deputy Secretary of State and Presiding Officer's ultimate conclusion that the initiative petition entitled "An Act to Designate School Sports Participation and Facilities by Sex" (the "Petition") "does not meet the constitutional threshold of 67,682 valid signatures and is therefore invalid." Recommended Decision (May 21, 2026) ("R.D.") at 1. Petitioners therefore also agree with the Presiding Officer's recommendation that the Secretary issue a Revised Determination holding that the Petition cannot be submitted for inclusion on the November 2026 ballot under the Maine Constitution and statute. R.D. at 40–41.

The President Officer's Recommended Decision, in sum, reflects thorough consideration of a substantial record of fraudulent signature collection and other ultimately dispositive failures by Intervenor Protect Girls Sports in Maine (the "Committee") and its circulators to abide by critical protections the Constitution and Legislature have placed upon the ballot-initiative process. Each of the Presiding Officer's recommendations that require invalidating signature(s) is correct—and the number of signatures supporting the Petition therefore falls *at minimum* 532 signatures below the threshold for validity. *See* R.D. at 40–41. A Revised Determination that the Petition failed to qualify for the ballot is the relief Petitioners seek in this matter. Were they the only party to this proceeding, then, Petitioners would not find it necessary to file objections disputing just *how far short* of the required threshold the Petition fell.

But Petitioners anticipate that the Committee will dispute any Revised Determination invalidating the Petition and pursue further judicial review. Given that fact, Petitioners respectfully submit that the record compels findings and conclusions that require invalidating additional signatures—bringing the number of valid signatures supporting the Petition yet further below the mandatory threshold. Petitioners thus lodge the following objections to certain of the recommended findings and legal analysis contained in the Recommended Decision for the purpose

of preserving relevant issues for any potential subsequent judicial review. Regardless, Petitioners urge the Secretary to adopt the Presiding Officer's ultimate conclusion and recommendation that the Petition is invalid under Maine law and must be excluded from the ballot.

PETITIONERS' OBJECTIONS

I. Objections to Certain Recommendations Regarding Challenge 2 (False Circulator Oaths: Failure to Witness All Signatures on Petitions)

Challenge 2 involves four circulators whose petition sheets were signed while unattended, even though the circulators executed oaths stating that they witnessed each submitted signature. R.D. at 19–29; *see* R.D. at 6–16 (¶¶ 1–79). The Recommended Decision correctly concludes that the petition pages submitted by two, Elias Vasquez and Susan Mays, must be invalidated. R.D. at 19–23. Petitioners object to certain of the Recommended Decision's determinations regarding the other two, Fritz Jean-Baptiste and Adam Turner, as follows.

A. Petitioners object to the determination that the evidence is insufficient to show that Baptiste and Turner submitted false circulator oaths.

Petitioners object to the Recommended Decision's conclusions that the evidence in the record is insufficient to establish that Baptiste or Turner engaged in fraud by submitting oaths that were untrue because they did not witness all signatures submitted on their petition sheets. R.D. at 28. As for Baptiste, there is no factual dispute that Baptiste witnessed at-most "most" signatures in question. *Id.* The Recommended Decision recognizes that Baptiste's testimony in this regard is "concerning," but concludes that in the absence of evidence about the specific petitions at issue, no remedy is appropriate. *Id.* Petitioners maintain their position that Maine law does not permit these violations to be ignored and accordingly object to the Recommended Decision's conclusion that the signatures in question should be counted. Pet. Br. at 14 & n.4.

As for Turner, Petitioners object to the Recommended Decision's failure to find that the circulator in question on December 7 in Auburn was in fact Turner. R.D. at 26 & n.8; *id.* at 13–14

(¶¶ 53–59); *see also* Pet. Br. at 12 & n.3 (noting that Turner's identity had not been disputed and further explaining that "confirmation can readily be found" and why taking notice of Turner's identity, if needed, is proper here). Petitioners further object to the Recommended Decision's finding that the evidence does not sufficiently show that Turner "lacked awareness of who was signing his forms." R.D. at 26–27; *see* Pet. Br. at 12 (describing the evidence and explaining that the Maine Constitution requires not only "physical proximity" but also "direct observation" (quoting *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶¶ 12, 13, 954 A.2d 1054)).

B. Petitioners object to the failure to draw adverse inferences as to Turner.

Petitioners object to the Recommended Decision's failure to give weight to the fact that Turner did not "appear at the hearing," despite "appearing on both parties' witness lists," as well as significant evidence of his fraudulent conduct in resolving Challenge 2. Pet. Br. at 37; *see* R.D. at 17–18, 32 (discussing Turner but not addressing this). Especially given the serious "indication[s] of fraud," R.D. at 32, the Secretary should draw adverse inferences from Turner's failure to appear at the hearing and his fraudulent conduct, *see* Pet. Br. at 12; *see also, e.g.*, *State v. Whitman*, 429 A.2d 203, 207 (Me. 1981) (holding factfinders are "entitled to draw an adverse inference from a party's failure to call a witness who would be expected to corroborate that party's" facts) (collecting cases).

II. Objections to Certain Recommendations Regarding Challenge 19 (Signature Fraud)

Challenge 19 concerns four circulators who engaged in pervasive fraud and made false oaths by submitting false signatures. *See* R.D. at 29–30; Pet. Br. at 20–37. The Recommended Decision correctly concludes that the petition pages submitted by circulator Rockelle Harris must be invalidated. R.D. at 29–30. Petitioners object to the Recommended Decision's determinations

under Challenge 19 regarding the other three circulators—Fritz Jean-Baptiste, Kendrick Jackson, and Adam Turner—as follows.[1]

A. Petitioners object to the determination that the evidence is insufficient to show that Baptiste, Jackson, and Turner committed signature fraud.

Petitioners object to the Recommended Decision's conclusion that the evidence in the record is insufficient to establish that Baptiste, Jackson, or Turner engaged in signature fraud. R.D. at 30–32. As set forth in detail in Petitioners' post-hearing brief, a pattern of high rejection rates, duplicative handwriting across several lines of petitions, and—as to Baptiste and Jackson—unbelievable testimony during cross-examination (among other things) lead to this conclusion as to each of these circulators. *See* Pet. Br. at 20–25 (Baptiste); *id.* at 25–35 (Jackson); *id.* at 35–37 (Turner).

B. Petitioners object to the finding that there is no "direct evidence" of fraud as to these three circulators.

Petitioners further object to the specific conclusion that a lack of "direct evidence," combined with "the existence of other [possible] explanations," prevents a finding that that either Baptiste, Jackson, or Turner engaged in signature fraud. *See* R.D. at 32. A straightforward review of their physical petition sheets leaves no plausible conclusion other than fraud. *See* Pet. Br. at 20–37 (chronicling specific instances in the record of obvious fraudulent writing). Even if this were not "direct evidence," the Law Court has consistently held that affording "circumstantial evidence" "less weight" than "direct evidence" is legal error. *E.g.*, *State v. Crosby*, 456 A.2d 369, 370 (Me. 1983) (holding that the notion that "proof by circumstantial evidence is subject to a different and more rigorous standard than is proof by direct evidence" is "wrong[]") (collecting cases).

[1] Petitioners' post-hearing brief sets forth appropriate remedies with respect to the signatures submitted by these circulators should the Secretary agree with these objections. *See* Pet. Br. at 42.

C. Petitioners object to the use of telephone testimony for Jackson's cross-examination.

Petitioners object to the finding that telephone testimony was appropriate for the cross-examination of Jackson, despite its prejudice to Petitioners' ability to effectively cross-examine the witness. *See* R.D. at 3 n.2. As set forth in the hearing record and Petitioners' brief, video testimony was important given the need to examine this out-of-state circulator regarding specific petition sheets, and for credibility determinations to be made based on observation of Jackson's demeanor during such examination. Such examination could not effectively occur given Jackson's failure to appear by video. *See* Pet. Br. 30 (explaining Petitioners "never had an opportunity to properly examine Jackson" (citing Tr. 266)).

D. Petitioners object to the failure to draw adverse inferences as to Turner.

As with Challenge 2, Petitioners object to the Recommended Decision's failure to give weight to the fact that Turner did not "appear at the hearing to address this record evidence" in resolving Challenge 19. *See* Pet. Br. at 37; *see also* R.D. at 17–18, 32 (discussing Turner but not addressing this). Especially given the serious "indication of fraud" in the record, R.D. at 32, the Secretary should again give substantial weight to Turner's failure to appear here. Pet. Br. at 12; *see also Whitman*, 429 A.2d at 207.

E. The evidence warrants further administrative review of signatures submitted by Jackson, Baptiste, and Turner.

Petitioners further object to the Recommended Decision's implicit rejection of Petitioners' request to review all petition sheets containing signatures submitted by Baptiste, Jackson, and Turner. *See* R.D. at 31–32 & n.13. As the Presiding Officer repeatedly acknowledged, and as summarized above and in the briefing, there is "substantial" reason to believe these circulators engaged in fraudulent activity, *id.* at 30–32, and thus substantial reason to believe that further review of their petitions will further confirm these facts, as Petitioners contended and requested,

see Pet. Br. at 42 ("the Secretary's office should rereview every signature submitted by these circulators against the voter's registration card to ensure the accuracy of the signature"); *see also, e.g.*, R.D. at 31 & n.13 (noting among other things that Baptiste lacked "credibility" and that it is difficult to "know what to make" of discrepancies on Jackson's petitions). This contention is further supported by the result of the appropriate decision to conduct further review of petition sheets as to Harris, which confirmed *all* signatures submitted by that circulator must be invalidated. R.D. at 30.

Petitioners appreciate the limited resources available under the necessarily swift timeline for review, but respectfully maintain that further review of the sheets submitted by Baptiste, Jackson, and Turner is warranted under the circumstances to preserve the integrity of the ballot-initiative process. *See* Pet. Br. at 42.

III. Objections to Certain Recommendation Regarding Challenge 14 (Material Date Discrepancies)

Challenge 14 concerns signatures that were made after the circulator swore their oath. R.D. at 33; Pet. Br. at 46. The Recommended Decision properly concludes that six additional signatures, for a total of 49, must be invalidated because the signatures are dated after the circulator oath. *See* R.D. at 33. Petitioners maintain, however, that the failure to date a signature within the appropriate circulation period is a material and fatal omission that requires invalidating an additional 103 signatures, for a total of 152 invalidations, as set forth in Petitioners' briefing. *See* Pet. Br. at 47 (citing Suppl. Tbl. 14).

IV. Objections to Recommendation Regarding Secretary's Partial Concession of Challenge 15 (Undated Signatures)

Challenge 15 concerns voter signatures that wholly omit a date. R.D. at 33–34. Petitioners object to the Recommended Decision's conclusion that the Secretary need not "revisit her legal position that signatures lacking dates should not be invalidated if it can be determined from context

that the date was within the circulation period." *Id.* As Petitioners have set forth previously, the text of the Maine Constitution gives *no* discretion to accept signatures that omit a date entirely: "The date each signature was made shall be written next to the signature on the petition." Pet. Br. at 47 (quoting Me. Const. art. IV, pt. 3, § 18). Given the careful and specific phrasing in the Constitution, the signatures at issue must be invalidated.

V. Objections to Recommendation that the Secretary Cannot Revisit Challenges 1, 5, 15, 18, 20, and 21

Finally, Petitioners object to the Recommended Decision's conclusion that Challenges 1, 5, 15, 18, 20, and 21 are "outside the scope" of what the Secretary may consider and revise within its determination on remand. R.D. at 34. Petitioners submit that it would not be error, as the Presiding Officer's analysis implies, to consider these challenges and the arguments that have been made by Petitioners given that the remand order does not expressly prohibit such consideration. *See, e.g.*, *Nat'l Tr. for Historic Pres. v. Buttigieg*, 125 F.4th 278, 284 (1st Cir. 2025) (noting the U.S. Supreme Court has held under the analogous federal APA that agencies on remand orders retain discretion to address "problems afresh" (quoting *DHS v. Regents of the University of California*, 591 U.S. 1, 20–21 (2020))).

Petitioners further object to the extent the Recommended Decision relies on the "reasons set forth in the Secretary's Rule 80C brief" to the Superior Court as an "alternative[]" to reject of these challenges, R.D. at 34, for the reasons stated in Petitioners' Rule 80C brief and reply brief to that Court, in addition to the further reasons stated in Petitioners' post-hearing brief, *see* Pet. Br. at 48 (citing briefing and explaining that agencies "are bound by the Legislature's choice of language" (quoting *Knutson*, 2008 ME 124, ¶ 28)).

CONCLUSION

Petitioners respectfully object to the specific findings and conclusions as set forth above for the purpose of preserving the issues for any subsequent judicial review, but urge the Secretary to adopt the Recommended Decision's ultimate conclusion that the Petition does not meet the constitutional threshold of 67,682 valid signatures and therefore cannot be submitted for inclusion on the November 2026 ballot.

Dated: May 23, 2026

Respectfully submitted,

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STATE OF MAINE CUMBERLAND, ss.	SUPERIOR COURT DOCKET NO. AP-26-10

JANE GILBERT, MARK SAYRE, and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent,

PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee,

Proposed Intervenor.

INTERVENOR, PROTECT GIRLS SPORTS IN MAINE'S BALLOT QUESTION COMMITTEE'S, OBJECTIONS TO PRESIDING OFFICER'S RECOMMENDED DECISION

NOW COMES, Intervenor, Protect Girls Sports in Maine Ballot Question Committee, by and through its attorneys, Timothy C. Woodcock, Esq. and Janna Gau, Esq., and file their objections to the Recommended Decision of the Presiding Officer as follows:

I. PROCEDURAL HISTORY

At issue in this matter is proposed legislation entitled, "An Act to Designate School Sports Participation and Facilities by Sex" ("the Initiative"). More particularly, this matter concerns whether a sufficient number of valid signatures was timely submitted to the Secretary of State to allow the Secretary to place it on the ballot for consideration by the voters on Election Day, November 3, 2026.

On Thursday, May 21, 2026, Chief Deputy Secretary of State, Katherine McBrien, acting in her capacity as Presiding Officer, issued her Recommended Decision in the above referenced

matter. The Recommended Decision provided that Petitioners, Jane Gilbert, et al., ("Petitioners") and Intervenor, the Protect Girls Sport in Maine Ballot Question Committee ("Intervenor" or "the Committee") must filed their objections to the Recommended Decision by no later than 11:59 p.m., Saturday, May 23. Accordingly, the Committee submits the following objections to the Recommended Decision.[1]

II. INTRODUCTION

The conduct of the May 12-13 hearing and the findings and conclusions set forth in the Recommended Decision were made in response to the April 24 remand order of the Superior Court. The Recommended Decision set forth 101 Findings of Fact followed by a section entitled Legal Analysis applying legal standards to the evidence relating to Petitioners' challenges and the Committee's evidentiary and legal defenses thereto.

In sum, the Recommended Decision ("Decision") concluded that the petitions supporting placement of the Initiative contained 67,150 valid signatures and that, for various reasons, the remainder were invalid. Recommended Decision ("Dec.) at 41. Because the valid signature threshold for the placement of the Initiative on the November 3 ballot was 67,682—532 higher than the figure determined by the Presiding Officer—the Decision determined that the petition was "invalid." *Id.* The Decision is now before the Secretary for her consideration.

III. OBJECTIONS TO FINDINGS OF FACT

The Committee's objections as to findings of fact are set forth in the body of their objections to particular recommendations as set forth below.

[1] The Committee incorporates by reference its summary of the procedural posture of this matter as set forth in its May 15 brief to the Presiding Officer.

IV. OBJECTIONS TO LEGAL ANALYSIS

At the outset, the Committee notes and objects to the Decision's failure to expressly acknowledge that the Law Court's directive that the "broad purpose of [the Initiative Amendments][2] is the encouragement of participatory democracy" and that they should be construed so as to "facilitate, rather than handicap, the people's exercise of their sovereign power to legislate." *McGee v. Secretary of State*, 2006 ME 2006 ME 50, ¶ 25, 896 A.2d 933. The Committee also objects to the Decision's failure to acknowledge that the Initiative Amendments are expressly self-executing and that statutes enactments may only implement their terms. Me. Const., art. IV, pt. 3d, § 22.

The Committee also objects to the Decision's failure to acknowledge the full range of constitutional rights at issue, including but not limited to the circulators' and the electors' rights to freedom of speech, the right to petition the government, and freedom of assembly and all associational rights inherent therein as guaranteed by the First Amendment to the United States Constitution and by Article I, Sections 4 and 15 of the Maine Constitution.

Each of the foregoing objections is preserved herein and as set forth with more particularity below.[3]

A. The Committee Objects to the Recommendation to Reject the Petitions Circulated by Elias Vasquez.

Challenge 2 contested the validity of signatures collected by Circulator Elias Vasquez at Mount Ararat High School in Topsham on Election Day, November 4, 2025 on the grounds that Circulator Vasquez had not witnessed the signature of each voter who signed the petitions he

[2] Me. Const., art. IV, pt.3d, §§ 17-22.
[3] The Committee incorporates by reference the arguments set forth in its April 17, 2026 brief to the Superior Court and its May 15, 2026 brief to the Presiding Officer.

submitted to the Secretary.[4] No signature was challenged on the grounds that the voter in question did not in fact sign the petition.

The challenge that Circulator Vasquez had failed to witness all signatures was supported by testimony from Jillian McLeod-Tardiff, Mary T. Henderson and Deborah Considine as well as by some photographs and two video recordings.

No testimony was presented that any of the signatories of Circulator Vasquez's petitions were not Topsham voters or that any particular voter whose name appeared on a petition had not, in fact, signed that petition. Although three witnesses testified that they had seen voters sign petitions circulated by Elias Vasquez when he was not present, their testimony was not persuasive. Although they testified that Circulator Vasquez was absent for long periods of time and that many voters signed his petitions in his absence, they failed to provide photographic or video evidence that supported their assertions; even though, by their own admission, they had ample opportunity to do so.

In addition, as the Decision acknowledges, the wholesale invalidation of all Circulator Vasquez's petitions is an unprecedented and particularly harsh result when the conditions under which he was gathering signatures, at a polling place on Election Day, ensured that persons signing the petitions would already have been screened as eligible voters. Evidence of this is shown by the absence of any challenge to Circulator Vasquez's petitions as containing any significant number of invalid signatures.

Under these circumstances, the Decision should also have taken into account and given decisive weight to the effective invalidation of the signatures of all those electors who signed in

[4] The Committee confirms that the circulator in question was Elias Vasquez.

good faith and, in so doing, were exercising their right to petition the government under the First Amendment to the U.S. Constitution and Article I, Section 15 of the Maine Constitution.

For these reasons, the Committee also disputes the findings of fast as to Circulator Vasquez.

B. The Committee Objects to the Decision's Recommendation to Reject all the Petitions Circulated by Rokelle Harris

Shortly before the May 12 hearing, Petitioners asked for Secretary to issue letters to Kendrick Jackson, Fritz Jean-Baptiste and Rokelle Harris to appear as the May 12 hearing. All three complied with the letter requests and appeared either by videoconference or by telephone without video. Of the three, Petitioners had not previously identified Circulator Harris yet, despite the very limited notice to her, Circulator Harris appeared on May 12 and testified.

The Decision explained that, following the close of evidence, the Presiding Officer directed a comparison of the voter registration cards of the signatories on Circulator Harris' petitions. Based on comparison of the registration cards with the petition signatures, the Decision concluded that all 61 of Circulator Harris' signatures had been "made by another", meaning that they did not match. Dec.at 29-20.

On May 21, the Presiding Officer, through counsel, produced the voter registration cards for the voters who purportedly signed Circulator Harris' petitions. Given the limited time available, the Committee has been unable to closely compare these signatures. At the same time, the Committee notes that some voter signatures were made decades ago. It is commonly known that, over time, signatures can change. The Committee submits that, without more, the following signatures on Circulator Harris' petitions should be sustained.

Although the Committee is continuing to review the registration cards, it is apparent that many bear signatures that were signed 20 or more years ago. Indeed, at least two signature dates back to 1972. It is well known that signatures can change over time. It is also well known that

signatures that may be carefully written, for example on a voter registration card, may differ from those that are rushed or affixed on an unstable surface.

Rejecting all of Circulator Harris's signatures without engaging in further investigation is a harsh result. The Committee opposes the Decision recommendation as to Circulator Harris.

C. The Committee Objects to the Decision's Recommendation as to the Submission to Jurisdiction Requirements.

Challenge 3 sought the invalidation of four out-of-state circulators who had failed to check a box on their circulator's form agreeing to submit to Maine's jurisdiction with respect to their circulator duties. Before the May 12 hearing, one of the three, Circulator Cairo, checked the jurisdiction box and, under oath witnessed by a notary, confirmed that she would submit to the State's jurisdiction as provided in the circulator form. Circulator Cairo then appeared as the May 12 hearing, confirmed that she had checked the jurisdiction box and signed the revised circulator affidavit. In appearing by videoconference, Circulator Cairo answered all questions about why she had not checked the jurisdiction box at outset. At no point was she questioned about possible deficiencies in the signatures she gathered or the petitions she submitted to the Secretary. That was because no one, not the Petitioners nor the Secretary, raised any such concerns.

The other three "jurisdiction" circulators—Ummsalaamah Hakeem, Kewechi Chukwuma, and Jordan Albert—did not file revised circulator form with the jurisdiction box checked and they did not appear at May 12-13 hearing. As with Circulator Cairo, no petitions submitted by these circulators were challenged for deficiencies as to the signatures or the petitions as completed. The Decision recommends that the Secretary adhere to her decision to exclude the petitions of all four petitions as inconsistent with paragraph 2 of the Consent Order and Judgment in *We the People PAC v. Bellows*, Civil No. 1:20-cv-0489—JAW. Dec. 34-38.

Arguments as to all Four Circulators: Although Circulators Hakeem, Chukwuma and Albert never checked the jurisdiction, their petitions and the otherwise valid voter signatures thereon should be accepted as valid. That is because the Secretary has no authority to require out-of-state circulators to check the box as a precondition to circulating petitions in support of the Initiative or any exercise of the lawmaking power under the Initiative Amendments.[5]

Background to the Decision's Recommendation on Jurisdiction: The Initiative Amendments expressly require that a circulator must be a "resident of this state whose name must appear on voting list of the city, town or plantation of that resident as qualified to vote for Governor." Me. Const., art. IV, pt. 3d, § 20. The Initiative Amendment's residency requirement was challenged as violative of freedom of speech, freedom of expression, and freedom of association as guaranteed and protected by the First Amendment to the United States Constitution. *Hart v. Secretary of State*, 1998 ME 189, ¶ 6, 715 A.2d 165.[6]

The Law Court rejected the plaintiffs challenge ruling that the Maine Constitution's residency requirement "enhances the integrity of the initiative process by ensuring that citizen initiatives are brought by citizens of Maine" and because, if questions arose about a particular petition, Maine resident circulators "would be easier to locate." Id. at ¶ 13. In rejecting plaintiffs' challenge, *Hart* considered and distinguished the Supreme Court's decision in *Meyer v. Grant,* 486 U.S. 414, (1988). *Id*. at ¶¶ 9-12.

[5] The following arguments apply equally to Circulator Cairo who clearly agreed to submit to Maine's jurisdiction. In Cairo's case, the issue is the timing of her agreement. Dec. at 34-38.

[6] It does not appear that the *Hart* Plaintiffs claimed that the Initiative Amendments' residency requirement + violated comparable rights protected under the Maine Constitution. See, Me. Const., art. I, § 4. Nor does it appear that, as the Committee does now, the *Har*t Plaintiffs claimed that the residency requirements impermissibly burdened their right to petition the government under the First Amendment or Article I, Section 15 of the Maine Constitution.

The Law Court considered a First Amendment challenge to the Initiative Amendment's voter registration requirement in *Jones v. Secretary of State*, 2020 ME 113, 238 A.3d 982.[7] In rejecting challenge, the Law Court once again considered the Supreme Court's decision in *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999) which had not been issued when the Law Court decided *Hart*.. *Id.* at ¶ 6. Applying the *Anderson-Burdick* test[8], *Jones* that "[t]he requirement that the circulator be registered in the circulator's municipality of residence while circulating a petition…imposes only 'reasonable and nondiscriminatory restrictions' on First Amendment rights of petition supporters for the purpose of ensuring compliance with the residency requirements of the Maine Constitution." *Id.* at ¶ 34. Thus, at two separate points, the Law Court had upheld the voter registration and residency requirements of Article IV, part third, section 20. To this day, the Law Court has never overruled or modified either *Hart* or *Jones*.

In 2022, the residency and voter registration requirements were challenged in federal court as violative of the First Amendment rights of initiative proponents and out-of-state circulators. *We the People PAC v. Bellows*, 519 F.Supp.3d 13 (D. Me. 2021). Notwithstanding *Hart* and *Jones*, the District Court concluded that the plaintiffs were likely to succeed on the merits claims and issued injunctive relief. *Id.* at 53.[9] On appeal, the First Circuit upheld the District Court's determination. *We the People v. Bellows*, 40 F.4th 1, 25-27 (1st Cir. 2022).

Upon remand to the District Court, the parties did not proceed to summary judgment or a trial on the merits, but, rather, entered into a Consent Order and Judgment. *We the People v.*

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[7] It appears that the challenge was limited to First Amendment's guarantee of freedom of speech. It does not appear that Jones claimed violations of comparable rights under the Maine Constitution. See, Me. Const., art. I, § 4. Nor does it appear that Jones claimed violation of his right to petition the government under either the U.S. Constitution or the Maine Constitution.

[8] *Anderson v. Celebrezze*, 460 U.S. 780, 782-83 (1983); *Burdick v. Takashi*, 504 U.S. 428, 430 (1992).

[9] The District Court noted that the record before the *Jones* Court was limited and, in contrast, it had the benefit of a 'substantial factual record." *We the People*, 519 F.Supp.3d at 50.

Bellows, Civil No. 1:20-cv-00489-JAW. Consent Order and Judgment, (2-09-2023) (ECF Doc. 88). ("Consent Order").[10] The Consent Order barred the Secretary from enforcing residency and voter registration requirements in Article IV, part third, section 20 of the Maine Constitution and in Maine statute at 21-A M.R.S. §903-A. *Id*. at ¶ 2. It then imposed conditions on would be out-of-state circulators as conditions to their ability to circulate initiative or referenda petitions in Maine. These conditions were: (a) agreement to submit to personal jurisdiction of Maine for investigation or prosecution of initiatives or referenda petitions; (b) agreement to maintain up to date contact information "for the duration of the petition drive' which included "review of those signatures by the Secretary of State": and (c) agreement to be "responsive to" the Secretary's requests for information. *Id.*

Although the three conditions in the Consent Order were similar to the District Court's initial injunction, they differed in that the original order required that out-of-state circulators "first" accede to these requirements. In the Consent Order this temporal requirement was eliminated. *Cf, We the People,* 519 F.Supp.3d at 53; Consent Order, ¶ 2, *passim*.

The foregoing summary establishes the following points: (1) the Law Court has never overruled *Hart* or *Jones*; (2) although the District Court, upheld by the First Circuit, has ruled that the We the People plaintiffs showed a likelihood of success in their First Amendment challenge to the Initiative Amendment's residency and voter registration requirements, the District Court did not proceed to a judgment on the merits on We the People's claims; and, (3) although the District Court initially required out-of-state circulators to "first" agree to submit to the State's jurisdiction,

[10] Exhibit B to Secretary's Brief to Superior Court, 4-17-2026.

this temporal requirement was removed from the Consent Order, which the Secretary reviewed and approved.[11]

As noted, because the Secretary chose to agree to the entry of a Consent Order, the District Court did not adjudicate the We the People claims to a final judgment on the merits. Therefore, the Committee challenges the constitutionality of the Initiative Amendments residency and voter registration requirements as violative of the First Amendment. See, *Buckley,* supra; *Meyer*, supra; *We the People*, 40 F.4th 13-25; *We the People*, 519 F. Supp. 3d 40-52

The Committee Objects to the Decision's Conclusion that the Consent Order Authorizes the Secretary to Circumvent the Initiative Amendment's Residency and Voter Registration Requirements: Notwithstanding the District Court's injunction ruling, the residency and voter registration requirements remain in the Maine Constitution—intact and unaltered. Although, as provided in the Consent Order, the Secretary may have the discretion not to enforce them, that does not mean the Secretary has the authority to affirmatively set the conditions by which out-of-state circulators **and** the Secretary, herself, can circumvent them.

Although under Article V, Part Second of the Maine Constitution, the Secretary is a constitutional officer, all the Secretary's substantive powers with respect to initiatives and referenda come solely from the Initiative Amendments. Me. Const., art IV, pt. 3d, §§ 1-22. Nothing in those amendments empowers the Secretary to devise and enforce standards that circumvent or effectively nullify any of the Initiative Amendments' standards or requirements. No federal court, no state statute, no departmental rule can empower the Secretary develop and enforce against third

[11] As a point of contrast, ,see, *Desena v. LePage*, 793 F.Supp.2d 456 (D. Me. 2012) which found the Maine Constitution's delayed implementation of census data unconstitutional at Article IV, Part 2, Section 2 as violative of Article I, Section 2 of the U.S. Constitution. *Id.* at 462-263. Maine's solution was not to enter into some kind of a consent judgment. Instead, it amended its Constitution to comply with the U.S. Constitution.

parties a scheme that is materially inconsistent with the Initiative Amendments. When, as here, the Secretary does so, the Secretary acts outside of her constitutional powers. Her exercise of such powers is *ultra vires* and null and void.

The Decision's response to the Committee's *ultra vires* challenge reveals that the Presiding Officer has seriously strayed from the Initiative Amendments as the true and sole source of the Secretary's powers with respect to the Initiative and all initiatives and referenda. For example, pressed to explain the source of the Secretary's power to impose affirmative obligations on out-of-state circulators, the Decision does not point to the Maine Constitution, because it cannot. Instead, the Decision contends:

> "The United States District Court **authorized** Maine to impose [jurisdiction submission requirements] by limiting its injunction to Maine's ability to enforce the residency requirement to circumstances in which the circulator fails to consent to Maine's jurisdiction."

Dec. at 35 (emphasis supplied).

But this cannot be. While a federal court can certainly restrain a state officer from violating federal constitutional or statutory standards, a federal court cannot "authorize" a state officer to take affirmative steps—including devising standards for third parties—which are inconsistent with or violative of that state's constitution.

At the close of the Decision's treatment of the Committee's challenge to the purported jurisdiction requirement, the Decision makes an extraordinary argument. It asserts that the federal District Court's Consent Order "**narrows the scope** of the [Maine] Constitution's prohibition to a subset of out-of-state circulators most likely to cause enforcement challenges—those who fail to agree to consent to the State's jurisdiction." *Id.* at 38 (emphasis supplied). What the Decision is describing is the effective amendment of Section 20's residence and registered voter requirements,

limiting and conditioning the applicability of these hitherto mandatory and unwaivable requirements, **by federal court order**.

Without citing any authority for this point nor engaging in any detailed analysis, the Decision when goes onto to say, "there is no serious question that the framers of that provision would have preferred that 'half a loaf' to no loaf at all." *Id.* The Decision's contention on this point would render longstanding rules of constitutional construction elastic and wholly unreliable. *Cf., Opinion of the Justices*, 2023 ME 34, ¶ 13 ("In construing the Maine Constitution, we may conduct an examination of the 'text; purpose; history; common law, statutes, and rules; economic and sociological considerations; and precedent."), citing *Winchester v. State*, 2023 ME 23, ¶ 14, 291 A.3d 707; see also, *McGee*, 2006 ME 50, ¶ 24 ("Any analysis of the initiative provisions in the Constitution must take account of their significance and purpose.").

Jones set forth reasons underlying the adoption of the residency and voter registration requirements. 2020 ME 113, ¶¶ 13-17. Nothing in that history suggested that, in ratifying these additions to the Initiative Amendments, Maine voters tacitly harbored a "half a loaf" revision which could be imposed by a federal court to narrow the scope of the requirements they approved.[12]

For these reasons, the Consent Order's revision of the Maine Constitution to set conditions by which, notwithstanding the Maine Constitution's clear and unambiguous residency and voter registration requirements, the U.S. District Court with the support of the Secretary can effectively nullify those requirements is wholly invalid and unenforceable as to all circulators who failed

[12] It bears strong emphasis that the power over the Maine Constitution that the Decision claims for the U.S. District Court to narrow—that is effectively amend—the Maine Constitution could not be exercised by the Maine judiciary. See, Me. Const., art. III, §§ 1-2; see also, *Lewis v. Webb,* 3 Me. (3. Greenl.) 326 , 337 (1825); see also, *ex parte Davis*, 4 Me. 38, 54 (1856) (acts of the legislative and executive departments that are inconsistent with the fundamental law are void). The *Davis* directive applies equally to the judiciary.

altogether to sign the jurisdiction provision of the circulators affidavit—Ummsalaamah Hakeem, Kewechi Chukwuma, and Jordan Albert. For the same reasons, it is invalid as to Circulator Cairo.

Moreover, the District Court's de facto amendment of the Maine Constitution or, as the Decision describes it, its narrowing of the scope of the Initiative Amendment's exceeds the District Court's remedial powers. See, *Ayotte v. Planned Parenthood of Northern New England*, 546 U.S. 320, 300 ("a court cannot 'use its remedial powers to circumvent the intent of the legislature,'"). Yet, by the Decision's own admission, which is precisely what the Consent Order has done by purporting to narrow the scope of the Initiative Amendments' resident and voter registration requirements.

Assuming, solely for the sake of argument, that Consent Order's "authorization" to the Secretary to impose affirmative jurisdiction obligations on out-of-state circulators, Circulator Cairo has met the Consent Order's conditions. That is because the Consent Order does not say when an out-of-state circulator must confirm his or her agreement to submit to the State's jurisdiction.

The Decision acknowledges, as it must, that, when her omission was brought to her attention, Circulator Cairo completed the jurisdiction form, confirmed her agreement to submit under oath, and appeared at the May 12 hearing by videoconference. But the Decision recommends rejecting all of Circulator Cairo's otherwise valid elector signatures on the grounds that she was required to confirm her consent before she commenced her circulator duties. The reasoning the Decision employs to justify this position shows the slippery constitutional slope to which its reliance on the Consent Order has brought it.

The Committee argued that the Consent Order contained no temporal requirement. It only "authorized"—notwithstanding its lack of authority to do so—the Secretary to require out-of-state circulators to comply with the Consent Order conditions but it did not say when.[13]

In response to the Committee's argument, the Decision insists that, **at the outset**, out-of-state circulators must consent to Maine's jurisdiction or cause all of the otherwise valid elector signatures they gather to be invalid. *Id.* Since the Decision cites the Consent Order, and no other source, the Secretary's power to impose jurisdiction submission requirements on out-of-state circulators, one would expect that the Secretary would cite extra-constitutional powers that the District Court's Consent Order has somehow bestowed on the Secretary would also be the source of this requirement.

But the Decision cannot cite the Consent Order for this indispensable, uncurable prerequisite for the simple reason, as explained above, that, in contrast with the original District Court order, the Consent Order contains no such requirement. Not pausing to acknowledge this point, the Decision ties this requirement to Maine statutory law—in particular, 21-A M.R.S. § 903-A(4). But, of course, Section 903-A(4) does not contain any conditions by which out-of-state circulators can circulate petitions for initiatives or referenda because, although the Initiative Amendments authorize the Legislature to enact laws "to establish the validity of written petitions", they expressly provide that such laws shall "not be inconsistent with the Constitution." Me. Const., art. IV, pt. 3d, § 22.

Therefore, Section 903-A(4) **cannot** be the source of the requirement that Circulator Cairo had to confirm her consent to Maine's jurisdiction any earlier than she did. If Section 903-A(4)

[13] In fact, Circulator Cairo complied with the plain terms of the Consent Order. She agreed to submit to Maine's jurisdiction; she maintained current contact information for the Secretary; and, when requested by the Committee to appear at the May 12 hearing, she did so.

cannot be the source of the pre-circulation submission to jurisdiction, that brings us back to the Consent Order which contains no such requirement but which contains other requirements, all of which Circulator Cairo has complied with.

The Committee Objects to the Decision's Recommendation as to Circulator Cairo's Petitions. The Law Court has repeatedly emphasized that "the broad purpose of the direct initiative is the encouragement of participatory democracy." *Allen v. Quinn*, 459 A.2d 1098, 1102 (Me. 1983). Therefore, Initiative Amendments should be construed to "facilitate rather than handicap the people's exercise of their sovereign power." *League of Women Voters v. Secretary of State*, 683 A.2d 769, 771 (Me. 1996).

The Decision's insistence on invalidating all Circulator Cairo's petitions and all the otherwise valid signatures of the Maine voters who signed them, not because Circulator Cairo engaged in any serious errors or misconduct, not because her one or some of her petitions proved problematical, not because she did not appear before the Presiding Officer when requested by the Committee. But because she failed to comply with a rigid deadline which, as noted above, the Decision has traced to a statute that does not authorize any out-of-state circulator to circulate petitions in Maine.

The Decision's insistence on this point, with its consequent invalidation of large numbers of electors' signatures and disqualification of the Initiative from the November ballot on this decision alone, violates the requirement to "facilitate rather than handicap" initiatives such as this—a requirement that springs as a constitutional mandate from the Initiative Amendments, themselves. The Secretary should reject the Decision's recommendation on this point and conform to the Initiative Amendment's mandate and the Law Court's directives.

The Decision's Recommendation as to Circulator Cairo's Petitions Violates the Signatory Electors' Right to Petition the Government. As has been noted above, none of Circulator Cairo's petitions have been challenged. Each voter who signed one of her petitions was not only acting in his or her capacity as a constitutional officer, they were also exercising their right to petition the government as protected by both the First Amendment to the U.S. Constitution and Article I, Section 15 of the Maine Constitution. See, *Meyer v. Grant*, 486 U.S. 414, 421-22 (1988) (one who signs an initiative petition either supports it or believes it warrants consideration by the voters at large).

Invalidating their signatures and, thereby, their otherwise valid effort to petition the government constitutes a severe—even extreme—burden on that right. It also places a severe burden on their corollary rights to freedom of speech, freedom of assembly and associated rights of expression and association, as protected by the First Amendment to the U.S. Constitution and Article I, Sections 4 and 15 of the Maine Constitution.

The Decision's recommendation to invalidate their signatures altogether may only be justified by a compelling state interest. Even if accepted *arguendo*, the justification that the Decision has offered, the unauthorized imposition of pre-circulation commitment, does not meet that demanding standard.

D. The Committee Objects to the Decision's Recommendation on the "Other Services" Bar on Notaries Violates their Rights of Freedom of Speech, Freedom of Assembly, and Right to Petition.

By statute, notaries are barred from circulating petitions for an initiative or referendum and then later, in their capacities as notaries, witnessing the signatures of other circulators. See, 21-A M.R.S. § 903-E; 4 M.R.S. § 1904(5). These prohibitions violate both the Initiative Amendments and the notaries rights to petition the government, freedom of speech, freedom of assembly,

freedom of expression, and related associational rights, all as protected by the First Amendment to the U.S. Constitution and Article I, Sections 4 and 15 of the Maine Constitution.

As has been noted in the Committee's post-hearing brief, the addition of the initiative and referendum powers to the Maine Constitution were part of a national trend prompted by a distrust of elected legislators. Manifestations of this distrust are found in the Initiative Amendments both in their considerable detail and in the express directive that they are to be "self-executing." See, *e.g.,* art. IV, pt. 3, § 18 (for detail); see also*, id*. at § 22. Although the Initiative Amendments provide that a circulator's oath must be witnessed by someone authorized to do so (Me. Const., art, IV, pt. 3d, § 20), it does not impose any requirement that that authorized person may not, in his or her own right, circulate petitions.

The reason for that is clear. As the Law Court has observed, the Initiative Amendments were intended to "encourage[]… participatory democracy." *McGee,* 2006 ME 50, ¶ 24. Moreover, the framers of the Initiative Amendments fully understood that the object of the initiative process was to provide the voters at large with the opportunity to decide an issue. That being so, nothing in the Initiative Amendments suggests that they intended to invest the Legislature with the authority to erect artificial and disqualifying roadblocks to the electors' exercise of their sovereign lawmaking powers. For these reasons, the statutes disqualifying notaries from circulating petitions and then witnessing the petitions of other circulators is inconsistent with and not authorized by the Initiative Amendments' delegation of implementing authority to the Legislature.

In addition, the prohibition on notaries circulating petitions and then witnessing the signatures of other circulators is a content-based violation of their right to freedom of speech. As the *Meyer* Court noted, the exchange between a circulator and a prospective petition signer will involve either encouragement to support the measure or to recognize it as having sufficient

importance to warrant statewide debate and voter consideration. *Meyer*, 486 U,.S. at 421-22. In addition to severely burdening the notaries' freedom of speech, these statutory prohibitions effectively bar them from exercising their right to petition the government both through their own actions and by engaging with other qualified electors and attempting to convince them of the initiative's worth, either on the merits or as a matter warranting public consideration.

In thwarting these cardinal values, the notary exclusion constitutes overkill. If there is concern that in their support for public consideration of a given proposal, notaries might engage in wrongful conduct, they would be subject to the general standards and penalties imposed on the public at large. And, if their conduct violated their duties as notaries, they could be disciplined by the Secretary.

For these reasons, the Committee respectfully urges that the Decision's recommendation to exclude all petitions witnessed by Robert DeClerqc and Patrick Harrington be rejected.

E. The Committee Opposes the Decision on Excluding the "Ditto" Marks for Dates.

The Decision candidly acknowledges "some tension" between its recommendations the Secretary's treatment of other discrepancies. The Decision justifies this discrepancy by relying on the statutory standards in 21-A M.R.S. § 354(4) and 21-A M.R.S. § 902.

The Decision concludes that these statutes "cabin" the Secretary's discretion, but they do not. Excluding "ditto" signs is not reasonable when a voter's intent in using these symbols is manifest. This statutory requirement flies in the face of the Initiative Amendment's purpose to "encourage" voter participation in direct democracy. See, *McGee*, 2006 ME 50, ¶ 24. In other words, the Initiative Amendment's delegation of implementing authority to the Legislature did not extent to erecting artificial disqualifying barriers to voters who make their intent clear but use commonly used symbols that, for inscrutable reasons, the Legislature determines are unacceptable.

It also violates the constitutional injunction that the Secretary interpret the Initiative Amendments and implementing legislation to facilitate, rather than handicap, the voters' exercise of their powers of popular sovereignty. This principle is not a suggestion. It is constitutionally based directive which the Secretary should follow and which should resolve questions where the Secretary's decisions on one point are "some tension" with her decision on others.

In addition, the ditto prohibition should be rejected as an impermissible burden on the electors' right to petition the government, as guaranteed by the First Amendment to the U.S. Constitution and by Article I, Section 15 of the Maine Constitution, resulting in the frustration of their clearly expressed intent that the voters of Maine should have the opportunity to consider, debate and approve or not the Initiative.

V. CONCLUSION

The Committee objects to the Recommended Decision on the grounds set forth above and urges the Secretary to revise the Recommended Decision as requested herein.

Date: May 23, 2026

Respectfully submitted,

s/Timothy C. Woodcock

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STATE OF MAINE
SECRETARY OF STATE

In re: Remand of Gilbert v. Bellows, No. PORSC-AP-2026-10 (Cumb. Cty. Super. Ct.)	**FINAL DECISION**

I have reviewed the Recommended Decision of Presiding Officer Katherine McBrien, issued May 21, 2026, and appended hereto, as well as the written objections of challengers Jane Gilbert, Mark Sayre, and Kaitlin Webber, filed on May 23, 2026, and the written objections of Intervenor Protect Girls Sports in Maine, also filed on May 23, 2026. I hereby reject the objections of the parties to the Recommended Decision and adopt the Recommended Decision as the final decision in this matter. A Revised Determination of Validity is appended.

May 26, 2026

Shenna Bellows
Secretary of State

NOTICE OF APPEAL RIGHTS

The parties may appeal this decision by commencing an action in Superior Court within 10 days of the date of this decision, pursuant to 21-A M.R.S.A. § 905(2).

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

Revised Determination of the Validity of a Petition Upon Remand for Initiated Legislation Entitled:

"An Act to Designate School Sports Participation and Facilities by Sex"

1. On February 2, 2026, 8,067 petition forms containing 79,692 signatures were submitted to the Secretary of State pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 on behalf of the above-entitled initiated legislation.[1]

2. Following a review of these 8,067 petition forms, I find the following signatures to be invalid for the following reasons:

   A. 5,066 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)

   B. 1,930 signatures are invalid because they are duplicates of signatures already counted. (279 of these signatures were invalidated during the remand). (DUP)

   C. 675 signatures are invalid because they were dated after the date that the circulator's oath was completed in the presence of the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (171 of these signatures were invalidated during the remand). (DATE)

   D. 2,813 signatures are invalid because the circulator did not file a valid circulator's affidavit at the time the petitions were filed with the Secretary of State. (2335 of these signatures were invalidated during the remand). (AFF)

   E. 278 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)

   F. 233 signatures are invalid because the voter failed to provide a signature. (SIG)

   G. 152 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)

   H. 162 signatures are invalid because the registered voter's signature was made by another. (61 of these signatures were invalidated during the remand). (ANO)

[1] An additional 3 petition forms were submitted that contained only signatures that were certified as invalid by municipal registrars or included no municipal certification. The Secretary of State did not complete a full review of signatures included on these 3 petition forms and these signatures were not included in the final tally of signatures that culminated in this Determination of Validity.

I. 1,127 signatures are invalid because the circulator's oath was not complete, not administered properly, or untrustworthy. (1,037 additional signatures were invalidated during the remand).(OATH)

J. 64 signatures are invalid because of material alterations to the petition. (ALT)

K. 29 signatures are invalid because the certification of the registrar was not completed. (CERT)

L. 9 signatures are invalid because the petition was not on the approved form. (FORM)

M. 4 signatures are invalid because the petition forms were received by the municipal office after the municipal filing deadline. (AMD)

3. For the reasons set forth above, on the 8,067 petition forms filed with the Secretary of State, I find that 67,150 signatures are valid and 12,542 signatures are invalid. The number of signatures required to determine the petition to be valid is 67,682. Because the number of valid signatures is short of the required number by 532 signatures, I find the petition to be invalid.

May 26, 2026

Shenna Bellows
Secretary of State

STATE OF MAINE
SECRETARY OF STATE

In re: Remand of *Gilbert v. Bellows*, No. PORSC-AP-2026-10 (Cumb. Cty. Super. Ct.)	**RECOMMENDED DECISION**

This matter was remanded by the Superior Court (Cashman, J.) to the Secretary of State ("Secretary") to make additional findings and take other actions concerning the above-captioned challenge to the direct initiative petition to enact "An Act to Designate School Sports Participation and Facilities by Sex" (the "Initiative"). The Secretary designated me to serve as presiding officer and to issue a recommended decision. After consideration of evidence and sworn testimony adduced at hearing and extensive post-hearing briefs by the parties, I recommend that the Secretary make the findings of fact and conclusions of law set forth below and issue the proposed revised determination of validity set forth at the end of this recommended decision. The proposed revised determination would conclude that the direct initiative petition does not meet the constitutional threshold of 67,682 valid signatures and is therefore invalid.

Procedural History

On March 17, 2026, the Secretary issued a decision validating the petition for the Initiative. AR003–006. On March 27, 2026, Maine voters Jane Gilbert, Mark Sayre, and Kaitlin Webber ("Gilbert") filed a Rule 80C appeal in Superior Court, Cumberland County, appealing the Secretary's determination. *See Gilbert v. Bellows*, Docket No. AP-2026-10 (Cum. Cty. Super. Ct.). The ballot question committee that supported the initiative, Protect Girls Sports in Maine ("the Committee") was granted intervenor status.

In her Rule 80C brief, Gilbert raised 21 challenges to the validity of the petition. The Secretary contested some of these challenges, partly or wholly conceded others, and argued that a few others should be remanded for additional factfinding if resolution of the other challenges made these challenges potentially dispositive. The Superior Court agreed with the Secretary's positions in the appeal, both with regard to her arguments against some of the challenges and her concessions as to others. The Court thus ordered a limited remand of the matter back to the Secretary to act in accordance with her concessions as to challenges 3, 6, 9, 12, 13, 14, 15, 16, and 17, and to conduct additional factfinding with regard to challenges 2 and 19. Decision and Order at 8–9, 11–12. The Court's remand order directed the Secretary of State to engage in "further proceedings consistent with this Order, which may include correcting the concessions identified herein, taking new evidence, and developing further findings of fact as necessary." Order at 17. The Court directed the Secretary to issue a new Determination of Validity within 30 days of the Order.[1]

The same day as the Court's decision, the Secretary's counsel notified Gilbert's and the Committee's counsel by email that the Secretary intended to hold an evidentiary hearing on May 12, 2026, to hear evidence on the matters remanded to the Secretary. A formal notice of hearing issued April 28, 2026, and an amended notice of hearing issued later that same day. The hearing notice specified that the hearing would be held in accordance with the Maine Administrative Procedure Act., 5 M.R.S.A. § 9051 *et seq.* (MAPA), and that I would serve as the Presiding Officer.

[1] Because the 30th day after the April 24, 2026 order falls on a weekend, the deadline is the following business day, May 26, 2026. M.R. Civ. P. 6(a); 21-A M.R.S.A. § 6.

As permitted by the hearing notice, Gilbert requested issuance of four subpoenas: for Kathleen Dillingham, town clerk of Oxford, and for petition circulators Fritz Jean-Baptiste, Kendrick Jackson, and Rokelle Harris. The Committee objected to issuance of the Dillingham and Harris subpoenas on timeliness and relevance grounds. I overruled those objections but concluded that I was unable to issue MAPA subpoenas to the out-of-state circulators due to the restriction in 5 M.R.S.A. § 9060(1)(A) that subpoenas be issued "only within the territorial limits." I instead issued letters to these circulators pursuant to their agreement to submit to the jurisdiction of Maine in their circulator affidavits, requesting that they appear at the hearing and give testimony, either in person, by Zoom link, or by telephone. All three circulators appeared, with Jean-Baptiste and Harris appearing by Zoom and Jackson appearing by telephone after attempts to connect by Zoom were unsuccessful.[2]

The hearing was held as scheduled on May 12, 2026. Gilbert called the following witnesses:[3]

Jillian McLeod-Tardiff
Mary Henderson
Amy Stubbs
Gabriel LaSalle
Deborah Considine
Cynthia Grimm
Kathleen Dillingham (by subpoena)

[2] Jackson attempted to appear by Zoom, as evidenced by his appearance in the Zoom waiting room during the hearing. However, he was unable to connect when his turn came to testify, apparently due to a poor connection. The hearing was reconvened on May 13, 2026, so that Jackson could again attempt to connect by Zoom. That effort was unsuccessful, resulting in taking his testimony by telephone. Jackson later testified that the poor connection was the result of his current employment on a ship in the Pacific Ocean. Although Gilbert objected to the testimony by telephone, arguing that it prejudiced her ability to show documents to the witness, I conclude that Jackson acted in accordance with the letter requesting him to testify by methods including phone (to which Gilbert did not object at the time) and, furthermore, appeared to have made good-faith efforts to connect by Zoom before resorting to a telephone connection.

[3] This list does not reflect witness order, as some witnesses were taken out of turn to accommodate their schedules.

Nancy Penn

The Committee called the following witness:

Cairo
Susan Mays
Rokelle Harris (by letter request)
Fritz Jean-Baptiste (by letter request)
Kendrick Jackson (by letter request).

In addition, the following exhibits were entered into evidence.

Committee Exhibits:

Committee 1: Corrected State of Maine Circulator Affidavit from Cairo

Gilbert Exhibits:

Gilbert 2: Photo, Topsham
Gilbert 3: Photo, Topsham
Gilbert 4: Video, Topsham
Gilbert 5: Video, Topsham
Gilbert 9: Photo, Biddeford
Gilbert 10: Photo, Biddeford
Gilbert 11: Photo, Biddeford
Gilbert 13: Video, Biddeford
Gilbert 18: Photo, Auburn
Gilbert 19: Photo, Auburn
Gilbert 27: Supplement to Challenge Table 18

Prior to the hearing, Gilbert also circulated some demonstrative exhibits to the parties and the Secretary, which appear to contain excerpts from the Agency Record (AR) filed with the Court. Gilbert used some of these demonstratives to examine witnesses but did not request their admission. In a post-hearing email, the Committee objected to these demonstratives on grounds that they were not admitted to the record. However, the Agency Record is already a part of the hearing record and the Committee makes no argument that the demonstratives are anything more than excerpts from that voluminous record. Because the demonstratives are not themselves evidence, it would have been proper for me to rely upon them in reaching my recommended

decision. I note, however, that other than the extent to which I observed counsel use them at hearing to examine witnesses, I did not in fact rely upon these demonstratives in reaching my conclusions.

After briefly reconvening the hearing on May 13, 2026, to hear the telephone testimony of Mr. Jackson, I closed the evidentiary portion of the hearing. The parties submitted written post-hearing briefs on May 15, 2026.

Based on the credible testimony at hearing by witnesses Nancy Penn and Kathleen Dillingham indicating that two petition forms circulated by Rokelle Harris listed voters who did not sign the petition, I also directed Elections Division staff to review the other signatures on Circulator Harris's petition forms. Upon review of each signature, the Elections Division concluded that all 61 of the signatures collected by Circulator Harris should have been invalidated for ANO, i.e., signed by another. I will be providing the parties with the voter registration applications that the Elections Division used to draw these conclusions, which the parties are directed to refrain from publicly disseminating under 21-A M.R.S.A. § 196-A(1).

Also, based on Gilbert's contention that the Secretary erred in contesting the invalidity of 152 of the signatures challenged in Challenge 14, I further directed the Elections Division to review those 152 signatures pursuant to the Division's usual practices for resolving date discrepancies on petition forms. The Elections Division review determined that 6 of the 152 signatures contested by Gilbert should have been invalidated.

Proposed Findings of Fact

I recommend that the Secretary make the following findings of fact:

Circulation of Petitions at Mt. Ararat High School on November 4, 2025

1. On Election Day, November 4, 2025, a circulator for the Initiative collected signatures at Mt. Ararat High School, the polling place for Topsham. (Test. of McLeod-Tardiff; Test. of Henderson; Test. of Considine; Gilbert Exs. 2–5).

2. The circulator collected signatures at a table set up in a hallway near where voters exited from the gymnasium, where voting was taking place. Two other tables for other causes were set up in the same area. (Test. of McLeod-Tardiff; Gilbert Exs. 2–5).

3. Attached to the circulator's table, so that they hung in front of the table and would be visible to voters as they passed, were two identical printed color signs, approximately 18" x 24" in size, that invited voters to "Sign the Petition," followed underneath with "Protect Girls Sports in Maine" in large text. (Gilbert Ex. 3).

4. The circulator was paid a fixed amount for each signature he collected. AR 0051.

5. Three testifying witnesses staffed the two other tables, collectively between the hours of approximately 8:00 a.m. and 3:00 p.m., and were able to observe the circulator during this time. (Test. of McLeod-Tardiff; Test. of Henderson; Test. of Considine).

6. At approximately 8:20 a.m., the circulator left his table, leaving petition forms face up on the table. The circulator went to an unknown location outside the vicinity of the hallway in which the circulating tables were set up. (Test. of Henderson).

7. The circulator was gone from the table for at least several minutes, with no one substituting for him. (*Id.*)

8. While the circulator was gone, one person signed one of the petition forms that the circulator left behind. (*Id.*)

9. The circulator was expected by his supervisor to be circulating petitions the entire day on November 4, 2025, and was disgruntled about the lack of a lunch break. (Test. of McLeod-Tardiff).

10. Around midday, the circulator again left the circulating table, with no one substituting for him. The circulator went to an unknown location outside the vicinity of the hallway in which the circulating tables were set up. (Test. McLeod-Tardiff; Test. of Considine).

11. The circulator left petition forms on the table, attached to two clipboards, turned face down on the table, together with a pen and other papers. (Test. of McLeod-Tardiff; Test. of Considine; Gilbert Ex. 2).

12. The circulator was gone 40 to 45 minutes. (Test. of McLeod-Tardiff; Test. of Considine).

13. While the circulator was gone approximately 7 to 10 people signed the petition form. (Test. of Considine; Test. of McLeod-Tardiff; Gilbert Exs. 2, 4–5).

14. The circulator was male and stated to others present that he was from Texas, specifically Austin. (Test. of McLeod-Tardiff; Test. of Henderson; Test. of Considine).

15. Eight circulators submitted circulator affidavits to the Secretary listing a Texas residence. AR 032605–032926. Circulator Elias Vasquez is the only one of those circulators who submitted signatures from Topsham. (AR 0263–65).

16. Circulator Vasquez listed his residence on his Circulator Affidavit as Hutto, Texas, a town approximately 20 miles from Austin, Texas.[4] (AR 032911.)

17. Circulator Vasquez submitted a total of 10 petition forms with signatures of Topsham voters, containing a total of 605 signatures validated by the Secretary of State. (AR 0263–65.)

18. All of the signatures Circulator Vasquez collected for the Initiative that were submitted to the Secretary were collected in Topsham on Election Day, November 4, 2025. (AR 0465; Pet. Nos. 6787, 6790, 6792, 6805, 6806, 6807, 6808, 6809, 6810, 6811).

19. No other circulator who submitted signatures from Topsham submitted more than 20 signatures. (*Id.*)

20. Circulator Vasquez is the circulator who left his petition forms unattended twice at Mt. Ararat High School on November 4, 2025, as found above. (Test. of McLeod-Tardiff; Test. of Considine; Test. of Henderson; AR 0465; Pet. Nos. 6787, 6790, 6792, 6805, 6806, 6807, 6808, 6809, 6810, 6811).

21. Circulators are instructed that, if someone signs one of their petition forms outside their presence, the proper procedure is to cross out that signature. (AR 0025).

22. Circulator Vasquez's submitted petitions contain two cross-outs. One was crossed out by the municipal clerk, as evidenced by the use of red ink, likely due to the failure of the voter to list a street address or municipality. Pet. No. 6805. The other cross-out was originally made in black ink (though the municipal clerk also crossed it out in red ink), *see* Pet.

[4] The distance calculation is from maps.google.com, of which calculation I recommend the Secretary take official notice.

No. 6806, and was coded by the Secretary as WD—withdrawn—meaning that the cross-out could have been done by either the voter or the circulator. (AR 0100).

23. The single cross-out, even if it was done by Circulator Vasquez and not the voter, is not sufficient to account for the number of people who signed the petition while it was unattended. (Test. of Considine; Test. of McLeod-Tardiff).

24. On each of the petition forms Circulator Vasquez submitted, he swore the following oath:

> I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

(Pet. Nos. 6787, 6790, 6792, 6805, 6806, 6807, 6808, 6809, 6810, 6811).

25. Circulator Vasquez also swore in his circulator affidavit that he "read and understand[s] the information provided by the Secretary of State's Office to the applicant, pursuant to Title 21-A § 903-A, sub-§3, including the laws and rules governing the circulation of petitions." AR 032911.

26. The Secretary's Instructions to Circulators state that "you may not leave the petitions unattended at a location, or attended by someone other than yourself. You must be able to take the oath that is written on the petition and state truthfully that you personally witnessed each person sign the petition." R0024.

27. At least one, and likely more, of the 10 petition forms circulated by Circulator Vasquez at Mt. Ararat High School on November 4, 2025, contain signatures that Circulator Vasquez did not witness, despite his oath that he witnessed all signatures.

28. On at least those petition forms, Circulator Vasquez could not have reasonably believed his oath to be true and accurate.

Circulation of Petitions at Thornton Academy on November 4, 2025

29. On Election Day, November 4, 2025, Circulator Susan Mays collected signatures for the Initiative at Thornton Academy, the polling place for Saco. (Test. of Mays; Test. of Stubbs; Test. of LaSalle).

30. Circulator Mays submitted a total of 9 petition forms in support of the Initiative, all of which exclusively contained signatures collected on November 4, 2025. The petitions collectively contained 194 validated signatures. (AR 0419; Pet. Nos. 5937, 5938, 5942, 5943, 5959, 5963, 5964, 5965, 5966).

31. On each of the petition forms Circulator Mays submitted, she swore the following oath:

> I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

(Pet. Nos. 5937, 5938, 5942, 5943, 5959, 5963, 5964, 5965, 5966).

32. Circulator Mays also swore in her circulator affidavit that she "read and understand[s] the information provided by the Secretary of State's Office to the applicant, pursuant to Title 21-A § 903-A, sub-§3, including the laws and rules governing the circulation of petitions." AR 032594.

33. Circulator Mays was in fact aware of the requirement that she personally witness all signatures. (Test. of Mays).

34. Circulator Mays collected signatures at a table in a cordoned area of the Thornton Academy gymnasium between the voting area and the exit. Two other tables for other causes were set up in a row with Circulator Mays's table. (Test. of Stubbs; Gilbert Ex. 11).

35. Two testifying witnesses staffed the two other tables, collectively from 10:00 a.m. until after Circulator Mays left for the day and were able to observe the circulator during this time. (Test. of Stubbs; Test. of LaSalle).

36. Circulator Mays was the only circulator staffing the table between approximately 9:00 a.m. and 3:15 p.m. (Test. of Mays; Test. of Stubbs; Test. of LaSalle).

37. Circulator Mays's practice was to place active petition forms on clipboards for voters to sign and had petition forms attached to approximately six clipboards while she was circulating at Thornton Academy. (Test. of Mays).

38. Around noon, Circulator Mays left the gymnasium for approximately 25 minutes to eat lunch. (Test. of Mays; Test. of Stubbs).

39. Circulator Mays took with her clipboards containing petition forms but left on the table stacks of blank petition forms, pens, and signs identical to the signs described in paragraph 3, urging voters to "Sign the Petition." (Test. of Mays; Test. of Stubbs; Gilbert Ex. 9).

40. While Circulator Mays was gone, 25 to 30 people signed one or more of the blank petition forms. (Test. of Stubbs).

41. Later in the afternoon, at approximately 1:50 p.m., Circulator Mays again left the gymnasium for between 15 and 30 minutes. (Test. of Stubbs; Test. of Mays; Gilbert Exs. 9–11, 13).

42. Circulator Mays again left on the table stacks of blank petition forms, pens, and signs urging voters to "Sign the Petition." (Test. of Mays; Test. of Stubbs; Gilbert Ex. 9).

43. While she was gone, as many as 30 more people signed the unattended petition forms on Circulator Mays's table. (Test. of Stubbs; Test. of LaSalle; Gilbert Exs. 10–11, 13).

44. A photograph of Circulator Mays's unattended table shows two distinct stacks of petition forms. One stack was positioned on the left side of the table and one on the right. The right stack had a pen next to it while the left stack had a pen on top of it. Additional pens were in the middle of the table. The petitions were positioned so that two voters could simultaneously approach the table and sign the forms. No petition forms are attached to clipboards in the photograph. (Gilbert Ex. 9).

45. At 1:52 p.m. (the time of the photograph) the top petition form on the right stack contained 20 signatures. (Gilbert Ex. 9).

46. Circulator Mays did not witness any of these 20 signatures. (Gilbert Ex. 9; Test. of Stubbs; Test. of Mays).

47. After the photograph was taken, more people signed one or more unattended petition forms on the table. (Gilbert Ex. 10–11, 13).

48. Although Circulator Mays testified that she sequestered and then destroyed the petition form containing unwitnessed signatures, a comparison of the photograph of Circulator Mays's unattended table to Circulator Mays's submitted petition forms shows that form was in fact submitted to the Secretary for validation, resulting in 24 validated signatures and 1 invalid signature. (Gilbert Ex. 9; Pet. No. 5943).

49. The final petition form submitted to the Secretary contained the 20 signatures shown in the photograph plus 5 more, completely filling the front side of the petition form. (Pet. No. 5943).

50. Circulator Mays swore the circulator's oath for the petition form containing the unwitnessed signatures on the same day, November 4, 2025, attesting that she witnessed all signatures on the form. (Pet. No. 5943).

51. Circulator Mays swore the circulator's oath on an unknown number of additional petition forms with unwitnessed signatures from that day.

52. With regard to at least those petition forms containing unwitnessed signatures, Circulator Mays could not have reasonably believed her oath to be true and accurate.

Circulation of Petitions at the Auburn Tree Lighting and Parade on December 7, 2025

53. Several circulators for the Initiative circulated petitions at a Christmas tree lighting ceremony and parade held in Auburn on December 7, 2025. (Test. of Grimm).

54. During the event, one circulator approached a line of people waiting for hot cocoa, inquired whether people in line would like to sign the petition, and then handed a petition form to the first person in line. (Test. of Grimm).

55. The circulator then moved to a location approximately 15 feet away while the petition form was passed from person to person in the line.

56. The circulator periodically returned to the line, collected the petition form, and then approached a new group of people in line, asking if they wished to sign the petition. (Test. of Grimm).

57. The circulator made inquiries to the people in line to ensure that he was providing them with the proper petition form for their municipality of residence. (Test. of Grimm).

58. In total, the circulator collected several dozen signatures from people of various municipalities using this method. (Test. of Grimm).

59. For periods of indeterminate length while the petition was in the possession of people in line, the circulator had his back turned to the line, using his phone. (Test. of Grimm).

Circulation of Petitions by Rokelle Harris

60. Rokelle Harris is a professional petition circulator who submitted petitions for the Initiative. (Test. of Harris).

61. Circulator Harris was paid $4 per signature collected. (Test. of Harris; *see* AR 0051).

62. Circulator Harris submitted 14 petition forms to the Secretary, which were initially determined to consist of 61 valid signatures and 16 invalid signatures. (AR 0375).

63. Two signatures were invalidated for ANO, meaning that the signatures did not match the voters' signatures on file with the municipal registrar. An additional 5 signatures were invalidated because the signing voters had signed the petition more than once (DUP). The remaining invalidations were for REG—meaning the voter was not registered. (*Id.*)

64. Circulator Harris's petition form from Hiram contained 8 signatures (7 determined valid). (Pet. No. 3146).

65. One of the signatures on the Hiram petition, for voter Nancy Penn, was a forgery. (Test. of Penn; Pet. No. 3146).

66. Ms. Penn does not know how her signature came to be on the petition and does not know Circulator Harris. (Test. of Penn).

67. Circulator Harris submitted two petition forms containing a total of 8 signatures from Oxford. (Pet Nos. 5122, 5123).

68. The Deputy Clerk for Oxford reviewed and validated 6 of the signatures. Two signatures were invalidated for NR—not registered to vote. (Pet. No. 5122; Test. of Dillingham).

69. Following submission of the petition forms to the Secretary, the Oxford Town Clerk, Kathleen Dillingham, received a complaint from a voter concerning a change of address form they had received as a result of signing the petition. In the course of resolving that complaint, Clerk Dillingham noticed two signatures on the petition forms submitted by Circulator Harris that she deemed suspicious. (Test. of Dillingham).

70. Clerk Dillingham contacted the two voters, Diane Jackson and Robert Plummer. Both voters confirmed that they did not sign the petition. (Test. of Dillingham).

71. Clerk Dillingham then notified the Secretary and conducted a review of the remaining signatures on the petition forms, which she also deemed suspicious. (Test. of Dillingham).

72. A post-hearing review by the Election Division staff comparing signatures contained in the 14 petition forms submitted by Circulator Harris with voters' signatures on their voter registration applications concluded that all 61 validated signatures collected by Harris should have been invalidated for ANO.

Circulation of Petitions by Fritz Jean-Baptiste

73. Fritz Jean-Baptiste circulated 77 petition forms submitted to the Secretary, containing 765 validated signatures and 156 invalidated signatures. (AR 0389–0391).

74. Circulator Jean-Baptiste was paid by the signature. (Test. of Jean-Baptiste).

75. Circulator Jean-Baptiste submitted five petition forms containing 324 signatures collected on Election Day in New Gloucester that had no invalidations. (Pet Nos. 4576, 4577, 4578, 4579, 4580).

76. One of Circulator Jean-Baptiste's petition forms, submitted to the Sanford clerk, was found to contain 9 signatures invalid for ANO—signed by another. That petition also had one duplicate signature and 13 validated signatures. (Pet. No. 6018).

77. Circulator Jean-Baptiste submitted petition forms with three other signatures invalidated for ANO. One was on a petition form submitted to Cumberland that also contained 5 validated signatures and two were on a petition form submitted in Lewiston that had 48 validated signatures, as well as 10 signatures invalidated for NR and 4 signatures invalidated for DUP. (Pet. Nos. 1846, 3726).

78. Circulator Jean-Baptiste had a high number of signatures invalidated for DUP relative to other circulators. AR 0296–0488.

79. A comparison of the duplicate signatures shows that some of them have discrepancies in the signature, handwriting, and spelling of names and addresses, suggesting that the same person did not sign both times.

Circulation of Petitions by Kendrick Jackson

80. Kendrick Jackson circulated 88 petitions containing 955 validated signatures and 162 invalidated signatures. AR 0387–89.

81. Circulator Jackson was paid by the signature at $3 or $4 per signature. (Test. of Jackson).

82. Circulator Jackson submitted 10 petition forms collected on Election Day in Gray, with 567 validated signatures and only 8 invalidated signatures. AR 0388.

83. Following Election Day, Circulator Jackson circulated petitions at various events, such as hockey games and a festival in Bangor, in which people from multiple municipalities would be present. (Test. of Jackson).

84. Circulator Jackson did not ask for identification when people signed the petitions. (Test. of Jackson).

85. Circulator Jackson submitted a petition form to Waterville that the municipal clerk concluded contained 20 signatures invalid for ANO as well as 2 signatures invalid for NR. The clerk validated only 3 signatures on that petition form. (Pet. No. 7214).

86. None of Kendrick Jackson's other 87 petitions had any signatures invalidated for ANO. (AR 0387–89).

87. Circulator Jackson had a high number of signatures invalidated for DUP relative to most other circulators. AR 0296–0488.

88. Three petitions Circulator Jackson circulated were found by the Secretary to have between 13 and 20 signatures invalid for DUP. Each of these petitions also had between 40 and 50 valid signatures. (Pet. Nos. 329, 330, 294).

89. A comparison of the duplicate signatures shows that some of them have discrepancies in the signature, handwriting, and spelling of names and addresses, suggesting that the same person did not sign both times.

Circulation of Petitions by Adam Turner

90. Circulator Adam Turner circulated 138 petition forms containing 539 valid signatures and 341 invalid signatures. AR 0458–0461.

91. The vast majority of Circulator Turner's invalidations, 288, were for NR—not registered. (AR 0458–0461).

92. Circulator Turner had 39 signatures invalidated for DUP. (*Id.*)

93. A comparison of the duplicate signatures shows that a few of them have discrepancies in the signature, suggesting that the same person did not sign both times.

Failure to Consent to the Jurisdiction of Maine

94. Cairo circulated 466 petition forms containing 1,472 validated signatures. AR 0319–30.

95. "Cairo" is the circulator's full legal name. (Test. of Cairo).

96. Cairo's circulator affidavit, signed and notarized November 4, 2025, and submitted to the Secretary with the petition forms, reflects that she resides in Arizona. However, Cairo did not check the box consenting to the agreement set forth on the affidavit for out-of-state circulators, which includes submitting to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law. AR 032665.

97. Cairo's failure to check the box was not inadvertent. Rather, Cairo was concerned that checking the box may require her to appear in court during midterm season and wished to get a better understanding of the requirement before consenting to it. Cairo was never provided with that better understanding and therefore executed the affidavit without checking the box. (Test. of Cairo).

98. Cairo executed a new circulator affidavit on May 6, 2026, in which she did check the box agreeing to the conditions required of an out-of-state circulator. (Test. of Cairo; Committee Ex. 1).

99. Cairo did not agree to the out-of-state circulator conditions until after the petition had been submitted to the Secretary of State on February 2, 2026, and validated by the Secretary on March 17, 2026. (AR 0096, 0002).

100. Cairo appeared by Zoom and testified in this matter at the May 12, 2026 hearing as a voluntary witness for the Committee. (Official Notice).

101. Three other circulators who reside out of state, Kewechi Chukwuma, Albert Jordan, and Hakeem Ummsalaama, did not check the box agreeing to the out-of-state circulator conditions in their circulator affidavits submitted with the petition and have not since submitted corrected affidavits. (AR 032608, 032767, 032674).

Legal Analysis

I. Recommended Resolution of Challenge 2

A. Signatures collected by Elias Vasquez on Election Day in Topsham should be invalidated.

Gilbert presented testimony from three witnesses present at Mt. Ararat High School on Election Day, November 4, 2025, indicating that the sole circulator present to circulate petitions for the Initiative left his petition forms unattended on at least two separate occasions during the day, during which time 8 to 11 people signed the petition forms. I found the testimony of these three witnesses to be credible. Moreover, their testimony was corroborated with photographic and video evidence. The Committee did not call the circulator as a witness to contest the testimony presented by Gilbert or offer any other evidence contradicting those witnesses' accounts. Witness testimony and a review of the petition forms submitted from Topsham make clear that this circulator could only have been Elias Vasquez.

Circulator Vasquez submitted 10 petition forms containing signatures collected on Election Day from Topsham voters. The testimony and evidence establishes that at least one and likely more than one petition form submitted by Circulator Vasquez contained unwitnessed signatures, given the two different times of day he left the petitions unattended in direct violation of the Secretary of State's instructions to circulators and the multiple signings of the petition

form that occurred when he was away. What is more, the testifying witnesses were only present until 3:00 p.m. while the circulator indicated that he was assigned to stay the entire day. Given the circulator's demonstrated pattern of leaving petitions unattended and the lack of any backup, it is very possible that he left the petitions unattended additional times after the witnesses left and before polls closed at 8:00 p.m.

Although the evidence is clear that Circulator Vasquez submitted signatures with unwitnessed signatures in violation of his circulator's oath, the evidence at hearing did not establish which of the 10 petition forms submitted by Circulator Vasquez from that day contain the unwitnessed signatures. The question presented is whether this lack of proof prevents the Secretary from invalidating any signatures or whether, as Gilbert urges, the circulator's course of conduct is sufficient to allow invalidation of all signatures collected by Circulator Vasquez on that day or, even, during the entire petition drive.[5]

Maine statute largely does not specify the circumstances under which the Secretary may invalidate signatures on a petition form, providing only that the Secretary "shall determine the validity of the petition" and "may invalidate a petition if the Secretary of State is unable to verify the notarization of that petition." 21-A M.R.S.A. § 905. Despite the dearth of express statutory guidance, it is "well established that the Secretary has the authority to invalidate petitions *in toto* when the circulator has not complied with statutory or constitutional requirements." *Maine Taxpayers Action Network v. Sec'y of State* ("*MTAN*"), 2002 ME 64, ¶ 12, 795 A.2d 75. The requirement that circulators witness all signatures on a petition is both a statutory and a constitutional requirement. Me. Const. art. IV, pt. 3, § 20 (requiring circulator oath that "all of

[5] It turns out that this distinction is moot as a practical matter since Circulator Vasquez only circulated petitions on Election Day.

the signatures to the petition were made in the presence of the circulator"); 21-A M.R.S.A. § 902 (circulator must take an oath that "the circulator personally witnessed all of the signatures to the petition"). The Legislature has underlined the importance of this requirement by making it a Class E crime to willfully swear that a signature was made in the circulator's presence when it was not. 21-A M.R.S.A. § 904(5). So too has the Law Court recognized the importance of the circulator's oath, calling it "critical to the validation of a petition," since it serves to help verify that "a signing voter actually signed the petition." *MTAN*, 2002 ME 64, ¶ 13, 795 A.2d 75.

The Law Court has confirmed that flaws in the circulator's oath generally require at least invalidation of all signatures on the petition form containing the flaw. *See Palesky v. Sec'y of State*, 1998 ME 103, ¶ 11, 711 A.2d 129 (failure to take circulator's oath before a notary required invalidation of the petition); *MTAN*, 2002 ME 64, ¶ 18, 795 A.2d 75 (circulator's use of a false name required invalidation of all petition forms circulated under that name). In *MTAN*, the Law Court concluded that invalidation of all petitions with the false circulator name was permissible because "the Secretary had ample authority and reason to question the authenticity of the signatures" collected by the circulator. 2002 ME 64, ¶ 21, 795 A.2d 75. What is more, there is no constitutional requirement that the Secretary find fraud before she may invalidate full petitions for noncompliance with statutory or constitutional requirements. *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 26, 954 A.2d 1054.[6]

[6] The Legislature has provided more detailed instructions for when *candidate* petition forms should be invalidated. Under the current version of that test (which was amended after the *Knutson* decision), petition forms may be invalidated in full only if (1) the circulator did not "reasonably believe[]" their circulator oath to be true when taken, or (2) there is "proof of fraud or a knowingly false statement by the circulator." 21-A M.R.S.A. §§ 335(8); 354(9). These provisions do not apply to direct initiative petitions. *See* 21-A M.R.S.A. § 902 (incorporating subsections 3 and 4 of § 354 into the direct initiative process but not subsection 9). And, in any event, even if they did, they would not prevent invalidation of full petition forms, since any subjective belief Circulator Vasquez might have had in the truth and accuracy of his circulator oath was not reasonable given his conduct.

The question posed by the facts here is novel: what is the appropriate remedy when it is proven that a circulator left his petitions unattended, resulting in multiple unwitnessed signatures that the circulator then swore he witnessed, but the specific petition forms containing the unwitnessed signatures cannot be determined? It is my recommendation that, in the factual circumstances presented here, the proper remedy is invalidation of all signatures collected by Circulator Vasquez on November 4, 2025.

Here, the evidence established that Circulator Vasquez left his petitions unattended more than once on November 4, 2025, suggesting a general practice at least on the day in question where he was circulating alone and expected by his supervisor to stay the entire day. The evidence further established that more than one of the 10 petition forms circulated by Circulator Vasquez likely had unwitnessed signatures. And the evidence left no doubt that the circulator who engaged in this misconduct was Circulator Vasquez. Under these circumstances, I conclude that the circulator's oath on each of the 10 petition forms that Circulator Vasquez circulated that day is sufficiently untrustworthy to warrant invalidation of the signatures contained on each of those petition forms. I further conclude that failure to invalidate signatures despite proven serial misconduct by the circulator, based solely on an inability to pinpoint the exact petition forms affected, would reward improper conduct and undermine public confidence in the direct initiative process. What is more, given that Circulator Vasquez engaged in clear misconduct by leaving his petition forms unattended, leading to unwitnessed signatures, my recommendation does not depend on whether Circulator Vasquez was consciously aware that his petition forms contained unwitnessed signatures when he took the circulator's oath. Even if he had a subjective belief in the truth of his circulator oath, that belief would have been unreasonable in light of his conduct.

Although the issue is moot in this case since Circulator Vasquez only circulated petitions on one day, I note that my recommendation is deliberately cabined to the petitions submitted from the day in question. The evidence at hearing established a course of circulator conduct in a particular circumstance—collecting signatures at a polling place over a long day with no backup. Recognizing the important rights of voters that are at stake in petition validation decisions, I would be reluctant to extend my recommendation to invalidating petition forms collected by Circulator Vasquez on different days under different circumstances, absent some evidence or testimony that the course of conduct witnessed on Election Day had repeated itself.

In short, I recommend that the Secretary invalidate all signatures collected by Circulator Vasquez on November 4, 2025.

B. Signatures collected by Susan Mays on Election Day in Saco should be invalidated.

My analysis is similar with regard to petitions circulated by Susan Mays at Thornton Academy in Saco on Election Day. As with Topsham, credible witnesses staffing tables adjoining Circulator Mays's table testified that she left petition forms unattended twice during the day, during which time many people signed the petition. As with Topsham, their testimony was corroborated by photo and video evidence. Unlike with Topsham, however, Gilbert submitted photographic evidence confirming that one of the petition forms that Circulator Mays left unattended on the table, which contained 20 signatures at the time of the photograph, was submitted to the Secretary for validation.

Although Circulator Mays, unlike Circulator Vasquez, testified at the hearing, I found her testimony to be largely not credible, other than her admission against interest that she left blank petition forms unattended on two occasions. Most troublingly, Circulator Mays testified that she knew that she was not permitted to submit unwitnessed signatures and therefore, when she

returned from one of her absences and found a form containing an unwitnessed signature, she sequestered it in a Tupperware container and later destroyed it. Photographic evidence admitted at hearing, however, establishes that at least one petition form circulated by Circulator Mays that contained many unwitnessed signatures[7] was not destroyed, but instead submitted to the Secretary for validation. Circulator Mays also gave shifting accounts of what happened that day. She testified that only a single person signed the petition form while she was away, and then later indicated that it was multiple people. She testified about her interaction with a person staffing a table promoting a candidate after she returned from an absence, despite the photos and videos in evidence showing no table where she claimed it was located and no other witnesses describing such a table. Given the inconsistencies within her testimony and between her testimony and the credible evidence submitted by Gilbert, I have declined to credit the exculpatory aspects of Circulator Mays's testimony in reaching the proposed findings above.

Moreover, while photographic evidence establishes that one petition form was almost certainly submitted to the Secretary with unwitnessed signatures, the evidence further showed that it is highly likely that other petition forms from that day with unwitnessed signatures were also submitted. Circulator Mays left the area twice at different times for significant periods of time. Witness testimony, video, and photographs establish that many people signed the petition forms she left behind during those periods. The petition form containing the 20 unwitnessed signatures was photographed at the start of Circulator Mays's second break, after which many additional people signed the petition. Gilbert Exhibit 9 shows that the front of the petition form

[7] Circulator Mays testified that she circulated petitions on clipboards and that when she left the table she would take the clipboards with her but not the stacks of blank petition forms that she also kept on the table. That the unattended petition form in the photograph is on top of a stack of petition forms and not attached to a clipboard is thus strong evidence that none of the signatures on that form were witnessed by Circulator Mays.

was already almost full at that point, with 20 of the 25 available signature lines filled in. Given the number of people observed to have signed the petition during Circulator Mays's absence (as many as 30), and the fact that five prospective signers are pictured waiting in line to sign the petition in one photograph alone, it is highly likely that signers filled the remaining five lines on that petition and then moved on to the next blank petition form—possibly the one arranged to face prospective signers just to the left of the partially filled one (with a pen placed on top). What is more, Gilbert's witnesses provided estimates of the total number of unwitnessed signatures they observed that day ranging between 35 and 60 people. Even the lowest estimate—35 people—exceeds the 25 signatures contained on the petition form affirmatively identified as containing unwitnessed signatures. In short, more than one petition form with unwitnessed signatures was likely submitted to the Secretary.

This fact pattern is remarkably similar to the fact pattern in Topsham: a sole circulator left petitions unattended multiple times while tabling on Election Day, resulting in numerous unwitnessed signatures spanning multiple petition forms, at least some of which cannot be specifically identified. If anything, the case for invalidation is even stronger here, where the circulator testified that she understood she could not submit unwitnessed petitions and claimed to have destroyed a form containing unwitnessed signatures, despite photographic evidence showing that one of her petition forms containing unwitnessed signatures was submitted to the Secretary for validation. Under this specific set of facts, I again conclude that none of the circulator oaths taken by Circulator Mays for petitions circulated on this day are trustworthy and

therefore recommend that the petition forms submitted by Circulator Mays containing signatures gathered on November 4, 2025, be invalidated.[8]

C. The evidence is insufficient to invalidate any signatures collected in Auburn on December 7, 2025 for failure to witness signatures.

Gilbert also seeks the invalidation of all petition forms circulated by a circulator that Gilbert contends to be Adam Turner[9] based on conduct observed by a single witness at an outdoor Christmas event in Auburn on December 7, 2025. Specifically, Circulator Turner is alleged to have allowed his petition forms to be passed from person to person in lines of people waiting to purchase hot cocoa and other things while he was standing some distance away with his back turned, while he was operating his phone, or both.

In assessing this challenge, I recommend that the Secretary apply the longstanding two-part framework for assessing whether a petition was signed in the "presence" of a circulator: whether there was both "physical proximity" and "awareness." *See Knutson*, 2008 ME 124, ¶ 12, 954 A.2d 1054. Under this test, if the circulator is "too far away to see the voters sign their names," *id.*, or, alternatively, within range but not actually observing the signing process, due to distractions or otherwise, the petition is not signed in the circulator's "presence" as required by the Maine Constitution and statute. Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S.A. § 902.

Here the evidence indicated that the circulator was positioned roughly 15 feet from the signers. That distance, while perhaps further than ideal, would not appear to be so far away as to

[8] As with Circulator Vasquez, this amounts to all of Circulator Mays's petition forms. But as with Topsham, my recommended remedy would not have extended beyond signatures gathered on the day in question, absent evidence of misconduct on other days.

[9] The testimony indicated that there were multiple circulators present at the event in question and the witness did not identify the circulator as Adam Turner. Gilbert contends that I could rely on the photographs in the record and social media accounts belonging to Mr. Turner to identify him. Because I do not recommend invalidating signatures based on this challenge, I need not consider whether it would be appropriate for me to take official notice of a private citizen's social media account.

violate the "presence" criteria. Moreover, while Gilbert presented evidence suggesting that the circulator displayed lapses in "awareness" of the signatures, by turning away from the petition signers or operating his phone, this evidence was markedly weaker than the evidence presented in support of the Topsham and Saco challenges. Gilbert presented only a single witness who testified to the circulator's conduct. Moreover, the witness, who was waiting in line for hot cocoa with her daughter, testified that her view was obstructed. When asked on direct "Had you taken any photographs of the circulator?" the witness responded "No, I was trying to, but it was impossible to get an angle from where I was sitting. There were people in the way." Although the witness later testified on cross-examination that the issue was being unable to get the circulator and petition forms in the same frame due to "people who were not involved in the way" or being "too far apart," it seems clear that the witness had a less than ideal view of the circulator and petition-signers from her position in line. Gilbert was unable to present any additional witnesses to the alleged behavior or any video or photos that might have corroborated the witness's testimony.[10]

While I do not doubt that the witness observed the circulator at various points with his back turned to the line, taking video with his phone, or otherwise operating his phone, I conclude that the evidence is insufficient to recommend finding that the circulator was engaged in those actions continuously while the petition forms were circulating through the line, such that he generally lacked awareness of who was signing his forms. At most, the evidence establishes that the circulator's attention was diverted enough that he lacked awareness of what was happening with the petition at a few specific points in time. Such an infraction might warrant invalidation

[10] There is no dispute that the two photos of the circulator admitted to the record were taken after he completed his circulating efforts.

of any signatures collected during these lapses, or possibly even a full petition form containing such signatures if it could be affirmatively identified, but it does not, in my view, warrant the more severe remedy of invalidation of all of the circulator's petition forms collected on December 7, 2025. Since the evidence does not establish any specific problematic signatures or petition forms, I recommend that no signatures be invalidated under this challenge.

To be clear, this recommendation is not to condone the circulator's actions. Circulators who fail to actively observe their petition forms while they are being signed risk invalidation of those signatures and potentially all others that they have collected on that form or even on other forms. However, given the relative weakness of the evidence, and in absence of any evidence of specific unwitnessed signatures on specific forms, I do not recommend invalidating any signatures in response to this challenge.

D. The evidence is insufficient to invalidate any signatures collected by Circulator Jean-Baptiste for failure to witness signatures.

Gilbert seeks to invalidate all signatures collected by Fritz Jean-Baptiste during the entire campaign based on his testimony that "There were times where the petition was placed on a table, and there was a crowd of some people, and I did my best to witness *most* of the signatures, yes" (Test. of Jean-Baptiste (emphasis added)), and further testimony that he sometimes allowed his form to be passed amongst a crowd of people and did not follow it around the crowd, though he was "there within the crowd." *Id.*

Circulator Jean-Baptiste's testimony is concerning. The circulator's obligation is to witness *all* signatures, not "most." And, as discussed above, passing a petition form through a crowd creates risks that not all signatures will be made in the presence of the circulator if the circulator is inattentive or too far away. However, with that said, there is no evidence in the record that would allow me to pinpoint which signatures or petition forms might be subject to

invalidation based on Circulator Jean-Baptiste's testimony. The only option would be to invalidate all of Circulator Jean-Baptiste's 77 petition forms. I do not believe such a remedy is appropriate based on a few concerning but vague sentences of testimony. I therefore recommend that the Secretary invalidate no signatures under this challenge.

II. Recommended Resolution of Challenge 19

A. Signatures collected by Rokelle Harris should be invalidated.

At hearing, a voter who appeared on Rokelle Harris's petition form for Hiram, Nancy Penn, testified credibly under oath that she never signed the petition and, indeed, had never heard of it. In addition, Oxford Town Clerk Kathleen Dillingham credibly testified that she identified two suspicious signatures on Circulator Harris's petition forms for Oxford and those two voters, Diane Jackson and Robert Plummer, then personally confirmed to Clerk Dillingham that they had never heard of the petition and were very sure that they did not sign it. Clerk Dillingham further testified that she also found the remaining signatures on the petition form to be suspicious, and the record reflects that she reported those considerations to the Secretary of State's Elections Division while it was in the process of validating the petition.[11] AR 0074.

Based on this testimony, I directed the Elections Division to review all the signatures on the two Oxford and one Hiram petition forms circulated by Circulator Harris.[12] Elections staff

[11] The Election Division was apparently unable to review Clerk Dillingham's concerns at the time, likely due to the extreme workload that comes with reviewing a direct initiative petition for validity within the 30-day statutory time period.

[12] While the Elections Division is not required to review petition signatures under the statutory and constitutional scheme—and it is therefore not reversible error if it fails to do so—it is certainly permitted to review such signatures if there are sufficient indicia of fraud or other misconduct. Moreover, nothing in the Superior Court's remand order prevents the Elections Division from conducting additional investigation to supplement the evidence in the hearing record where, as here, the evidence at hearing strongly indicated a need for additional investigation.

determined that none of the signatures on these three petition forms matched the voters' signatures on their voter registration applications. Elections staff reviewed the signatures based on the image of the application contained in CVR or, if no image was available, by requesting a copy of the original registration application from the relevant clerk. Based on the results of this review, I asked the Elections Division to extend their review to Circulator Harris's remaining 11 petition forms. They concluded that each of the validated signatures collected by Harris on these forms also should have been invalidated for ANO.

The conclusion of the Elections Division is obviously very concerning. However, for purposes of this remand proceeding I need not determine whether Circulator Harris committed fraud, or the resulting legal question raised by the Committee of whether such a finding must be made by clear and convincing evidence. Rather, because a signature-by-signature review of Circulator Harris's petition forms indicated that 100% of Circulator Harris's signatures should have been invalidated for ANO, I recommend invalidation of those 61 signatures on the straightforward basis that those signatures were not made by the named voters.

B. The discrepancies identified in the remaining circulators' petition forms, while sometimes troubling, are insufficient to prove fraud.

Gilbert also challenges all of the petition forms circulated by three circulators, Fritz Jean-Baptiste, Kendrick Jackson, and Adam Turner, on a theory that all three circulators engaged in fraud. Gilbert's theory of fraud however, is constructed solely around a paper review of these circulators' petition forms combined with cross examinations of Circulators Jean-Baptiste and Jackson in which they did not admit to fraud.

Gilbert correctly points out that these three circulators had unusually high rates of invalidated signatures, including a notable number of invalidations for DUP (duplicate signature) and, in the cases of Jean-Baptiste and Jackson, also a notable number of invalidations for ANO

(signed by another). Circulator Jackson submitted a single petition form to Waterville in which 20 signatures of 25 were invalidated for ANO. Similarly, Circulator Jean-Baptiste submitted a petition form to Sanford in which 9 signatures were invalidated for ANO. Gilbert's paper review of the petitions of Jean-Baptiste and Jackson uncovered some troubling entries, such as duplicates in which the handwriting or signatures diverged or in which names or addresses were spelled wrongly in one version of the duplicate. Moreover, Gilbert has correctly pointed out that certain aspects of these circulators' testimony, such as their claim that they never pre-filled information on their petition forms despite visual evidence seemingly to the contrary on some of the forms, called into question their credibility.

Ultimately, while Gilbert's paper review of the petitions suggests that some signatures on these two circulators' petitions were not made by the named voter, I conclude that the evidence did not rise to the level of proving that either circulator engaged in forgery or other fraudulent conduct. Neither circulator asked petition signers for identification, nor were they required to do so. The alleged forgeries identified by Gilbert are not—or at least not obviously—written by the same hand. Notably, with the exception of Jackson's Waterville petition form, even those petition forms submitted by these circulators with unusually high invalidation rates were found to contain mostly valid signatures. It is thus unclear without more evidence how any scheme by the circulators to forge signatures on the petitions would have worked in practice.[13]

[13] Of the petition forms at issue, the most troubling form remains the petition form submitted by Jackson containing 20 signatures invalidated for ANO, and only 3 valid signatures. However, Jackson submitted a total of 88 petition forms and had no other signatures on any of those forms invalidated for ANO. It is hard to know what to make of this discrepancy. Without more supporting evidence, I am unable to recommend finding that Jackson forged 20 signatures on a single petition form, despite apparently not repeating that conduct on any of the 87 other forms.

In addition, unlike in her challenge to petition forms circulated by Rokelle Harris, Gilbert did not present any testimony from witnesses, such as other circulators, observers, municipal clerks, or voters whose names appeared on these circulators' petitions that might have helped establish circulator misconduct. For example, testimony from the Sanford and Waterville clerks who invalidated multiple signatures for ANO concerning their level of certainty that the signatures were not those of the voters, or any interactions they may have had with the circulators, may have been probative. Testimony from voters confirming that a given signature was not theirs would also have been potentially probative. The lack of such testimony may be understandable given the expedited nature of this proceeding and the resulting limited time for the parties to prepare and present evidence. But given the lack of any direct evidence of misconduct by the circulators and the existence of other explanations for the petition discrepancies that do not involve circulator misconduct, I cannot recommend concluding that seeming discrepancies in a relatively small number of petition forms submitted by Circulators Jean-Baptiste and Jackson establish that either circulator engaged in fraud.

Finally, while Gilbert's paper review of Circulators Jean-Baptiste's and Jackson's petition forms identified some substantial issues, her challenge to the petition forms of Circulator Turner is weaker. A review of Turner's forms shows that, while he had an unusually high invalidation rate, the vast majority of his invalidations were for NR—not registered. While such invalidations might theoretically be an indication of fraud, they may also simply reflect circulation of petitions in settings in which a large number of non-voters are likely to be present. I do not recommend invalidating any signatures collected by Circulator Turner on the basis of alleged circulator fraud.

III. Recommendations concerning corrections to the Secretary's concessions.

A. The Secretary's concession that some signatures should be invalidated under Challenge 14 should be corrected from 43 to 49 signatures.

Gilbert's Challenge 14 seeks to invalidate signatures on grounds that the signature is dated after the circulator oath. In the proceedings above, the Secretary opposed most of Gilbert's proposed invalidations on grounds that the date discrepancy was due to obvious typographical errors. However, the Secretary conceded that, in 43 cases, it could not be discerned from context that the signature was made before the circulator's oath, and that those signatures should therefore be invalidated. Gilbert contends in her post-hearing brief that the Secretary should have invalidated an additional 152 signatures according to this contextual approach.

Given the Superior Court's directive that the Secretary may "correct[]" her concessions to the Superior Court, Order at 17, I directed Elections Division staff to review the 152 signatures that Gilbert continues to challenge. Upon review, staff determined that the six signatures listed below should also be invalidated due to an inability to confirm from context that the signature was dated before the circulator's oath. I recommend that the Secretary invalidate these six signatures in addition to the 43 already identified in her Superior Court brief.

Petition #	Line #
224	7
634	65
1792	1
2241	2
5027	3
6402	3

B. The Secretary's remaining concessions should remain unchanged.

1. *The Secretary's partial concession of Challenge 15 should not be corrected.*

Gilbert argues that the Secretary should revisit her legal position that signatures lacking dates should not be invalidated if it can be determined from context that the date was within the

circulation period. I recommend that the Secretary reject this argument for the reasons set forth in the Secretary's Rule 80C brief filed with the Superior Court.

2. *The Secretary's rejection of Challenges 1, 5, 15, 18, 20, and 21 should not be revisited.*

Gilbert argues, somewhat perfunctorily, that the Secretary should revisit her litigation positions with regard to Challenges 1, 5, 15, 18, 20, and 21. The Secretary successfully opposed these challenges in Superior Court and, as Gilbert concedes, they are not within the scope of the Court's remand order. I recommend that the Secretary conclude that consideration of these challenges is outside the scope of the Court's remand order and, alternatively, that the challenges are meritless for the reasons set forth in the Secretary's Rule 80C brief in Superior Court.

3. *The Secretary's concession that signatures of circulators who failed to consent to the jurisdiction of the State should stand.*

The Committee urges the Secretary to reconsider her position on Challenge 3, challenging the validity of petitions collected by out-of-state circulators who failed to check the box on their circulator affidavit consenting to the jurisdiction of the State of Maine. In her Superior Court brief, the Secretary confessed error in not invalidating these signatures but took no position in that brief as to whether the circulators might be able to correct their failure by submitting a corrected circulator affidavit on remand. Circulator Cairo, who circulated a considerable number of petitions, submitted such a corrected affidavit, dated May 6, 2026, and the Committee makes various arguments in its post-hearing brief that none of the petitions circulated by the four circulators who initially failed to consent to Maine's jurisdiction should have their signatures invalidated. Committee Ex. 1. I recommend that the Secretary maintain her initial position that all signatures collected by these circulators are invalid.

The statute requiring a circulator affidavit specifies a deadline for submitting that affidavit: the circulator "shall file" the affidavit "at the time the petition is filed." 21-A M.R.S.A.

§ 903-A(4). Title 21-A expressly states that "the words 'shall' and 'must' are used in a mandatory sense to impose an obligation to act in the manner specified by the context." *Id.* § 7. During the validation process, Elections staff are instructed to invalidate all petition forms by a circulator who fails to submit a circulator affidavit using the code AFF. AR 0098. And although the instructions are not specific on this point, an affidavit that does not contain essential required elements cannot be deemed to satisfy the filing requirement.

As the Secretary explained in her Superior Court brief, the requirement that out-of-state circulators consent to Maine's jurisdiction is a substitute for the previous requirement that all circulators be registered Maine voters. The United States District Court authorized Maine to impose this requirement by limiting its injunction of Maine's ability to enforce the residency requirement to circumstances in which the circulator fails to consent to Maine's jurisdiction. In other words, Maine may treat out-of-state circulators as unauthorized to the extent they fail to consent to the jurisdiction of the State.

There is no dispute that three of the circulators at issue, Kewechi Chukwuma, Albert Jordan, and Hakeem Ummsalaamah, did not and have never consented to the jurisdiction of Maine. The Committee did not offer any testimony or corrected affidavits from these circulators. I recommend that the Secretary invalidate these petition forms on remand.

The Committee did, however, offer the testimony of Cairo, as well as a corrected affidavit dated May 6, 2026, in which she checked the box consenting to Maine's jurisdiction. Cairo's testimony, however, revealed that she did not inadvertently fail to check the box consenting to jurisdiction but, rather, had concerns about the implications of agreeing to Maine's jurisdiction, concerns that were apparently not assuaged by the time she executed her circulator affidavit. While I would conclude that even an inadvertent failure to check the box would render

the affidavit invalid under 21-A M.R.S.A. § 903-A(4), I recommend concluding that Cairo's error was, at the time she submitted the affidavit, *not* an inadvertent failure to express her agreement to the terms on the affidavit, but a substantive lack of agreement to those terms. Given that failure to agree, under the U.S. District Court's consent judgment, the Elections Division should have treated Cairo (and the other three circulators) as in violation of the requirements of 21-A M.R.S.A. § 903-A(4)(C) and Me. Const. art. IV, pt. 3, § 20, requiring circulators to be Maine residents. The Secretary has historically invalidated all signatures collected by non-resident circulators for violation of these provisions. *See, e.g.*, *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165. The same result should have occurred here.

The Committee objects to this result as elevating "form over substance." Committee Br. at 21. But a circulator's submission to the jurisdiction of Maine is no mere academic exercise. Courts have recognized that it is a requirement narrowly tailored to furthering the state's compelling interest in "policing the integrity of the petition process." *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 33 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022). Indeed, the misconduct described earlier in this recommended decision—all committed by out-of-state circulators—demonstrates the importance of requiring these circulators to consent to Maine's jurisdiction and agree to the other terms contained in the circulator's affidavit, such as maintaining up-to-date contact information.

What is more, the timing of this agreement matters. While submitting to Maine's jurisdiction three months after the petition was filed with the Secretary still has some value—in that it facilitates investigation of the circulator in a remand proceeding like this one or a criminal prosecution under 21-A M.R.S.A. § 904—it omits the most crucial part of the petition review process: the 30 business days during which the Secretary is determining as an initial matter

which signatures on the petition forms should be validated. 21-A M.R.S.A. § 905(1). During this time, it is essential that the Secretary be able to obtain information and conduct investigations concerning circulators to the extent questions arise as to whether they collected signatures in conformity with Maine's direct initiative laws.

It is no answer that Cairo, in this case, voluntarily appeared at the hearing, such that her intentional failure to submit to Maine's jurisdiction at the time of petition filing caused no harm. While there may have been no harm in this case, universalizing such a "no harm no foul" rule would effectively negate, in most cases, the requirement that circulators consent to Maine's jurisdiction. Circulators could refuse to agree at the time of petition filing (perhaps because, like Circulator Cairo, they were concerned about having to appear in court during a particularly busy time), and the Secretary would have no recourse unless the circulator happened to become subject to investigation and failed to reconsider their refusal once they were summonsed by the Secretary or a Court. And that hypothetical assumes that the circulator could even be located, given they would be under no obligation to keep their contact information current with the Secretary. What is more, even if the circulator were located, the only available remedy for a failure to appear for a hearing or investigation would be to invalidate the circulator's signatures. But that remedy would only be available for as long as the validity of the petition was not finally determined. Once the petition's validity became final the circulator would have no incentive whatever to file a corrected affidavit if Maine wished to, say, investigate them for potential criminal violations discovered after litigation over the petition's validity had concluded.

The Committee's "no harm no foul" argument fails with regard to the other three circulators for the same reasons. These circulators still to this day have not submitted to Maine's jurisdiction, making it plainly appropriate under the U.S. District Court's consent judgment to

treat their signatures as invalid under the statutory and constitutional residency requirements. While the Committee is correct that Gilbert did not challenge the signatures of these three circulators, a rule that a circulator need not submit to Maine's jurisdiction unless they become subject to investigation would be unworkable and would substantially impair Maine's interest in policing its direct initiative petition process, especially with regard to potential criminal investigations or prosecutions occurring after petition validity is finally determined.

The Committee further argues that the Secretary cannot enforce the residency requirement in the manner permitted by consent judgment because the enforcement approach permitted by the Court violates the Maine Constitution and is "ultra vires." Committee Br. at 22–24. To the extent the Secretary might have authority to decide these constitutional questions on remand, I recommend that she reject these arguments. The enforcement approach to the residency requirement set forth in the Consent Order does not contradict the Maine Constitution's prohibition on out-of-state circulators. Rather, it narrows the scope of that prohibition, allowing enforcement against only those out-of-state circulators who decline to agree to certain terms meant to allow Maine to enforce its other circulator requirements. Precisely because the Consent Order merely narrows the scope of the Constitution's prohibition to a subset of out-of-state circulators most likely to cause enforcement challenges—those who fail to agree to consent to the State's jurisdiction—there is no serious question that the framers of that provision would have preferred that "half a loaf" to no loaf at all.

4. *The Secretary's concession of Challenge 6 should not be corrected.*

The Committee argues that the Secretary should reconsider her concession of Challenge 6, which demonstrated that two notaries public notarized circulator petitions after circulating petitions. The Committee argues that the statutes restricting notaries from notarizing circulator oaths after performing campaign services are not authorized by the Maine Constitution and

violate the First Amendment rights of the conflicted notaries. Assuming the Secretary may properly consider this constitutional question at the agency level, I recommend that she reject these challenges. The Law Court gave its imprimatur to the Secretary's invalidation of such signatures in *Reed v. Sec'y of State*, 2020 ME 57, ¶ 17, 232 A.3d 202. Although that decision did not involve a constitutional challenge, it nonetheless recognized that invalidation of such signatures "rationally advances the legislative purpose of discouraging fraudulent notarizations by prohibiting the use of notaries who have a demonstrable conflict of interest at the time of their notarial acts in connection with the campaign." *Id.* at ¶ 12. Any minor expressive or associational burden placed on notaries by the challenged statutes is easily justified by, and narrowly tailored to, this compelling governmental interest in ensuring valid circulator oaths.

What is more, the Maine Constitution allows the Legislature to enact "further laws not inconsistent with the Constitution applying the . . . direct initiative." Me. Const. art. IV, pt. 3, § 22. The notarial conflict of interest laws challenged by the Committee, 21-A M.R.S.A. § 903-E and 4 M.R.S.A. § 1904(5), specify the circumstances under which the constitutionally required circulator's oath may be deemed to have been validly taken before "a person authorized by law to administer oaths," Me. Const. art. IV, pt. 3, § 20, and therefore fall squarely within this constitutional authorization of initiative-related legislation.

5. *The Secretary's concession of Challenge 17 should not be corrected.*

The Committee argues that the Secretary should reconsider her concession that signatures containing ditto marks in the date field should be invalidated, characterizing such invalidations as hyper-technical. Committee Br. at 27. I acknowledge that these invalidations are in some tension with the Secretary's treatment of other date discrepancies in the petition forms. However, the Legislature has prohibited the use of ditto marks in direct initiative petitions, other than for residence address and municipality. *See* 21-A M.R.S.A. §§ 354(4); 902. That statutory

prohibition would seem to cabin the Secretary's discretion to apply her usual contextual approach to determining signature date. Moreover, such a prohibition is a reasonable way to prompt each petition signer to independently determine the date and not simply add to a column of ditto marks that may or may not have been made on the same day. I therefore recommend that the Secretary leave unchanged her concession that these signatures be invalidated.

IV. Recommended Amended Determination of Validity

Based on my proposed findings and recommendations above, I recommend that the Secretary issue a revised Determination of Validity in the following form:

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

Revised Determination of the Validity of a Petition Upon Remand for Initiated Legislation Entitled:

"An Act to Designate School Sports Participation and Facilities by Sex"

1. On February 2, 2026, 8,067 petition forms containing 79,692 signatures were submitted to the Secretary of State pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 on behalf of the above-entitled initiated legislation.[14]

2. Following a review of these 8,067 petition forms, I find the following signatures to be invalid for the following reasons:

   A. 5,066 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)

   B. 1,930 signatures are invalid because they are duplicates of signatures already counted. (279 of these signatures were invalidated during the remand). (DUP)

   C. 675 signatures are invalid because they were dated after the date that the circulator's oath was completed in the presence of the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (171 of these signatures were invalidated during the remand). (DATE)

[14] An additional 3 petition forms were submitted that contained only signatures that were certified as invalid by municipal registrars or included no municipal certification. The Secretary of State did not complete a full review of signatures included on these 3 petition forms and these signatures were not included in the final tally of signatures that culminated in this Determination of Validity.

D. 2,813 signatures are invalid because the circulator did not file a valid circulator's affidavit at the time the petitions were filed with the Secretary of State. (2335 of these signatures were invalidated during the remand). (AFF)

E. 278 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)

F. 233 signatures are invalid because the voter failed to provide a signature. (SIG)

G. 152 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)

H. 162 signatures are invalid because the registered voter's signature was made by another. (61 of these signatures were invalidated during the remand). (ANO)

I. 1,127 signatures are invalid because the circulator's oath was not complete, not administered properly, or untrustworthy. (1,037 additional signatures were invalidated during the remand).(OATH)

J. 64 signatures are invalid because of material alterations to the petition. (ALT)

K. 29 signatures are invalid because the certification of the registrar was not completed. (CERT)

L. 9 signatures are invalid because the petition was not on the approved form. (FORM)

M. 4 signatures are invalid because the petition forms were received by the municipal office after the municipal filing deadline. (AMD)

3. For the reasons set forth above, on the 8,067 petition forms filed with the Secretary of State, I find that 67,150 signatures are valid and 12,542 signatures are invalid. The number of signatures required to determine the petition to be valid is 67,682. Because the number of valid signatures is short of the required number by 532 signatures, I find the petition to be invalid.

Opportunity to Object

Any party may file an objection to this recommended decision for consideration by the Secretary of State. Objections must be filed by email no later than **11:59pm on Saturday, May 23.**

/s/ Katherine McBrien
Katherine McBrien
Chief Deputy Secretary of State
Presiding Officer

STATE OF MAINE CUMBERLAND, ss.	SUPERIOR COURT DOCKET NO. AP-26-10

JANE GILBERT, MARK SAYRE, and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent,

PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

BRIEF OF INTERVENOR, PROTECT GIRLS SPORTS IN MAINE BALLOT QUESTION COMMMITTEE, ON FINAL DECISION OF SECRETARY OF STATE ON REMAND FROM THIS COURT

TABLE OF CONTENTS

I. SUMMARY 1

II. PROCEDURAL BACKGROUND 3

III. STANDARDS OF REVIEW 4

IV. CONSTITUTIONAL BACKGROUND TO LEGAL ARGUMENT 5

A. THE MAINE CONSTITUTION IS THE SOURCE OF STATE GOVERNMENTAL POWER AND THE DEPARTMENTS OF GOVERNMENT MAY NOT EXERCISE POWERS NOT ASSIGNED TO THEM 5

B. THE CONSTITUTION AUTHORIZES AND LIMITS THE LEGISLATIVE POWER, INCLUDING THE LEGISLATURE'S DELEGATION OF POWER 7

C. SOURCE AND CHARACTER OF LAWMAKING BY INITIATIVE AND REFERENDUM 8
1. Purpose and Character of Initiative Amendments 8
2. By the Initiative Amendments, the People Reclaimed their Sovereign Lawmaking Power 10
3. The Initiative Amendments are Self-Executing; the Legislature may only Enact Implementing Statutes Affidavits 11
4. Role of Electors Under Initiative Amendments 13

D. THE ELECTORS' RIGHTS TO INITIATE AND PROMOTE INITIATIVES AND REFERENDA, INCLUDING SIGNING PETITIONS, ARE JOINED WITH AND PROTECTED BY THE RIGHT TO PETITION THE GOVERNMENT 14

V. ARGUMENT 15

A. SECRETARY ERRED IN INVALIDATING PETITIONS CIRCULATED BY OUT-OF-STATE CIRCULATORS WHO DID NOT CHECK THE JURISDICTION BOX ON THE CIRCULATOR AFFIDAVIT 15
1. Consent Order – We the People v. Bellows 16
2. The Consent Order Does Not and Cannot Empower the Secretary to Violate or Circumvent the Maine Constitution 20
3. The Invalidation of the Electors' Signatures on the Out-of-State Circulators' Petitions Violates their Right to Petition the Government and their Rights under the Initiative Amendments 24
4. Circulator Cairo Complied with the Consent Order 25
a. The Secretary erred in Invalidating Circulator Cairo's Petitions 28
b. The Secretary Erred in Invalidating Circulator Cairo's Petitions because, in doing so, the Secretary Violated the Signatory Electors' Right to Petition the Government 29

B. THE INITIATIVE AMENDMENT'S RESIDENCY AND REGISTRATION REQUIREMENTS VIOLATE THE FIRST AMENDMENT'S GUARANTEE OF FREEDOM OF SPEECH 30

C. THE STATUTORY BAN ON NOTARIES CIRCULATING PETITIONS AND LATER WITNESSING THE SIGNATURES OF OTHER CIRCULATORS VIOLATES THE FIRST AMENDMENT RIGHT TO FREEDOM OF SPEECH, FREEDOM OF ASSEMBLY, THE RIGHT TO PETITION THE GOVERNMENT AND RIGHTS OF ASSOCIATION INHERENT THEREIN.....32

1. Notary Statutes Constitute Unconstitutional Viewpoint Discrimination.....34

D. THE SECRETARY ERRED IN INVALIDATING ELECTOR SIGNATURES ON THE GROUNDS THAT THE ELECTORS ENTERED DITTO MARKS FOR THE DATE RATHER THAN WRITE IN THE DATE 35

VI. CONCLUSION.....37

TABLE OF AUTHORITIES

Cases

Allen v. Quinn,
459 A.2d 1098, 1102 (Me. 1983).....8, 9, 11, 12, 28

Anderson v. Celebrezze
460 U.S. 780, 788 (1983) 17

Avangrid Networks, Inc. v. Sec'y of State,
2020 ME 109, ¶ 30, 237 A.3d 882 7

Ayotte v. Planned Parenthood of Northern New England
543 U.S. 320 (2006) 24

Birks v. Dunlap
2016 WL 1715405, at *6.....32

Borough of Duryea, Pennsylvania v. Guarnieri
564 U.S. 379, 395-398 (2011) 14, 15

Buckley v. American Constitutional Law Foundation, Inc.
525 U.S. 182, 186 (1999).....8, 17, 32, 33

Burdick v. Takushi
504 U.S. 428, 434 (1992) 17

Cape Elizabeth School Bd. v. Cape Elizabeth Teachers Ass'n
459 A.2d 166, 172, n. 12.....5

Chadha v. Immigration and Naturalization Service
462 U.S. 919,948-959 (1983) 7

De Jong v. Oregon
299 U.S. 353, 364 (1937) 34

Desena v. LePage
793 F.Supp.2d 456 (D. Me. 2011) 19

Ex parte Davis
4 Me. 38, 54 (1856) 23

Farris ex rel. Dorsky v. Goss
143 Me. 227, 231, 60 A.2d 908 (1948).....10, 12, 13

Grayned v. City of Rockford
408 U.S. 104 , 109, n. 4 (1972) 27

Hart v. Secretary of State
1998 ME 189, ¶715 A.2d 165.....16, 17, 18, 19, 21, 30, 31

Hobbs v. Getchell
8 Me. 187 (1832) 13

In re Dunleavy
2003 ME 1240, ¶18, 838 A.2d 338.....6

John Doe No. 1 v. Reed
561 U.S. 186, 221 (2010).....13

Jones v. Secretary of State
2020 ME 113, 238 A.3d 982.....17, 18, 19, 21, 30, 31

La Fleur ex rel. Frost, v. Anderson
146 Me. 270, 280, 80 A.2d 40 20

League of Women Voters v. Secretary of State
683 A.2d 769, 771 (Me. 1996).....9, 28

Lewis v. Webb
3 Me. 326, 329 (1825).....7, 23

Maine Taxpayers Action Network v Sec'y of State
2002 ME 64, ¶ 7, 795 A.2d 79, 78.....14, 16, 32

McCutcheon v. Fed. Election Comm'n
572 U.S. 185, 203 (2014) 33

McGee v. Secretary of State
2006 ME 50 ¶ 21, 896 A.2d 933.....5, 8, 9, 11, 12, 23, 25, 36

Minnesota v. National Tea Company
309 U.S. 551, 557 (1940) 22

Meyer v. Grant
486 U.S. 414, 421 (1988).....17, 29, 32, 33

Moulton v. Scully
111 Me. 428, 89 A. 944, 953 (1914).....11

Opinion of the Justices
132 Me 512, 174 A. 853, 855 (1933).....12

Opinion of the Justices
275 A.2d 800, 803 (1971).....9, 11, 13, 36

Opinion of the Justices,
437 A.2d 597, 606 (Me. 1981).....7

Opinion of the Justices
2023 ME 34 (Me. 2023) 23

Pollack v. Fournier
2020 ME 93, ¶15, 237 A.3d 149.....15

R.A.V. v. City of St. Paul, Minn.
505 U.S. 377, 391 (1992) 34

Rideout v. Riendeau
2000 ME 198, ¶ 19, 761 A.2d 291 32

Rosenberger v. Rector & Visitors of Univ. of Virginia
515 U.S. 819, 828 (1995).....34

Smith v. Speers
253 A.2d 701, 704 (Me. 1969).....8

State v. Boyajian
344 A.2d 410, 412 (Me. 1975).....8

State v. Hunter
447 A.2d 797, 799-800 (Me. 1982) 6

Thomas v. Collins
323 U.S.516, 530 (1945) 34

United States v. Cruickshank
92 U.S. (2 Otto) 542, 552 (1875).....14

We the People PAC v. Bellows
519 F. Supp. 3d 13, 53 (D. Me. 2021) 18, 26, 30

We the People v. Bellows
40 F.4th 1, 14 (1st Cir. 2022) 18, 30

We the People v. Bellows
Civil No. 1:20-cv-00489-JAW....18

Winchester v. State
2023 ME 23, ¶ 14, 291 A.3d 707....23

Younger v. Harris
401 U.S. 37, 44-45 (1971) 23

Other Authorities

U.S. Constitution, First Amendment.... *passim*

Me. Const. art. I, § 2 ....5, 10

Me. Const. art. I, § 4 ....14, 17

Me. Const. art. I, § 15 14

Me. Const. art. II, §§ 2-3....13

Me. Const. art. III, § 2....23

Me. Const. art. IV, Pt. 3d, § 1....7, 8

Me. Const. art. IV, Pt. 3d, §§ 17-22 8

Me. Const. art. IV, Pt. 3d, §§ 18, 22....11

Me. Const. art. IV, Pt. 3d, § 20....12

Me. Const. art. IV, Pt. 3d, § 22....3, 4, 11, 27

Me. Const. art. IX, § 25 19

Me. Const. art. X, § 4....10

4 M.R.S.§ 1904(5) 32, 34

21-A M.R.S. § 354(4) 35

21-A M.R.S. §902....35

21-A M.R.S. §903-A....18

21-A M.R.S. § 903-E....32, 34

21-A M.R.S. § 905 ..... 3, 5

21-A M.R.S. § 905(2) 4

Rule 80C(a), M. R. Civ. P. 5

Steven Diner, *A Very Different Age*, 209 (1998) 9

Alexander Hamilton, "Publius." The Federalist 78, in The Debate on the Constitution, 467, 470 (Bernard Nailyn, ed. 1993) 6

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M. Tinkle, The Maine State Constitution (2d. ed. 2013), pp. 70-72 ..... 6, 20

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American Heritage Dictionary (ed. 1976) 36

NOW COMES, Intervenor, Protect Girls Sports in Maine Ballot Question Committee, and submits its Initial Brief objecting to certain aspects of the Secretary of State's Final Decision on Remand from this Court, as follows:

I. SUMMARY

This matter concerns "An Act to Designate School Sports Participation and Facilities by Sex" ("the Ballot Initiative"), a citizen-initiated legislation proposed pursuant to Article IV, Part Third, Section 18 of the Maine Constitution. Intervenor, Protect Girls Sports in Maine Ballot Question Committee ("the Committee") seeks the voters' consideration of and approval of the Ballot Initiative.

Initially, the Secretary of State approved the Ballot Initiative's placement on the November 3, 2026 general election ballot. Following a challenge by Petitioners, Jane Gilbert, Mark Sayre, and Kaitlin Webber ("Petitioners"), the Secretary reversed her initial decision and issued a Final Decision disqualifying the Ballot Initiative from the November 3 ballot. In doing so, the Secretary relied entirely on the Recommended Decision of the Deputy Secretary of State, accepting both her reasoning and her conclusion without change or comment.

The question before the Secretary—the disqualification of the Ballot Initiative from the November 3 ballot—was of the utmost gravity resulting, by the Secretary's own count, in the frustration of a legally expressed desire of 67,150 Maine electors that their fellow Maine electors consider and vote on the merits of the Ballot Initiative in November. For a decision of this magnitude, the Secretary's decision should manifest her full understanding and application of the longstanding constitutionally-mandated principles governing the people's exercise of their sovereign lawmaking power. But, as will be shown below, the Secretary not only failed to acknowledge those binding principles, she disregarded and violated them. In doing so, she violated

the letter and the spirit of the initiative power, effectively disenfranchised those voters who signed petitions their right to petition the government and to exercise their related rights of freedom of speech, freedom of assembly, and all associated rights inherent therein as protected by the First Amendment to the U.S. Constitution and by Article I, Sections 4 and 15 of the Maine Constitution.

In addition, to invalidate more than 1,500 otherwise valid signatures of Maine voters, the Secretary invoked powers she does not possess. To the contrary, she invoked an authority lying outside of Maine's constitutional structure to exercise powers expressly denied her by the Maine Constitution. The Secretary's reliance on these *ultra vires* powers were essential to her invalidation of enough signatures to bar the Ballot Initiative from the November 2026 ballot.

The Secretary disqualified petitions witnessed by notaries who had earlier acted as petition circulators. But the statute on which she relied not only violated the notaries' freedom of speech but also their right to petition the government. Moreover, the disqualification of the electors' signatures on these otherwise valid petitions nullified and rendered meaningless each voter's clearly manifested direction that, this November, Maine voters consider the Ballot Initiative on the merits.

Finally, the Secretary invoked statutory authority alone to invalidate the signatures of voters who chose to indicate the date by use of "dittos" rather than printing the date. Although the Secretary's error on this point does not involve a large number of signatures, those signatures are important to the electors who dated their signatures in this fashion. Moreover, as with all her decisions, the Secretary excluded these signatures without applying the directives that the Law Court has repeatedly articulated for administering the Constitution's initiative and referendum amendments.

For these and other reasons, as set forth below, the Committee respectfully requests this Court to find that the Secretary erred in disqualifying the Ballot Initiative from the November ballot and to restore it to that ballot so that it may be decided by Maine voters.

II. PROCEDURAL BACKGROUND

On February 2, 2026, petitions supporting the placement of the Ballot Initiative on the November ballot were submitted to the Secretary of State. [R 0097]. On March 17, the Secretary issued her Determination of the Validity ("Determination") finding that of the 79,692 signatures that were submitted to her, 71,033 signatures were valid. [R 0102]. The Secretary's Determination placed the Ballot Initiative above the required threshold of 67,682 valid signatures. *Id.* (R 0102-0103).

By Complaint dated March 27, Petitioners Jane Gilbert, Mark Sayre, and Kaitlin Webber ("Petitioners") challenged the Secretary's Determination. *Petitioners' Complaint* ("Complaint"); see also, Me. Const. art. IV, pt. 3d, § 22; 21-A M.R.S. § 905. Pursuant to a schedule approved by this Court, the Petitioners, the Committee, and the Secretary briefed the issues raised in the Complaint. By Order dated April 24 ("Remand Order"), this Court remanded the matter to the Secretary to take evidence on particular challenges and, as might be warranted, reconsidering concessions she had made in her brief. The Remand Order concluded by providing that the Secretary's review included, "correcting the concessions identified herein, taking new evidence, and developing further findings of fact as necessary." Remand Order at 17.

On May 12 and 13, a hearing was held before the Secretary's designee, Katherine McBrien, Chief Deputy Secretary of State, sitting as the Presiding Officer. On May 15, Petitioners and the Committee filed their post-hearing briefs with the Presiding Officer. On May 21, the Presiding Officer issued her Recommended Decision by which she recommended the invalidation of an

additional 3,883 signatures [*see*, Recommended Decision at R 033318], which would drop the number of valid signatures to 67,150; that is, 532 signatures below required minimum of 67,682. [*see*, R 033316-033359].

On May 23, the parties filed their objections to the Recommended Decision. On May 26, in accordance with the Remand Order, the Secretary issued a Final Decision by which she affirmed the Recommended Decision without change. [R 033316-17] On May 28, this Court held a status conference. At that time, the Court advised that, in remanding the matter to the Secretary, it had retained jurisdiction and that, with the Secretary's issuance of her Final Decision, it had returned to this Court for further proceedings.[1] At this Court's direction, the parties conferred on a briefing schedule which, on May 29, this Court approved. The Committee's Initial Brief was submitted in accordance with that schedule.

III. STANDARDS OF REVIEW

The Court's review of the Secretary's Final Decision has been authorized by Article IV, Part Third, Sec. 22 of the Maine Constitution. This judicial review is subject to Section 22's broad directive that "the election officers and other officials shall be governed the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing." Me. Const. art. IV, pt. 3d, § 22. In authorizing judicial review of written petitions and the enactment of statutes implementing such review, Section 22 provides that any such law must "not be inconsistent with the Constitution." *Id.*

[1] The Secretary's Final Decision included a notice advising the parties of their right to appeal within 10 days, pursuant to 21-A M.R.S. § 905(2). At the May 26 status conference, the Court explained that in remanding this matter to the Secretary, it had retained jurisdiction over it. With the issuance of the Final Decision, the matter had been returned to the Court. Therefore, the filing of a complaint pursuant Section 905(2) was not in order.

Pursuant to Section 22's authorization, the Legislature enacted the statutory framework that sets the procedure for this review. Title 21-A M.R.S. § 905. Subject to the terms of Section 905, the procedure for this review is further governed by Rule 80C of the Maine Rules of Civil Procedure which, in turn, incorporates the Administrative Procedures Act. S*ee, id.,* § 905(2); Rule 80C(a), M. R. Civ. P.

While deference is accorded to the Secretary's findings of fact, "the interpretation of constitutional and statutory provisions, which are issues of law that we review de novo." *McGee v. Sec'y of State*, 2006 ME 50, ¶ 5, 896 A.2d 933.

IV. CONSTITUTIONAL BACKGROUND TO LEGAL ARGUMENT

In invalidating some petitions, the Secretary exercised authority that the people of Maine not only never granted to her, but expressly denied to her. Her exercise of these unauthorized powers implicate the most fundamental precepts undergirding the powers with which the people of Maine, through the Maine Constitution, vested in their state representatives, including constitutional officers, and those they withheld. To place the Secretary's arrogation of power in full context, a review of the foundations of the Maine Constitution is warranted.

A. THE MAINE CONSTITUTION IS THE SOURCE OF STATE GOVERNMENTAL POWER AND THE DEPARTMENTS OF GOVERNMENT MAY NOT EXERCISE POWERS NOT ASSIGNED TO THEM.

The Maine Constitution states that "[a]ll power is inherent in the people; all free governments are founded on their authority and instituted for their benefit; they have, therefore, an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it." Me. Const. art. I, § 2. The Law Court has recognized Article I, Section 2 "as the textual basis for the delegation doctrine." *Cape Elizabeth School Bd. v. Cape Elizabeth Teachers Ass'n,* 459 A.2d 166, 172, n. 12. It plainly states what the

U.S. Constitution assumes and the constitutional ratification conventions palpably manifested[2]—that the people are the ultimate source of sovereignty and, through the constitutions they approve, they choose what powers the government may exercise and what powers it may not. *See*, James Madison, *Memorial and Remonstrance Against Religious Assessments*, in Madison Writings, 29, 30 (Jack N. Rakove. ed. 1999) (The legislature's "jurisdiction is both derivative and limited."); Alexander Hamilton, "Publius." The Federalist 78, in The Debate on the Constitution, 467, 470 (Bernard Nailyn, ed. 1993) ("No legislative act…contrary to the constitution can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid.").

In many ways, Article III, Section 2, which expressly directs that none of the branches of government shall exercise powers that the Maine Constitution assigns to a different branch, complements and reinforces Article I, Section 2. It requires that the executive, legislative, and judicial departments of government respect their constitutional assignments, as defined and circumscribed by the people in their ratification of the constitution and their approval of amendments thereto. See, *In re Dunleavy*, 2003 ME 1240, ¶18, 838 A.2d 338; *State v. Hunter*, 447 A.2d 797, 799-800 (Me. 1982); see also, M. Tinkle, The Maine State Constitution (2d. ed. 2013), pp. 70-72.

The Law Court explained the need for each department to remain within its realm. "[T]he more [the] independence of each department, within its constitutional limits, can be preserved, the nearer the system will approach the perfection of civil government and the security of civil liberty."

[2] Gordon Wood, Creation of the American Republic, University of North Carolina Press, (ed. 1998) at 340-341.

Lewis v. Webb, 3 Me. 326, 329 (1825); *see also*, *Chadha v. Immigration and Naturalization Service*, 462 U.S. 919, 948-959 (1983) (discussing importance of enforcing separation of powers). The same purposes apply equally to the imperative that state officials only exercise powers that the Maine Constitution grants to them and reject invitations to exercise powers inconsistent with or in violation of the Constitution.

Taken together, Article I, Section 2 and Article III, Section 2, stand for these principles: first, that no department of Maine government and no state official may exercise powers that the people have not granted to that department or that official; second, that in their exercise of the powers with the Maine Constitution entrust the departments of Maine government must stay in their lanes.

B. THE CONSTITUTION AUTHORIZES AND LIMITS THE LEGISLATIVE POWER, INCLUDING THE LEGISLATURE'S DELEGATION OF POWER.

The Maine Constitution describes the legislative power at Article IV, Part Third, Section 1 and, "the Legislature's powers, though broad, are subject to the three-fold limitations that its enactments be 'reasonable,' be 'for the benefit of the people,' and not be repugnant to any other provision of the Maine or United States Constitution." *Opinion of the Justices*, 437 A.2d 597, 606 (Me. 1981); *see also*, Me. Const. art. IV, pt. 3d, § 1; *Avangrid Networks, Inc. v. Sec'y of State,* 2020 ME 109, ¶ 30, 237 A.3d 882 (listing nine factors to determine whether a proposed act is "legislative"). The determination of whether a particular legislative enactment complies with these standards is entrusted to the Law Court. *Id.*

The Legislature may delegate powers to executive agencies, but such delegations must include sufficiently detailed standards to guide that agency in its administration of such delegated

powers. *State v. Boyajian*, 344 A.2d 410, 412 (Me. 1975); *Smith v. Speers,* 253 A.2d 701, 704 (Me. 1969).

C. SOURCE AND CHARACTER OF LAWMAKING BY INITIATIVE AND REFERENDUM.

Effective in 1909, Maine voters amended the Maine Constitution to allow for the enactment of law and their repeal by direct action. Me. Const. art. IV, Pt. 3d, §§ 17-22 ("Initiative Amendments"). Before the adoption of the Initiative Amendments, the Maine Constitution vested the authority to make and repeal laws exclusively in the Legislature. See, Me. Const. art. IV, Pt. 3d, § 1.[3]

1. Purpose and Character of Initiative Amendments.

In general, when provisions of the Maine Constitution are construed, the Law Court has required that they be given "liberal interpretation to carry out their broad purpose because they are expected to last over time and are cumbersome to amend." *Allen v. Quinn*, 459 A.2d 1098, 1102 (Me. 1983). This interpretive rule is supplemented by the further requirement that "[a]ny analysis of the initiative provisions in the Constitution must take account of their significance and purpose." *McGee,* 2006 ME 50, ¶ 24, 896 A.2d 933.

Maine voters' adoption of these amendments was part of a national trend seeking governmental reform through enhanced popular democracy. "Ballot initiatives…were a central part of the Progressive movement's agenda for reform at the turn of the 20th century, and were a means of limiting the control of wealthy special interests and restoring electoral power to the voters." *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182, 226-27 (1999) (Rehnquist, C.J., dissenting). Central to the movement for direct democracy of which the initiative

[3] The Committee incorporates by reference all the arguments set forth in its initial brief of April 17, 2026 to the Superior Court.

and referendum power prominent manifestations was distrust of those elected to legislatures and the legislatures, themselves. *See*, Steven Diner, *A Very Different Age*, 209 (1998) ("Progressive reforms also captured many state governments in the early twentieth century. Concerned about corruption and the power of the trusts over elected officials, reformers called for primary elections, laws prohibiting corrupt practices, campaign expenditure limits, strengthened voter registration systems to minimize voter fraud, the short ballot, initiative and referendum in which voters could bypass the legislature to enact or repeal laws, and recall procedures whereby citizens could require an elected official to face the voters prior to normally scheduled election.").[4]

"The broad purpose of the direct initiative is the **encouragement** of participatory democracy." *Id.* at 1102 (emphasis supplied). Therefore, in construing these amendments, a court's "primary consideration" must do so "liberally" in order to "facilitate [rather than handicap] the people's exercise of their sovereign power." *League of Women Voters v. Secretary of State*, 683 A.2d 769, 771 (Me. 1996); see also, *McGee,* 2006 ME 50, ¶ 25, quoting, *Allen,* 459 A.2d at 1102-03. Consistent with this principle, the Law Court has admonished that, "[t]he significance of this change must not be overlooked, particularly by this court whose duty it is to so construe legislative action that the power of the people to enact their laws shall be given the scope which their action in adopting this amendment intended them to have." *Id.* at 231; see also, *Opinion of the Justices*, 275 A.2d 800, 803 (Me. 1971) ("Our primary consideration, therefore, must be that by the initiative

[4] "What the majority of Progressives hoped to do in the political field was to restore popular government as they imagined it to have existed in an earlier and purer age. This could be done, it was widely believed, only by revivifying the morale of the citizen, and using his newly aroused zeal to push through a series of changes in the mechanics of political life—direct primaries, popular election of Senators, initiative, referendum, recall, the short ballot, commission government, and the like. Such measures, it was expected would deprive machine government of the advantages it had in checkmating popular control, and make government accessible to the superior disinterestedness and honesty of the average citizen." Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.*, 257 (1955).

amendment the people, as sovereign, have retaken unto themselves legislative power and that particular undertaking by them shall be construed to effectuate that purpose.")

Thus, when placed in their historical context and tied to their self-executing dynamism, it becomes evident that the standards for construing the Initiative Amendments are not mere rules of construction—they are constitutionally-based directives to all state officials, including the Secretary of State and the Courts, which **must** guide challenges to the voters exercise of their sovereign lawmaking powers.

2. By the Initiative Amendments, the People Reclaimed their Sovereign Lawmaking Power.

As noted above, Article I, Section 2 expressly acknowledged that in ratifying the Maine Constitution, the people expressly reserved the right to "alter, reform, or totally change" it. Me. Const. art. I, § 2; see also, discussion above.[5] The Initiative Amendments constitute a clear example of the people's exercise of that reserved power.

The Law Court explained the nature and character of the powers that the Initiative Amendments placed in the voters. "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.

[5] From its inception, the Maine Constitution always included amending procedures which were included as an element of the Articles of Separation from Massachusetts. Me. Const. art. X, § 4; see also, M. Tinkle, The Maine State Constitution, 179-181.

Shortly after their adoption, the Law Court confirmed that these amendments had invested Maine voters—that is, Maine electors—collectively with the lawmaking power. *Moulton v. Scully,* 111 Me. 428, 89 A. 944, 953 (1914); *see also*, *Opinion of the Justices*, 275 A.2d 800, 803 ("by the initiative amendment the people, as sovereign, have retaken unto themselves legislative power").

3. The Initiative Amendments are Self-Executing; the Legislature may only Enact Implementing Statutes.

Consistent with the distrust of the elected representatives in the Legislature, the Initiative Amendments were drafted in such detail that they could be implemented without any legislation; that is, both in their detail and by their express command, they were and remain "self-executing." Me. Const. art. IV, Pt. 3d, § 22. And, although the Legislature was empowered to "establish procedures for the determination of the validity of written petitions', such laws could not be "inconsistent with the Constitution." *Id*.

The Law Court has recognized the "self-executing" effect of the Initiative Amendments and the self-evident intent of electors, in approving these amendments, noting that they had "laid out in unusual detail the procedure by which they will legislate by direct vote." *Allen*, 459 A.2d at 1103. Indeed, as the *Allen* Court noted, even without Section 22's express self-executing directive that the Initiative Amendments are self-executing,"section 18 is detailed enough to be self-executing." *Id.; see also*, Me. Const. art. IV, pt. 3d, §§ 18, 22.

The Law Court has explained the effect of the Initiative Amendments, as follows:

> The direct initiative right was added to the Constitution by an amendment effective 1909. [citations omitted]. Prior to the enactment of the initiative amendment, the ability to enact legislation rested solely with the Legislature. The amendment placed in the hands of the people a powerful tool for shaping and creating legislation. This fundamental change in the form of government reserved directly to the people a power that had previously been held solely by the people's elected representatives.

McGee, 2006 ME 50, ¶ 24.

This is not to say that the Initiative Amendments excluded the Legislature altogether. The amendments authorized the Legislature to enact "further laws for **applying** the people's veto and direct initiative." Me. Const, art. IV, Pt. 3d, § 20. Similarly, and more particularly, the amendments provided that the Legislature could "enact laws not inconsistent with the Constitution to establish **procedures** for determination of the validity of written petitions." Me. Const. art. IV, Pt 3d, § 22. (emphasis supplied).

In recognition of the fundamental popular and populist rationales undergirding the Initiative Amendments and the broad powers they expressly reinvested in the people, the Law Court cautioned, a court should be "chary" of reading other limitations into these amendments. *Allen,* 459 A.2d at 1103 (rejecting deadline outside of Section 18). *Allen* further cautioned further that a "court should infer additional procedural requirements only if they are **clearly necessary** to achieve consistency with other constitutional provisions or to accomplish the general purpose of the direct initiative." *Id.* (emphasis supplied),

Thus, although the Legislature has the authority to enact laws for the implementation of the initiative right, any legislative implementation must respect the substance of the constitutional right. *McGee*, 2006 ME 50, ¶ 20. In other words, as the Law Court also explained, "[t]he right of the people…to enact legislation and approve or disapprove legislation enacted by the legislature is an absolute one and cannot be abridged directly or indirectly by **any** action of the legislature." *Farris,* 143 Me. at 231 (emphasis supplied); *accord*, *McGee*, 2006 ME 50, ¶ 21; see also, *Opinion of the Justices*, 132 Me 512, 174 A. 853, 855 (1933) ("The right of the voters to pass upon the act is absolute. It **cannot** be abridged by further action of the Legislature." (emphasis supplied)). Put another way, "[n]either by action nor by inaction can the legislature interfere with submission of

measures as provided by the constitution." *Opinion of the Justices*, 275 A.2d at 803, citing, *Farris*, 143 Me. at 231 (emphasis supplied).

In sum, the courts, the executive branch, and the Legislature may facilitate but they may not hinder the electors' exercise of their lawmaking and repealing rights under the Initiative Amendments. They may not change the substance of these rights or, in the name of efficiency or integrity, unnecessarily impede their exercise. These principles apply equally to the full range of the electors' constitutional rights to initiate legislative proposals, and to their rights to campaign for or against them, before the election and to cast their vote as they see fit.

4. Role of Electors under Initiative Amendments.

The Initiative Amendments provide that Maine voters—electors—may initiate initiatives and referenda; they may sign petitions, they may circulate petitions, and, when an election is held, they may vote on the proposed legislation. Me. Const. art. IV, pt. 3d, ¶§§ 17-22.[6] The Initiative Amendments draw on the voters status as electors as provided by the Maine Constitution at Article II which, in recognition of their essential, if temporally limited, role in the function of the state's representative form of government, cloaks them with discrete protections while discharging their electoral rights. *Id.* art. II, §§ 2-3.[7] Electors exercising their rights under the Initiative Amendments are, therefore, also acting as constitutional officers as provided in Article II.

Thus, when an elector initiates, circulates, or signs an initiative petition, they are acting in a legislative capacity. *See*, *John Doe No. 1 v. Reed*, 561 U.S. 186, 221 (2010), (Scalia, J., concurring) (when a voter signs a petition, "he is acting as a legislator"). When the petition on which an elector's name appears has been invalidated, all the electors on that petition have been

[6] See, Me. Const. art. IV, pt. 3d , § 20, defining "elector" as one qualified to vote for governor.
[7] See, art. II, §§ 2-3; see also, *Hobbs v. Getchell*, 8 Me. 187 (1832) (discussing immunity from arrest going to and from the polls).

"disenfranchise[d]." *Maine Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶, 23, 795 A.2d 75 (Dana, J., concurring).

D. THE ELECTORS' RIGHTS TO INITIATE AND PROMOTE INITIATIVES AND REFERENDA, INCLUDING SIGNING PETITIONS, ARE JOINED WITH AND PROTECED BY THE RIGHT TO PETITION THE GOVERNMENT.

The Maine Constitution has always provided that the people have the right to petition the government:

> "The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petitioner remonstrance, redress of their wrongs and grievances."

Me. Const. art. I, § 15.

Though distinct in their own rights, these guarantees of the rights to assemble and to petition the government are interrelated with the Maine Constitution's guarantees of free speech and freedom of the press. Me. Const. art. I, § 4. The Supreme Court has long recognized that the right to petition the government is an essential and distinctive right:

> "The right of the people to peaceably assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or duties of the national government is an attribute of national Citizenship, and, as such, under the protection of and guaranteed by the United States. The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for redress of grievances."

United States v. Cruickshank, 92 U.S. (2 Otto) 542, 552 (1875).

At its core, the Petition Clause has always protected the people's right to seek redress of grievances, including changes in policy, from the executive and lawmaking governmental bodies. *Borough of Duryea, Pennsylvania v. Guarnieri*, 564 U.S. 379, 395-398 (2011) (recounting history of Petition Clause); *see also*, *id*. at 403 (Scalia, J, concurring and dissenting), ("There is abundant

historical evidence that 'Petitions' were directed to the executive and legislative branches of government…"). As the *Duryea* Court explained, "[t]he right to petition allows citizens to express their ideas, hopes, and concerns to their government and their elected representatives." *Id.* at 388; *accord*, *Pollack v. Fournier*, 2020 ME 93, ¶15, 237 A.3d 149. Thus, when, with the adoption of the Initiative Amendments, Maine voters regained their sovereign lawmaking power, within the confines of those amendments, they, as the lawmakers, invested with the authority to enact or reject legislative proposals, became subject to the Petition Clauses of the Maine and United States Constitutions.

As will be discussed in more detail below, the foregoing discussion, therefore, establishes two points: first, as limited and confined by the Initiative Amendments, statutory limitations on the rights to initiate and effectuate initiatives and referenda may not impose substantive limitations on those rights nor unnecessarily burden them; and second, burdens placed on the initiative process, whether statutory or regulatory, must be considered to the extent they limit or impair the electors' rights under the Petition Clauses of the Maine and U.S. Constitutions, as well as under the Freedom of Speech and Freedom of Assembly Clauses of both Constitutions, including the rights of association inherent in each of these rights. In other words, the electors' rights must also be considered along with those of others involved in the commencement and advancement of proposed initiatives and referenda, including petition circulators.

V. ARGUMENT

A. THE SECRETARY ERRED IN INVALIDATING PETITIONS CIRCULATED BY OUT-OF-STATE CIRCULATORS WHO DID NOT CHECK THE JURISDICTION BOX ON THE CIRCULATOR AFFIDAVIT.

Petitioners challenged the validity of petitions circulated by four out-of-state circulators, Cairo (her full name), Ummsalaamah Hakeem, Kewechi Chukwuma, and Jordan Albert, for failure

to check a box on the Circulator Affidavit form agreeing to submit to Maine's jurisdiction with respect to their discharge of their circulator duties. In her initial brief to this Court, with a bare minimum of analysis[8], the Secretary took the position that, because these four circulators had not checked the jurisdiction box on their circulator affidavit form, they were ineligible to circulate petitions for the Ballot Initiative and signatures of all the electors who signed the petitions they circulated, though otherwise valid, must be invalidated.

Significantly, the Secretary appeared to leave the door open to the four out-of-state circulators to possibly cure their failure to check the box. In a footnote, the Secretary advised: "Should the Court order a remand, it is possible that circulators might seek to offer amended circulator affidavits with the appropriate box checked. The Secretary at this stage takes no position on whether such remedial efforts would be permissible." Secretary's Rule 80C Merits Brief at 32, n. 4.[9]

1. Consent Order - *We the People v. Bellows.*

To place the Secretary's ruling on the out-of-state circulators in full context, the following background is warranted.

First, the Maine Constitution states that the term "'circulator' means a person who solicits signatures for written petitions, and who **must** be a resident of this State and whose name **must** appear on the voting list of the city, town or plantation of the circulator's residence as qualified to

[8] The Secretary's justification consisted of a cursory citation to *Hart v. Sec'y of State*. Secretary's Rule 80C Merits Brief at 32, citing *Hart* 1998 ME 189, ¶ 13, 715 A.2d 165.

[9] Consistent with the Secretary's practice throughout this litigation, culminating in the Secretary's acceptance of the Recommended Decision, the Secretary did not employ any of the Law Court's directives for administering the Initiative Amendments, including the Secretary's obligation to facilitate rather than handicap the voters' exercise of their rights to initiate and vote on proposed legislation. Neither at any point did the Secretary acknowledge that she was invalidating and effectively disenfranchising the signatures of all the electors who signed the out-of-state circulators' petitions. See, *Maine Taxpayer Action Network v. Sec'y of State*, 2002 ME 64, ¶ 23, 795 A.2d 75 (Dana, J., concurring).

vote for Governor." Me. Const. art. IV, pt. 3d,, § 20 (emphases supplied). Notably, the Initiative Amendment's residency requirement was challenged as violative of freedom of speech, freedom of expression, and freedom of association as guaranteed and protected by the First Amendment to the United States Constitution. *Hart v. Secretary of State*, 1998 ME 189, ¶ 6, 715 A.2d 165.[10]

The Law Court rejected the plaintiffs challenge ruling that the Maine Constitution's residency requirement "enhances the integrity of the initiative process by ensuring that citizen initiatives are brought by citizens of Maine" and because, if questions arose about a particular petition, Maine resident circulators "would be easier to locate." *Id*. at ¶ 13. In rejecting plaintiffs' challenge, *Hart* considered and distinguished the Supreme Court's decision in *Meyer v. Grant,* 486 U.S. 414 (1988). *Id*. at ¶¶ 9-12.

The Law Court considered a First Amendment challenge to the Initiative Amendment's voter registration requirement in *Jones v. Secretary of State*, 2020 ME 113, 238 A.3d 982.[11] In rejecting the challenge, the Law Court once again considered the Supreme Court's decision in *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999), which had not been issued when the Law Court decided *Hart*. *Id.* at ¶ 6. Applying the *Anderson-Burdick* test[12], the *Jones* court found that "[t]he requirement that the circulator be registered in the circulator's municipality of residence while circulating a petition…imposes only 'reasonable, nondiscriminatory restrictions' on the First Amendment rights of petition supporters for the

[10] It does not appear that the *Hart* Plaintiffs claimed that the Initiative Amendments' residency requirement violated comparable rights protected under the Maine Constitution. See, Me. Const. art. I, § 4. Nor does it appear that, as the Committee does now, the *Har*t Plaintiffs claimed that the residency requirements impermissibly burdened their right to petition the government under the First Amendment or Article I, Section 15 of the Maine Constitution.

[11] It appears that the challenge was limited to First Amendment's guarantee of freedom of speech. It does not appear that Jones claimed violations of comparable rights under the Maine Constitution. See, Me. Const. art. I, § 4. Nor does it appear that Jones claimed violation of his right to petition the government under either the U.S. Constitution or the Maine Constitution.

[12] *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983); *Burdick v. Takushi*, 504 U.S. 428, 434 (1992).

purpose of ensuring compliance with the residency requirements of the Maine Constitution." *Id.* at ¶ 34. Thus, at two separate points, the Law Court had upheld the voter registration and residency requirements of Article IV, part third, section 20. To this day, the Law Court has never overruled or modified either *Hart* or *Jones*.

In 2022, the residency and voter registration requirements were challenged in federal court as violative of the First Amendment rights of initiative proponents and out-of-state circulators. *We the People PAC v. Bellows*, 519 F. Supp. 3d 13 (D. Me. 2021). Notwithstanding *Hart* and *Jones*, the District Court concluded that the plaintiffs were likely to succeed as to both claims and issued an injunction barring the Secretary from enforcing the residency and voter registration requirements. *Id.* at 53.[13] On appeal, the First Circuit upheld the District Court's likelihood determination and its injunctive relief. *We the People v. Bellows*, 40 F.4th 1, 25-27 (1st Cir. 2022).

Upon remand to the District Court, the parties did not proceed to summary judgment or a trial on the merits, but, rather, entered into a Consent Order and Judgment. *We the People v. Bellows,* Civil No. 1:20-cv-00489-JAW. Consent Order and Judgment, (2-09-2023) (ECF Doc. 88). ("Consent Order"). (Exhibit B, Secretary's Rule 80C Merits Brief, dated April 17, 2026). [14] The Consent Order entered judgment for the Plaintiffs on Count I through IV of their claims. *Id.,* ¶ 1. The Consent Order then barred the Secretary from enforcing residency and voter registration requirements in Article IV, part third, section 20 of the Maine Constitution and in Maine statute at 21-A M.R.S. §903-A. *Id*. at ¶ 2. It conditioned this prohibition by limiting it to out-of-state circulators who (a) agreed to submit to personal jurisdiction of Maine for investigation or prosecution of initiatives or referenda petitions; (b) agreed to maintain up to date contact

[13] The District Court noted that the record before the *Jones* Court was limited and, in contrast, the District Court had the benefit of a 'substantial factual record." *We the People*, 519 F.Supp.3d at 50.
[14] Exhibit B to Secretary's Brief to Superior Court, April 17, 2026.

information "for the duration of the petition drive' which included "review of those signatures by the Secretary of State"; and (c) agreed to be "responsive to" the Secretary's requests for information. *Id.* [15]

The foregoing summary establishes the following points: (1) the Law Court has never overruled *Hart* or *Jones*; (2) although the District Court, upheld by the First Circuit, has ruled that the *We the People* plaintiffs had shown a likelihood of success in their First Amendment challenge to the Initiative Amendment's residency and voter registration requirements, the District Court did not proceed to a judgment on the merits on *We the People*'s claims; (3) the Consent Order, issued with the Secretary's consent, superseded the District Court's preliminary injunction; (4) with the Secretary's consent, the District Court issued the Consent Order which (a) barred the Secretary from enforcing the residency and voter registration requirements against out-of-state circulators, and (b) purported to authorize the Secretary to impose conditions on out-of-state circulators by which they would agree to submit to Maine's jurisdiction, upon their consent, the Secretary would forebear from enforcing the Maine Constitution's residency and voter registration requirements against them—the same residency and voter registration requirements that the District Court and the First Circuit, applying a likelihood of success standard, had concluded likely violated the First Amendment.[16]

[15] The Consent Order described "duration of the petition drive" as "includ[ing] the collection of signatures and review of those signatures by the Secretary of State's office." Consent Order at ¶ 2. (Exhibit B, Secretary's Rule 80C Merits Brief, April 17, 2026.

[16] As a point of contrast, see, *Desena v. LePage*, 793 F.Supp.2d 456 (D. Me. 2011) which found the Maine Constitution's delayed implementation of census data unconstitutional at Article IV, Part 2, Section 2 as violative of Article I, Section 2 of the U.S. Constitution. *Id.* at 462-263. Maine's solution was not to enter into some kind of a consent judgment. Instead, it amended its Constitution to comply with the U.S. Constitution. See, Me. Const. art. IX, § 25.

Following the District Court's approval of the Consent Order, the Secretary issued a revised State of Maine Circulator Affidavit which included a box to be checked by out-of-state circulators with the following conditions:

> - I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of law with respect to initiative or people's veto petition.
>
> - I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of the petition drive for which I am circulating petitions, including through review of those signatures by the Secretary of State's office.
>
> - I agree to respond to information requests from the Maine Secretary of State's office for the duration of the petition drive for which I am Circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Since the Consent Order could not authorize the Secretary to violate the Maine Constitution's residency and voter registration requirements, it follows that the Secretary had no power to amend the Circulator's Affidavit[17] to include the submission-to-jurisdiction requirements for out-of-state circulators. [R 0026]

2. The Consent Order Does Not and Cannot Empower the Secretary to Violate or Circumvent the Maine Constitution.

As has been noted above, the Maine Constitution plainly states that the people of Maine are the ultimate sources of state sovereignty and subordinate only to the United States Constitution and laws and rules issued pursuant thereto, the Maine Constitution is the supreme law of the state, binding all branches of government and all state officials. *See*, *e.g., La Fleur ex rel. Frost, v. Anderson,* 146 Me. 270, 280, 80 A.2d 407 ("It needs no citation of authority to establish the

[17] Consistent with the Consent Order, the submission—to-jurisdiction portion of the Circulator's Affidavit contains no requirement as to when the out-of-state circulator must check the box.

principle that the Constitution of Maine is the supreme law of the State (limited, of course, by the Federal Constitution). A power granted or reserved by the Constitution may not be limited by the Legislature.").

Section 20 of the Initiative Amendments bars circulators who are not Maine residents and who have not registered to vote from circulating petitions for initiatives and referenda. There are no exceptions. Me. Const. art. IV, pt, 3d, § 20. Moreover, in the face of challenges based on the First Amendment, the Law Court has upheld the residency and voter registration requirements in successive decisions. *Hart,* 1998 ME 189, ¶6 1-13, *Jones* 2020 ME 113, ¶¶ 32-34.

With both the District Court and the First Circuit concluding that, *Hart* and *Jones* notwithstanding, the Maine Constitution's unconditional residency and voter registration likely violated the First Amendment, the Secretary failed to confront the invalidity these requirements but, instead, attempted to delay the day of reckoning by attempting an end run around the Maine Constitution. Instead of pressing forward in District Court for an adjudication on the merits, the Secretary devised the Consent Order which more than simply restraining her from enforcing these unenforceable prerequisites on out-of-state circulators, the Secretary enlisted the District Court to equip her with the very power the Maine Constitution denied her—the power to impose conditions on out-of-state circulators' circulation of initiative and referenda petitions in Maine.

Here it must be emphasized that, although under Article V, Part Second of the Maine Constitution, the Secretary is a constitutional officer, none of the Secretary's authority over initiatives and referenda are found in Article V. **All** the Secretary's substantive powers with respect to initiatives and referenda come solely from the Initiative Amendments and nowhere else. Me. Const. art IV, pt. 3d, §§ 1-22. Yet, those amendments contain no authorization to the Secretary to

violate in whole or in part the Initiative Amendment's requirements that circulators be Maine residents, registered to vote in Maine.

The Recommended Decision's response to the Committee's contention that the Consent Order's conditions on out-of-state circulators was *ultra vires* revealed the illusory source of the power the Secretary claimed. Pressed to explain the source of the Secretary's power to impose affirmative obligations on out-of-state circulators, the Decision does not point to the Maine Constitution, because it cannot. Instead, the Decision contends:

> "The United States District Court **authorized** Maine to impose [jurisdiction submission requirements] by limiting its injunction to Maine's ability to enforce the residency requirement to circumstances in which the circulator fails to consent to Maine's jurisdiction."

Dec. at 35 (emphasis supplied). At the close of the Recommended Decision's response to the Committee's challenge to the purported jurisdiction requirement, the Decision makes an extraordinary argument. It asserts that the federal District Court's Consent Order "**narrows the scope** of [the Maine Constitution's] prohibition alleging enforcement against only those out-of-state circulators most likely to cause enforcement challenges—those who fail to agree to consent to the State's jurisdiction." *Id.* at 38 (emphasis supplied).

Not surprisingly, the Secretary cited no authority, state or federal, for the proposition that a federal court could authorize a state official to exercise affirmative powers with respect to third parties (as opposed to refraining from acting) when the state constitution governing that state official not only did not authorize those affirmative acts but expressly prohibited them. That is because there is no such authority. There is, however, contrary authority. *Minnesota v. National Tea Company,* 309 U.S. 551, 557 (1940) ("It is fundamental that state courts be left free by us in interpreting their state constitutions.")

The purported "authorization" from the District Court and its supposed narrowing of the Maine Constitution—actions that in no way appears that the District Court actually took—would have been entirely inconsistent with the most basic notions of federalism. See, *e.g., Younger v. Harris*, 401 U.S. 37, 44-45 (1971) (discussing "Our Federalism").

Seen for what it is, what the Recommended Decision is describing is the effective amendment of Section 20's residence and registered voter requirements, limiting and conditioning the applicability of these hitherto mandatory and unwaivable requirements, **by federal court order.** Without citing any authority for this point nor engaging in any detailed analysis, the Decision when goes onto to say, "there is no serious question that the framers of that provision would have preferred that 'half a loaf' to no loaf at all." *Id.* In other words, faced with problematical state constitutional standards, the Secretary goes to the federal judicial bakery to accept, with the Secretary's full cooperation, what reflects the supposed wishes of the framers of the Maine Constitution.[18]

If left intact, the Recommended Decision's reasoning on this point would render longstanding rules of constitutional construction elastic and wholly unreliable. *Cf., Opinion of the Justices*, 2023 ME 34, ¶ 13, 295 A.3d 1212 ("In construing the Maine Constitution, we may conduct an examination of the 'text; purpose; history; common law, statutes, and rules; economic and sociological considerations; and precedent." (citing *Winchester v. State*, 2023 ME 23, ¶ 14, 291 A.3d 707); see also, *McGee*, 2006 ME 50, ¶ 24 ("Any analysis of the initiative provisions in the Constitution must take account of their significance and purpose.").

[18] Although it should go without saying, the power over the Maine Constitution that the Secretary claims for the District Court could not be exercised by the Maine judiciary. That is, a Maine Court cannot, by interpretation, effectively amend the Maine Constitution. See, Me. Const. art. III, § 2; see also, *Lewis v. Webb,* 3 Me. (3. Greenl.) 326, 337 (1825); see also, *Ex Parte Davis*, 41 Me. 38, 54, (1856) acts of the legislative and executive departments that are inconsistent with the fundamental law are void)). The Davis directive applies equally to the judiciary.

For these reasons, the Consent Order's purported revision of the Maine Constitution to "authorize" the Secretary to set conditions for out-of-state circulators inconsistent with the Initiative Amendments could not and did not infuse the Secretary with those powers. The Secretary's attempt to impose those conditions through the Circulator's Affidavit was invalid and of no force or effect.

If the Secretary has concluded that the Initiative Amendments residency and voting registration requirements are unconstitutional, the remedy would be to seek an amendment to the Initiative Amendments revising them to eliminate the conflict.[19] For the foregoing reasons, the Consent Order could not and did not empower the Secretary to impose conditions on out-of-state circulators. Therefore, the petitions circulated by Ummsalaamah Hakeem, Kewechi Chukwuma, Jordan Albert, Cairo, cannot be invalidated based on their failure to check the jurisdiction box on the Circulator Affidavit.[20]

3. The Invalidation of the Electors' Signatures on the Out-of-State Circulators' Petitions Violates their Right to Petition the Government and their Rights under the Initiative Amendments.

None of the signatures on the petitions circulated by the four out-of-state circulators has been challenged as invalid. In signing those petitions, each elector was exercising his or her right

[19] Given the Initiative Amendment's considerable detail, if Maine voters were to approve an amendment eliminating or modifying the residence and voter registration requirements, they could impose different standards than those to which the Secretary agreed. They might, for example, only require out-of-state circulators to submit to the Secretary's jurisdiction if questions arose about the petitions they circulated. This would be a policy choice. That it would be available to the voters demonstrates that the affirmative terms in the Consent Order are legislative in their nature.

[20] It bears mention that the Consent Order's endorsement of the affirmative conditions it "authorized' the Secretary to impose on out-of-state circulators likely exceeded its remedial powers. See, *Ayotte v. Planned Parenthood of Northen New England,* 546 U.S. 320, 330 (2006). However that may be, this Court need not resolve that question. The Committee's point is that, irrespective of whether the District Court was a valid exercise of its injunctive power to prevent violations of the First Amendment (an objective that would have been fully served by a prohibitory injunction), it could not empower the Secretary to violate, in whole or in part, standards set forth in the Maine Constitution. The question turns not on the District Court's injunctive powers, but on the limitations that the Maine Constitution in general and the Initiative Amendments in particular impose on the Secretary.

to petition the government under both the Maine and U.S. Constitutions. They were also exercising their rights to freedom of speech, freedom of assembly, and rights of association inherent therein and in the right to petition the government, all as protected by the Maine and U.S. Constitutions.

Under the Initiative Amendments, the Secretary is bound to administer her review of petitions and the laws applicable to them so as to facilitate rather than handicap the electors' exercise of those rights. *McGee*, 2006 ME 50, ¶ 25. In invalidating all the signatures on the petitions circulated by the four out-of-state circulators, the Secretary violated her obligations as articulated by the *McGee* Court. For this reason, her decision as to the petitions circulated by all four out-of-state circulators was invalid and the Committee respectfully asks that it be overturned.

4. Circulator Cairo Complied with the Consent Order.

Assuming, solely for the sake of argument, that the Consent Order's "authorization" to the Secretary to impose affirmative jurisdiction obligations on out-of-state circulators is valid, then Circulator Cairo has met the Consent Order's conditions. That is because the Consent Order does not say when an out-of-state circulator must confirm their agreement to submit to the State's jurisdiction.

The Recommended Decision acknowledges, as it must, that, when her omission was brought to her attention, Circulator Cairo completed the jurisdiction form, confirmed her agreement to submit under oath, and appeared at the May 12 hearing by videoconference. But, the Decision recommends rejecting all of Circulator Cairo's otherwise valid elector signatures, on the grounds that she was required to confirm her consent *before* she commenced her circulator duties. The reasoning the Decision employs to justify this position shows the slippery constitutional slope to which its reliance on the Consent Order has brought it.

In response to the Committee's argument, the Decision insists that, **at the outset**, out-of-state circulators must consent to Maine's jurisdiction or cause all of the otherwise valid elector signatures they gather to be invalid. *Id.* But it is indisputable that, when the District Court issued its preliminary injunction, it included the requirement that out-of-state circulators must "first" submit to Maine's jurisdiction—that is, **before** commencing circulation. *We the People,* 519 F.Supp.3d at 53.

When, upon remand to the District Court, the Secretary decided to enter into the Consent Order, the word "first" was deleted. The Consent Order contains **no** timing requirement. In contrast with the preliminary injunction, it does **not** say **when** the circulator must comply. Because the Secretary was a party to the *We the People* litigation, it follows that the "first" precondition was omitted from the Consent Order with the Secretary's full knowledge and consent.

On this point, it will be remembered that, in the Secretary's April 17 merits brief, she acknowledged the possibility that one or more of the four out-of-state circulators might attempt to remedy their failure to check the box by doing so in the course of these proceedings. She then advised that she took no position on whether taking that step could remedy the circulator's failure to check the box earlier. Secretary's Rule 80C Merits Brief at 32, n. 4.

The Secretary's footnote on this point is highly revealing. It means that the Secretary, who clearly participated in the drafting and final approval of the Consent Order, could not tell based on the Consent Order alone, whether it precluded an out-of-state circulator from checking the jurisdiction box after the Secretary had completed her Determination but while that Determination was undergoing judicial review. This shows that the omission from the Consent Order of the word "first," as it appeared in the original preliminary injunction deprived the Consent Order of any identifiable timing requirement. This, by itself, raises significant lack of notice issues under the

Due Process Clause. See, *Grayned v. City of Rockford*, 408 U.S. 104 , 109, n. 4 (1972) (collecting cases). In other words, how were the four out-of-state circulators to know that they were required to check the box before they began circulating and, if they failed to do so, they could not cure the omission by doing so later—even if, as is the case here, the petitions were still under review.

In endorsing the Recommended Decision's reasoning invalidating Circulator Cairo's petitions, the Secretary tacitly acknowledged that it cannot cite the Consent Order for supposedly indispensable, uncurable timing prerequisite. Therefore, in a desperate effort to invalidate Circulator Cairo's 1,400 otherwise valid elector signatures, the Recommended Decision invokes an entirely inapposite source—21-A M.R.S. § 903-A(4).[21] But, of course, Section 903-A(4) cannot be the source of any disqualifying conditions on out-of-state because it does not refer to out-of-state circulators **at all**. It does not refer to them because it cannot refer to them.

The Legislature's authority to enact Section 903(4) did not come from any federal District Court Consent Order. It came solely from the Initiative Amendments which ban circulators who are not resident in Maine and are not registered to vote in Maine. Me. Const. art. IV, pt. .3d. § 20. Although, as has been noted, the Initiative Amendments authorize the Legislature to enact laws "to establish the validity of written petitions", they expressly provide that such laws shall "not be inconsistent with the Constitution." Me. Const. art. IV, pt. 3d, § 22.

[21] In light of the Secretary's inability to rule out a circulator's completion of jurisdiction box after beginning to circulate petitions but before the completion of the review process, her endorsement of the argument that timing is governed by Section 903-A(4) of Title 21—A is telling. That is because the Secretary effectively lifted it from the Petitioners' posts-hearing brief. It is nothing short of remarkable that the Petitioners could provide the Secretary with the justification for invalidating all of Circulator Cairo's petitions under the Consent Order when the Secretary, herself, though an author of that Consent Order could not summon that justification from her own knowledge of the Consent Order. On this point, it should be noted that, while adopting the Petitioners' Section 903-A(4) argument, the Secretary did not accept the Petitioners' reliance on the word "first" in the preliminary injunction.

Therefore, Section 903-A(4) **cannot** be the source of the requirement that Circulator Cairo had to confirm her consent to Maine's jurisdiction any earlier than she did. If Section 903-A(4) cannot be the source of the pre-circulation submission to jurisdiction, that brings us back to the Consent Order which contains no such requirement but which contains other requirements, all of which Circulator Cairo has complied with.

a. The Secretary erred in Invalidating Circulator Cairo's Petitions.

The Law Court has repeatedly emphasized that "the broad purpose of the direct initiative is the encouragement of participatory democracy." *Allen v. Quinn*, 459 A.2d 1098, 1102 (Me. 1983). Therefore, Initiative Amendments should be construed to "facilitate rather than handicap the people's exercise of their sovereign power." *League of Women Voters v. Secretary of State*, 683 A.2d 769, 771 (Me. 1996).

The Recommended Decision's insistence on invalidating all Circulator Cairo's petitions and all the otherwise valid signatures of the Maine voters who signed them, not because Circulator Cairo engaged in any serious errors or misconduct, not because one or some of her petitions proved problematical, not because she did not appear before the Presiding Officer when requested by the Committee. But, because she failed to comply with a rigid deadline which, as noted above, the Decision has traced to a statute that does not authorize any out-of-state circulator to circulate petitions in Maine.

The Recommended Decision's insistence on this point, with its consequent invalidation of large numbers of electors' signatures and disqualification of the Initiative from the November ballot on this decision alone, violates the requirement to "facilitate rather than handicap" initiatives such as this—a requirement that springs as a constitutional mandate from the Initiative Amendments, themselves. The Secretary erred in endorsing the Recommended Decision's

recommendation on this point and fails to conform to the Initiative Amendment's mandate and the Law Court's directives.

b. The Secretary Erred in Invalidating Circulator Cairo's Petitions because, in doing so, the Secretary Violated the Signatory Electors' Right to Petition the Government.

As has been noted above, none of Circulator Cairo's petitions have been challenged. Each voter who signed one of her petitions was not only acting in his or her capacity as a constitutional officer, they were also exercising their right to petition the government as protected by both the First Amendment to the U.S. Constitution and Article I, Section 15 of the Maine Constitution. *See*, *Meyer v. Grant*, 486 U.S. 414, 421-22 (1988) (one who signs an initiative petition either supports it or believes it warrants consideration by the voters at large).

Invalidating their signatures and, thereby, their otherwise valid effort to petition the government constitutes a severe—even extreme—burden on that right. It also places a severe burden on their corollary rights to freedom of speech, freedom of assembly and associated rights of expression and association, as protected by the First Amendment to the U.S. Constitution and Article I, Sections 4 and 15 of the Maine Constitution.

The Secretary's decision to invalidate their signatures altogether may only be justified by a compelling state interest. Even if accepted *arguendo*, the justification that the Secretary's decision on that point does not meet that demanding standard. Therefore, for these reasons and those set forth above, the Secretary's exclusion of the petitions of those out-of-state circulators who did not check the jurisdiction box, including Circulator Cairo, who did check the box in time for the Secretary's review of this matter, should be reversed and those petitions with their elector signatures should be reinstated.

B. THE INITIATIVE AMENDMENT'S RESIDENCY AND REGISTRATION REQUIREMENTS VIOLATE THE FIRST AMENDMENT'S GUARANTEE OF FREEDOM OF SPEECH.

The District Court's decision, affirmed by the First Circuit, that the plaintiffs in *We the People* had demonstrated a likelihood of success in their contention that the Initiative Amendments' residence and voter registration requirements (and the complementary statutory requirements) violated the freedom of speech clause of the First Amendment was in tension with the Law Court's decisions in *Hart* and *Jones* holding that the residency and voter registration requirements did not conflict with the First Amendment.

As the District Court noted, in contrast to *Hart* and *Jones*, the parties had provided the court with "a substantial factual record." *We the People PAC v. Bellows*, 519 F. Supp.3d 13, 50 (D. Me. 2021). Based on that record, the District Court concluded that the residency requirement imposed a severe burden on the plaintiffs' first amendment rights. *Id.* at 42. Although noting the Secretary's argument that other avenues remained open to circulators, the District Court concluded that the residency burden "heavily burdened protected speech." *Id*. at 43. The District Court also concluded that the Initiative Amendment's registration requirement also placed a severe burden on First Amendment rights. *Id.* at 50. It then concluded that the State's proffered interests were insufficient to sustain the registration requirement in light of the burden it imposed on First Amendment rights. *Id.* at 50-51.

Therefore, as to their challenges to both the residency and the voter registration requirements, the District Court found that the plaintiffs had demonstrated a likelihood of success. *Id.* at 48, 51. The First Circuit upheld the District Court's findings on both points. *We the People v. Bellows*, 40 F.4th 1, 19, 24-25 (1st Cir. 2022).

The tension between both the decisions and the reasoning of the District Court and the First Circuit in *We the People* and the decisions and reasoning in *Hart* and *Jones* should be resolved. This Court should find, consistent with the We the People decisions, that the Initiative Amendments' residency and voter registration requirements impose a severe burden on the First Amendment rights of out-of-state circulators and those in Maine, including Maine electors, who wish to use their services.

This Court should, therefore, find that the residency and voter registration requirements violate the First Amendment. Such a finding would resolve ambiguity that has afflicted these prohibitory standards ever since the Secretary and the *We the People* parties agreed to the vague and invalid terms of the Consent Order. Neither the Committee, nor the out-of-state circulators, nor the 1,500 and more electors who signed the petitions circulated by the four circulators who did not check the jurisdiction box or, as the Secretary would have it as to Circulator Cairo, did not check the box in time, should forfeit their right to petition the government and to fully exercise their First Amendment rights because of a Consent Order that the Secretary claims invests her with powers that the Maine Constitution never gave her.

Should the Court invalidate the Initiative Amendments' residency and voter registration requirements, the Committee respectfully asks this Court to vacate that part of the Secretary's decision that invalidated the petitions of the four circulators who did not initially check the jurisdiction box on the Circulator Affidavit—Ummsalaamah Hakeem, Kewechi Chukwuma, Jordan Albert, and Cairo. The Committee asks further that, having invalidated the Secretary's decision as to these four circulators, it order the Ballot Initiative restored to the ballot for the November 2026 general election.

C. THE STATUTORY BAN ON NOTARIES CIRCULATING PETITIONS AND LATER WITNESSING THE SIGNATURES OF OTHER CIRCULATORS VIOLATES THE FIRST AMENDMENT RIGHT TO FREEDOM OF SPEECH, FREEDOM OF ASSEMBLY, THE RIGHT TO PETITION THE GOVERNMENT AND RIGHTS OF ASSOCIATION INHERENT THEREIN.

Notaries Public are barred from providing "other services" to an initiative or referendum and later acting as a notary to witness the signatures of other circulators. 21-A M.R.S. § 903-E, 4 M.R.S.§ 1904(5). Relying on these statutes, the Secretary invalidated all petitions witnessed by notaries, Robert DeClercq and Patrick Harrington, on the grounds that, before witnessing the signatures of other circulators of petitions for the Ballot Initiative, they had, themselves, circulated petitions for the Ballot Initiative.

In invalidating the petitions witnessed by notaries DeClercq sand Harrington, the Secretary also invalidated and effectively disenfranchised all the electors who signed the petitions they witnessed as notaries. The Secretary's invalidation of these petitions thereby frustrated and nullified the electors' self-evident expression that the voters of Maine should have the opportunity to vote on the merits of the Ballot Initiative at the November 2026 general election.

The United States Supreme Court and the Law Court have both held that petition circulation is "core political speech." *See Buckley v. Am. Constitutional Law Found., Inc*., 525 U.S. 182, 186 (1999) (quoting *Meyer v. Grant,* 486 U.S. 414, 422 (1988)); *Me. Taxpayers Action Network*, 2002 ME at ¶ 8. In this context, First Amendment protection is "at its zenith." *Id.* Although states may protect the integrity of the ballot initiative process, they must also "guard against undue hindrances to political conversations and the exchange of ideas." *Id.* at 192. Where a "law would burden an absolute right, such as the right to initiative … strict scrutiny requires that the State's action be narrowly tailored to serve a compelling state interest.'" *Birks,* 2016 WL 1715405 at *6 (citing and quoting *Rideout*, 2000 ME 198, ¶ 19).

The new notary provisions are not narrowly tailored to the State's interest in the integrity of the ballot initiative process and impermissibly violate notaries' "right to participate in the public debate through political expression and political association." *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 203 (2014).

Notaries are licensed professionals regulated by the Secretary, who are entrusted with a critical public function, and who have their own reputations to protect. In an analogous context, the Supreme Court held that it was "not prepared to assume that a professional circulator—whose qualifications for similar future assignments may well depend on a reputation for competence and integrity—is any more likely to accept false signatures than a volunteer who is motivated entirely by an interest in having the proposition placed on the ballot." *Buckley*, 525 U.S. at 204 (quoting *Meyer*, 486 U.S. at 426). The same is true for notaries, who are interested in upholding their reputations for competence and integrity, and in avoiding potential discipline by the Secretary.

Notaries who initiate or promote a petition are thus no more likely than other notaries to accept false signatures or to otherwise undermine the integrity of the process. The Legislature and the Secretary can monitor potential conflicts of interest without chilling notaries' speech. In the analogous campaign finance context, the Supreme Court has held that "[a]ny regulation must instead target what [it has] called "quid pro quo" corruption or its appearance." *McCutcheon*, 572 U.S. at 192. In *McCutcheon*, the Court held that aggregate limits on the amount of money a person can spend on an election were unconstitutional and impermissibly chilled speech, *id.* at 194, noting the availability of less restrictive options, such as "[d]isclosure requirements," which "burden speech, but—unlike the aggregate limits—[] do not impose a ceiling on speech." *Id.* at 223. So too here. Maine has notarial and circulator disclosure requirements that enable it to investigate notarial issues, without removing a privilege of a notary's profession (the ability to

administer oaths to petition gatherers) for exercising core political speech.

1. Notary Statutes Constitute Unconstitutional Viewpoint Discrimination.

As written, the new notary statutes also constitute impermissible viewpoint discrimination. The statutes allow a notary to speak out publicly *against* an initiative while still lawfully notarizing petitions. Restricting notaries' speech in this way is impermissible because, "[i]n the realm of private speech or expression, government regulation may not favor one speaker over another." *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995). If the notary provisions were truly meant to ensure that political viewpoints do undermine faith in notarial services, then the statute must be viewpoint neutral. *See, e.g.*, *R.A.V. v. City of St. Paul, Minn*., 505 U.S. 377, 391 (1992).

For these foregoing reasons, the Committee contends that the Section 903-E's ban on notaries circulating petitions and later notarizing the petitions circulated by others violates the Maine Constitution and both the Free Speech, Freedom of Assembly, and Right to Petition provisions of First Amendment to the United States Constitution[22] as well and Article I, Sections 4 and 15 of the Maine Constitution.

For the foregoing reasons, the Committee respectfully asks this Court to hold that the prohibitions on notaries circulating petitions as set forth in 21-A M.R.S. § 903-E, 4 M.R.S.§ 1904(5) violate the First Amendment and, thereby, invalid and unenforceable. The Committee further prays that this Court restore the petitions witnessed by notaries DeClercq and Harrington, including the signatures of the electors who, in their exercise of their rights under the Initiative Amendments, signed the petitions so that their fellow electors could consider and vote on the Ballot Initiative on the merits in the November 2026 general election.

[22] The Supreme Court has recognized these First Amendment rights as "cognate" to one another. *Thomas v. Collins*, 323 U.S. 516, 530 (1945), citing, *De Jong v. Oregon*, 299 U.S. 353, 364 (1937)

D. THE SECRETARY ERRED IN INVALIDATING ELECTOR SIGNATURES ON THE GROUNDS THAT THE ELECTORS ENTERED DITTO MARKS FOR THE DATE RATHER THAN WRITE IN THE DATE.

The Secretary accepted the Recommended Decision's recommendation to invalidate otherwise valid elector signatures on the grounds that the elector-signatories indicated the date by using "ditto" marks rather than writing the date out. In explaining her decision to disenfranchise these electors, the Secretary adopted the Recommended Decision's acknowledgment that invalidating the "ditto date" signatures, while accepting and validating other discrepancies, resulted in "some tension" in the reasoning applied. Rec. Dec. at 39.

But, the Secretary justified her invalidation of these electors' exercise of their initiative rights, including the right to petition the government and freedom of expression on the grounds that, by cobbling together statutory authorities—21-A M.R.S. § 354(4) and 21-A M.R.S. §902—seemed to "cabin the Secretary's discretion to apply her usual contextual approach to determining the signature date." *Id.* at 39-40. Proclaiming herself hemmed in, the Secretary then justified this hyper-technical result as "a reasonable way to prompt each petition signer to independently determine the date and not simply add a column of ditto marks that may or may not have been made on the same day." *Id.*

Although the Secretary's "ditto" ruling does not invalidate many signatures, it is emblematic of a general failure in the Secretary's approach to all the contested issues. For nowhere does the Secretary acknowledge that this ruling is not a matter of mere discretion, subject to a "reasonableness" justification that it is evident the Secretary conjured up for the purpose. The Secretary has determinedly erased the constitutional standards that the Initiative Amendments require her to apply in instances such as this. Nowhere does the Secretary suggest that she cannot

determine the actual date indicated by the ditto marks. She simply allows that they might be confusing.

But the Secretary does not contend that she could not discern the voters' intent as to the date. Nor could she. The use of ditto marks is common. Indeed, it has been defined as meaning: "1. The aforesaid; the above; same as before. Used to avoid repetition and indicated by a part of small marks (") placed under the word that would otherwise be repeated." American Heritage Dictionary (ed. 1976).

Lost from the Secretary's analysis is any recognition that, as has been noted repeatedly above, the Initiative Amendments occupy a special place in the Constitution. Having arisen out of a fundamental distrust of the elected legislature and a countervailing confidence in the voters at large, the Initiative Amendments were "self-executing" and were designed to be untrammeled by post-adoption impediments the Legislature might devise. The origins and purposes of the Initiative Amendments prompted the Law Court's longstanding admonition that courts should construe these amendments and any implementing (not substantive) legislation to "facilitate" not to "handicap" the electors exercise of their hard-won popular lawmaking power. See, *McGee,* 2006 ME 50, ¶ 24.

Also missing is the Secretary's acknowledgment that, "[n]either by action or inaction can the legislature interfere with the submission of [initiative] measures as provided by the constitution." *Opinion of the Justices*, 275 A.2d at 803. Nor does the Secretary admit that the people's sovereign right in the initiative process is "absolute" and "cannot be abridged directly or indirectly by any action of the Legislature." *McGee*, 20003 ME 50. ¶ 21. These are not mere rules of construction. They are **constitutional directives** to the state officials responsible for administering the Initiative Amendments TP encourage direct democracy. *Id.* ¶ 25.

If the Secretary were to apply these standards to her "ditto" ruling and similar exercises in the picayune, the Secretary would be able to reconcile all her decisions. Because, absent a compelling, constitutionally based reason, she would err in favor of the electors' exercise of their sovereign lawmaking right.

This Court should reject the Secretary decision invalidating electors' signatures on the grounds that they wrote "ditto" marks to indicate the date rather than write out the date. In doing so, this Court should apply the constitutional directives that the Law Court has admonished must govern the exercise of the voters' rights under the Initiative Amendments lest it be smothered in an ever-growing cascade of procedure and technicality.

VI. CONCLUSION

The Initiative Amendments are self-executing and their exercise by the voters cannot be hindered or impeded statute or hyper-technical administration. The right to petition the government and of freedom of speech and associated rights, all at issue in this case, involve core political speech and core political rights. As stated herein, the Secretary's administration of the statutes intended to implement, not obstruct, the Initiative Amendments impose severe burdens on those rights. So, too, do the statutes barring circulators from exercising their rights to free speech and to petition the government by circulating petitions and then denying them the ability to witness the signatures of other circulators.

The Consent Order did not and could not authorize the Secretary to impose jurisdiction conditions on out-of-state circulators. The Secretary's affirmative jurisdiction submission requirements for out-of-state circulators are invalid and unenforceable. The petitions of the out-of-state circulators and the elector signatures contained on those petitions should be restored.

The Secretary should have applied the constitutional standards for the implementation and administration of the Initiative Amendments throughout her decision. Her failure to do so, skewed her decision against the Ballot Initiative. The Secretary's erroneous and hyper-technical exclusion of the "ditto" date signatures is one example of the Secretary's failure to apply these standards.

The Committee respectfully asks this Court to reverse the Secretary on each of the Secretary's rulings as raised herein. The Committee further respectfully asks this Court to restore the Ballot Initiative to the ballot for the November general election so that Maine voters can debate it on the merits and cast their votes as they see fit, just as the Initiative Amendments always intended.

Date: June 3, 2026

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STATE OF MAINE
CUMBERLAND COUNTY

DOCKET NO. AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent,

PROTECT GIRLS SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

PETITIONERS' POST-REMAND OPENING BRIEF & CROSS-APPEAL

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

INTRODUCTION 1

LEGAL STANDARD 4

ARGUMENT 5

I. The Secretary's Revised Determination correctly finds that PGS did not collect enough legally valid signatures to qualify for the November 2026 ballot. 5

A. The Secretary correctly found that circulators Vasquez and Mays abandoned their petition sheets, requiring invalidation of additional sheets. 5

B. The Secretary correctly found that circulator Harris submitted invalid signatures that could not be counted. 9

C. The Secretary correctly determined that circulators, including Cairo, cannot retroactively and opportunistically submit to Maine's jurisdiction. 12

II. The Secretary should have invalidated signatures from circulators Jean-Baptiste, Jackson, and Turner or at minimum conducted an independent review of their signatures. 19

A. The Court should, if necessary, order review of signatures submitted by Fritz Jean-Baptiste given his pattern of submitting fraudulent signatures. 22

B. The Court should, if necessary, order review of signatures submitted by Kendrick Jackson given his pattern of submitting fraudulent signatures. 28

C. The Court should order a review of signatures submitted by Adam Turner given his pattern of ignoring circulator rules. 38

III. The Court should, if necessary, require invalidation of additional signatures in response to Petitioners' preserved challenges. 40

A. Challenge 1: Signatures submitted by petition organizations that failed to comply with basic registration requirements are invalid. 41

B. Challenge 5: Circulator affidavits notarized by notaries with conflicts of interest are invalid. 45

C. Challenge 14: Signatures dated after the circulator oath are invalid. 50

D. Challenge 15: Signatures lacking a date are invalid as a matter of law. 51

E. Challenge 18: Signatures of individuals who do not appear on the voter registration list are invalid. 52

F. Challenges 20 and 21: Signatures lacking municipality information or an "actual" address are invalid as a matter of law. 53

CONCLUSION 54

TABLE OF AUTHORITIES

Page(s)

Cases

Alden v. Maine,
527 U.S. 706 (1999) 19

Allen v. Quinn,
459 A.2d 1098 (Me. 1983) 54

Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters,
459 U.S. 519 (1983) 9

Ayotte v. Planned Parenthood of N. New England,
546 U.S. 320 (2006) 17

Bd. of Cnty. Comm'rs of Shelby Cnty., Tenn. v. Burson,
121 F.3d 244 (6th Cir. 1997) 17

Berry v. Me. Pub. Utils. Comm'n,
394 A.2d 790 (Me. 1978) 53

Buckley v. American Constitutional Law Foundation, Inc.,
525 U.S. 182 (1999) 15

CWCO, Inc. v. Superintendent of Ins.,
1997 ME 226, 703 A.2d 1258 4

Dep't of Com. v. New York,
588 U.S. 752 (2019) 25

Dillingham v. Ryan,
651 A.2d 833 (Me. 1994) 8

E. Maine Conservation Initiative v. Bd. of Env't Prot.,
2025 ME 35, 334 A.3d 706 54

Estes v. Pineland Farms, Inc.,
No. 2:10-CV-00347-MJK, 2012 WL 1977956 (D. Me. June 1, 2012) 9

Flaherty v. Muther,
2011 ME 32, 17 A.3d 640 14

Gordon v. Maine Comm'n on Pub. Def. Servs.,
2024 ME 59, 320 A.3d 449 11

Hart v. Sec'y of State,
1998 ME 189, 715 A.2d 165 ..... 15, 16, 18

Imagineering, Inc. v. Superintendent of Ins.,
593 A.2d 1050 (Me. 1991) 4

In re Opinion of the Justs.,
114 Me. 557, 95 A. 869 (1915) 51

In re Op. of the Justs.,
116 Me. 557, 103 A. 761 (1917) 10

Klein v. Klein,
2019 ME 85, 208 A.3d 802 7

Knutson v. Dep't of Sec'y of State,
2008 ME 124, 954 A.2d 1054 ..... *passim*

Lewin v. Skehan,
2012 ME 31, 39 A.3d 58 ..... 5, 6

Lewis v. Webb,
3 Me. 326 (1825) 54

Lucas v. Forty-Fourth Gen. Assembly of Colorado,
377 U.S. 713 (1964) 17

Macomber v. Dillman,
505 A.2d 810 (Me. 1986) 8

Maine Bankers Ass'n v. Bureau of Banking,
684 A.2d 1304 (Me. 1996) 5

Maine Health Care Ass'n Workers' Comp. Fund v. Superintendent of Ins.,
2009 ME 5, 962 A.2d 968 ..... 4, 5

Mallinckrodt v. Dep't of Env't Prot.,
2014 ME 52, 90 A.3d 428 53

McGee v. Sec'y of State,
2006 ME 50, 896 A.2d 933 ..... 52, 54

Maine Taxpayers Action Network v. Sec'y of State,
2002 ME 64, 795 A.2d 75 ..... 3, 10, 21, 52

Me. Taxpayers Action Network v. Gwadosky,
No. AP-02-005, 2002 WL 747912 (Me. Super. Ct. Mar. 19, 2002) 10, 52

Morris v. Travisono,
509 F.2d 1358 (1st Cir. 1975) 17

Mutty v. Dep't of Corr.,
2017 ME 7, 153 A.3d 775 43

Obergefell v. Hodges,
576 U.S. 644 (2015) 17

Palleschi v. Palleschi,
1998 ME 3, 704 A.2d 383 8

Pelletier v. Pelletier,
2012 ME 15, 36 A.3d 903 9

Puerto Rico v. Branstad,
483 U.S. 219 (1987) 17

Reed v. Sec'y of State,
2020 ME 57, 232 A.3d 202 ..... 48, 49

Sewall v. Spinney Creek Oyster Co.,
421 A.2d 36 (Me. 1980) 42

Seymour v. Seymour,
2021 ME 60, 263 A.3d 1079 44

Snakeroot Solar, LLC v. Pub. Utils. Comm'n,
2025 ME 64, 340 A.3d 99 ..... 5, 49

State v. Bishop,
392 A.2d 20 (Me. 1978) 51

State v. DesRosiers,
2024 ME 77, 327 A.3d 64 37

State v. Dubois Livestock, Inc.,
2017 ME 223, 174 A.3d 308 47

State v. Hodsdon,
2016 ME 46, 135 A.3d 816 ..... 7, 9

Thermo Electron Corp. v. Schiavone Constr. Co.,
958 F.2d 1158 (1st Cir. 1992) 9

Thomas v. Thompson,
653 A.2d 417 (Me. 1995) 44

Tinsman v. Town of Falmouth,
2004 ME 2, 840 A.2d 100 14

Trump v. Sec'y of State,
2024 ME 5, 307 A.3d 1089 41

U.S. Term Limits, Inc. v. Thornton,
514 U.S. 779 (1995) 17

United States v. Council of Keokuk,
73 U.S. 514 (1867) 17

United States v. Stanchich,
550 F.2d 1294 (2d Cir. 1977) 25

We the People PAC v. Bellows,
40 F.4th 1 (1st Cir. 2022) 14, 16, 18

Wilcox v. City of Portland,
2009 ME 53, 970 A.2d 295 41

Wood v. Superintendent of Ins.,
638 A.2d 67 (Me. 1994) 11

York Hosp. v. Dep't of Human Servs.,
2005 ME 41, 869 A.2d 729 43

Statutes and Rules

4 M.R.S. § 1904(5) 46
21-A M.R.S. § 354(4) 53, 54
21-A M.R.S. § 7 ..... 51, 53
21-A M.R.S. § 21 19
21-A M.R.S. § 901 18
21-A M.R.S. § 901-A 18
21-A M.R.S. § 902 ..... 5, 50
21-A M.R.S. § 903 ..... 18, 19
21-A M.R.S. § 903-A 12, 15, 18, 47
21-A M.R.S. § 903-C 19, 41, 45
21-A M.R.S. § 903-E 46, 47
21-A M.R.S. § 905 ..... 19, 52
Me. Const. art. IV, pt. 3, § 18 51
Me. Const. art. IV, pt. 3, § 20 ..... *passim*
Me. Const. art. IV, pt. 3, § 22 19
Me. Const. art. IX, § 1 19
Me. R. Civ. Proc. 54(b) 41
Me. R. Civ. Proc. 80C(g) 43

INTRODUCTION

When this case was last before this Court, the ballot measure ("Measure") already stood upon a paper-thin signature margin. At that stage, the Secretary conceded that Petitioners raised a host of meritorious challenges that required further invalidating roughly 3,000 signatures, atop the approximately 8,600 signatures Elections Division staff had already invalidated during their initial, time-constrained review. Those determinations left the Measure with a meager 300 or so signature margin over the 67,682 signature threshold Maine law requires. But that was not all. The Secretary also recognized that Petitioners had brought forth serious and troubling evidence of misconduct by the Measure's circulators, necessitating a remand to the agency for further investigation. The remand proceedings broadly confirmed Petitioners' overarching argument that the Measure's signature-collecting process was tainted by wrongdoing and failed to collect a sufficient number of valid signatures to qualify for the November 2026 ballot. Accordingly, after reviewing extensive evidence and argument from both Petitioners and the ballot measure committee ("PGS"), the Secretary correctly issued a Revised Determination of Validity ("Revised Determination") concluding that the Measure was "short of the required number [of] signatures" and that "the petition [is] invalid." R.033317.

The Secretary's Revised Determination reaches the correct outcome and should be affirmed. In particular, the Revised Determination reaches three dispositive factual conclusions that are amply supported by the record and consistent with Maine law. *First*, the Secretary concluded that the sworn petition oaths of two circulators—Elias Vasquez and Susan Mays—were demonstrably false and invalid where evidence showed those circulators had left their petition sheets unattended while circulating in Topsham and Saco on Election Day 2025. Those findings—barely disputed by PGS—are buttressed by extensive witness testimony, along with video and photographic evidence now formally in the record. The Secretary's choice to invalidate all petition

sheets submitted by these circulators on the day in question was also well-founded. The record showed each circulator, despite having sworn that they personally witnessed each signature they submitted, abandoned their sheets on more than one occasion—and for at least one prolonged absence each—during which sheets were marked outside the presence of a circulator. PGS presented no evidence establishing whether any sheets were left untainted by this "proven serial misconduct by the circulator[s]," R.033339, requiring that any ambiguity be construed against the wrongdoing party—PGS. *Second*, credible testimony from several witnesses, including the Oxford Town Clerk, established that a particular circulator—Rokelle Harris—submitted problematic signatures. Based on this testimony, the Secretary's staff reviewed Harris's signatures and concluded that "100% of Circulator Harris's signatures should have been invalidated" because they were made by another person than the named voter (coded as "ANO"). R.033347. That conclusion—on a matter within the core expertise of Elections Division staff—is entitled to significant deference and is amply supported by the record. *Third*, the Secretary reaffirmed her earlier conclusion that four non-resident circulators failed to submit to Maine's jurisdiction and therefore were not eligible to gather signatures. Three of those circulators did not even bother to appear at the hearing or make any effort to comply with Maine's legal process. The fourth—a circulator named Cairo—did testify, but in doing so *confirmed* that she intentionally opted not to consent to Maine's jurisdiction due to questions she had about doing so—questions that PGS staff never answered to her satisfaction. The Secretary's factual determination that these circulators never consented to Maine's jurisdiction is therefore backed by clear evidence. And evidence aside, Maine law—and common sense—prohibit the sort of *post hoc* submission to Maine's jurisdiction attempted by Cairo here.

The Court should uphold the foregoing conclusions and thereby affirm the Secretary's conclusion that PGS failed to collect enough valid signatures. However, if the Court reverses any of the Secretary's findings—and in doing so places the Measure back above the threshold—the scope of the issues remaining for resolution in this lawsuit broadens considerably. That is because the Record contains *many* additional grounds for invalidating signatures. These grounds fall into two categories—factual grounds raised by Petitioners at the remand hearing and legal arguments that Petitioners previously made to this Court.

As to the former, Petitioners presented extensive evidence that three additional circulators—Fritz Jean-Baptiste, Kendrick Jackson, and Adam Turner—submitted scores of fraudulent signatures. The Secretary all but agreed, acknowledging "troubling" submissions from these circulators, conceding that Petitioners raised "substantial issues" as to their petitions, and acknowledging that cross-examination "called into question the[] credibility" of Jean-Baptiste and Jackson. R.033347–49. This was an understatement. These circulators submitted numerous sheets plagued with discrepancies—duplicative entries on the same sheet with plainly distinct signatures, supposed Lewiston residents listing their homes in Auburn, multiple voters on the same circulator's sheet miswriting one of Lewiston's major thoroughfares as "Libson" Street, and scores of individuals misspelling their own names—that no party has yet explained. Given that "the integrity of the initiative and referendum process in many ways hinges on the trustworthiness and veracity of the circulator," *Maine Taxpayers Action Network v. Sec'y of State* ("*MTAN*"), 2002 ME 64, ¶ 13, 795 A.2d 75, the Secretary should have instructed Elections Division staff to independently review signatures from these circulators, as she did with Harris. While the Secretary may have chosen not to do so due to the burden it would impose on already strained Elections Division staff—and the fact that, under the Revised Determination, the measure would not qualify

for the ballot even if these signatures are counted—this Court should order that they be reviewed if they prove relevant to the disposition of this case.

Finally, Petitioners raised additional legal challenges requiring the invalidation of yet more signatures. The Court previously deferred to the Secretary on several of those challenges, apparently concluding that the Secretary was entitled to leeway in her interpretation and enforcement of Maine law. *See* Decision and Order 12–17 (Apr. 24, 2026). To be sure, as a general proposition, the Secretary is sometimes entitled to such deference. But, respectfully, deferring to the Secretary on several of these specific issues—including Challenges 1, 5, 14, 15, 18, 20, and 21—would be legal error. These challenges chiefly concern unambiguous—and mandatory—requirements under Maine law. This Court is "bound by the Legislature's choice of language," *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 28, 954 A.2d 1054, and the Secretary enjoys no discretion where a "statute plainly compels a decision contrary" to her view, no matter how well-intentioned, *id.* Accordingly, the Court should revisit its earlier decision on these Challenges if they prove determinative. If it affirms the Revised Determination on other grounds, however, it may simply note these arguments as preserved for any appeal.

LEGAL STANDARD

Agency decisions are "reviewed for errors of law, abuse of discretion, or findings of fact not supported by the record." *Maine Health Care Ass'n Workers' Comp. Fund v. Superintendent of Ins.*, 2009 ME 5, ¶ 8, 962 A.2d 968, 971. Such review is deferential. The Court does not ask whether it "would have reached the same conclusion as the agency, 'but whether the record contains competent and substantial evidence that supports the result reached.'" *CWCO, Inc. v. Superintendent of Ins.*, 1997 ME 226, ¶ 6, 703 A.2d 1258, 1261 (quoting *In re Maine Clean Fuels, Inc.,* 310 A.2d 736, 741 (Me. 1973)). "The agency's factual determinations must be sustained unless shown to be clearly erroneous." *Imagineering, Inc. v. Superintendent of Ins.,* 593 A.2d

1050, 1053 (Me. 1991). A factual finding is only "clearly erroneous when there is no competent evidence in the record to support it." *Lewin v. Skehan*, 2012 ME 31, ¶ 18, 39 A.3d 58. "A party seeking review of an agency's findings must prove they are unsupported by any competent evidence." *Maine Bankers Ass'n v. Bureau of Banking,* 684 A.2d 1304, 1306 (Me. 1996).

In contrast to the deference shown to the agency on its factual determinations, "[w]hen reviewing an agency's interpretation of a statute it administers," courts "look to the plain meaning of an unambiguous statute in order to give effect to the intent of the Legislature." *Maine Health Care Ass'n Workers' Comp. Fund*, 2009 ME 5, ¶ 8. An agency receives deference to its construction of a statute if the Court first finds the statute ambiguous. *See Snakeroot Solar, LLC v. Pub. Utils. Comm'n*, 2025 ME 64, ¶ 26, 340 A.3d 99.

ARGUMENT

I. The Secretary's Revised Determination correctly finds that PGS did not collect enough legally valid signatures to qualify for the November 2026 ballot.

A. The Secretary correctly found that circulators Vasquez and Mays abandoned their petition sheets, requiring invalidation of additional sheets.

Maine law requires every petition circulator to swear an oath that they personally witnessed every signature they submit to town registrars. *See* Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. §§ 902, 903-A; *see also* R.0017 (oath). The Secretary correctly found that at least two circulators—Elias Vasquez and Susan Mays—abandoned their petition sheets on multiple occasions on Election Day in 2025 while people continued to sign or mark them, unwitnessed by any qualified circulator. *See* R.033336–43. Accordingly, these circulators "could not have reasonably believed [their] oath[s] to be true and accurate" as to the petition sheets they submitted on the day in question. R.033327 (as to Vasquez); *see also* R.033330 (same as to Mays). Following established precedent, the Secretary further determined that the petition sheets bearing these false oaths must be

invalidated. *See Knutson*, 2008 ME 124, ¶ 12, 954 A.2d 1054 (requiring invalidation of petition sheets containing false oaths).

The Secretary's factual findings on this score are indisputably backed by "competent evidence in the record." *Lewin*, 2012 ME 31, ¶ 18, 39 A.3d 58. As to Vasquez, three different witnesses credibly testified to seeing him abandon his petition sheets on two separate occasions at Mt. Ararat High School in Topsham on November 4, 2025. *See* R.033421–34 (McLeod-Tardiff testimony); R.033471–80 (Henderson testimony); R.033487–93 (Considine testimony). Their mutually reinforcing testimony was consistent with video and photographic evidence, accepted into the record, showing people signing Vasquez's petition sheets while he was absent. *See* R.033713–16 (Pet'rs' Exs. 2–5). Vasquez himself did not appear to offer competing testimony, nor did PGS offer any evidence contradicting proof of his absence at points throughout the day. PGS's post-hearing brief and objections do not even dispute that Vasquez abandoned his petitions on the day in question. *See* R.034022.

The evidence as to circulator Mays is likewise amply supported in the record. Two witnesses saw her abandon her petition sheets on two occasions on November 4, 2025 at Thornton Academy, the polling location in Saco. R.033497–508 (Stubbs testimony), R.033516–18 (Stubbs redirect); R.033638–40 (Stubbs testimony), R.033520–29 (LaSalle testimony). This testimony was again backed by video and photographic evidence showing people signing Mays' petition sheets while she left them unattended. *See* R.033717–20 (Petitioners' Exhibits 9–11, 13). Mays testified and admitted that she abandoned her petition sheets, while claiming that she "destroyed" the sheets signed outside her presence. R.033566. But the Secretary found that Mays' testimony was "largely not credible." R.033340. Among many problems with her testimony, photographic evidence proved that she *did* in fact submit at least one petition sheet signed by members of the public in

her absence, notwithstanding her insistence that she destroyed such sheets. *See* R.033341. Specifically, a petition sheet seen left unattended on her table in Petitioners' Exhibit 9 (R.033717) is readily identifiable as Petition 5943—refuting Mays' testimony that she affirmatively destroyed sheets marked up during her absence.[1] As the Secretary found, Mays also gave "shifting accounts of what happened that day," R.033341, including muddled and confusing testimony about her own actions and who else was present during the events in question. In short, the Secretary's choice not "to credit the exculpatory aspects of Circulator' Mays's testimony" was sound. *See* R.033341. Indeed, even if the holes and inconsistencies in Mays' testimony were not so glaring, the Court would still have to "defer to all credibility determinations made by the fact-finder," *State v. Hodsdon*, 2016 ME 46, ¶ 8, 135 A.3d 816, 818, including the Secretary's conclusion that Mays offered incredible testimony, *see Klein v. Klein*, 2019 ME 85, ¶ 6, 208 A.3d 802, 804–05 (explaining factfinders are "free to reject testimony . . . if it finds that testimony incredible").

As the evidence showed, both Vasquez and Mays abandoned their petition sheets on more than one occasion, including for at least one prolonged absence apiece, meaning each submitted multiple petition sheets on which they swore false oaths. *See* R.033326 (concluding multiple forms likely signed outside of Vasquez's presence); R.033329–30 (similar as to Mays). PGS's post-hearing brief made the perfunctory, one-sentence argument that the Secretary should not "invalidate all of the otherwise valid elector signatures" submitted by Vasquez on November 4, 2025. R.034022. But, critically, PGS failed to present *any* evidence establishing *which* forms submitted on that day—if any—contained properly sworn oaths. And PGS did not even raise this argument as to Mays, choosing instead to rely solely upon her discredited testimony that she

[1] An enlarged comparison of the two sheets can be seen in the record at R.033878–80. The many points of similarity between the two images are detailed in Petitioners' post-hearing brief at R.033833–34.

"destroyed" any petition sheets signed outside her presence. *See* R.034020. As the Secretary explained, given the "proven serial misconduct by the circulator[s]," invalidating fewer than all petition sheets from the incidents in question "would reward improper conduct" by construing ambiguity in *favor* of the wrongdoing party. R.033339. The Secretary therefore reasonably concluded that the facts supported invalidating all petition sheets submitted by these circulators on November 4, 2025. *See* R.033339–40, R.033341–43.

This conclusion follows directly from basic principles of Maine law, which make clear that once wrongdoing is established, "the law burdens the wrongdoer with the difficulties of apportionment." *Palleschi v. Palleschi*, 1998 ME 3, ¶ 3, 704 A.2d 383; *see also Macomber v. Dillman*, 505 A.2d 810, 817 (Me. 1986) (Scolnik, J., concurring in part) ("The problems of uncertainty should be placed on the wrongdoer rather than on the innocent party."). For example, in *Dillingham v. Ryan*, the plaintiff (Dillingham) established the defendant (Ryan) had wrongly taken wood and gravel off the plaintiff's property but could only supply an estimated range as to the amount. *See* 651 A.2d 833, 837 (Me. 1994). Once liability was established, that ambiguity weighed against *the defendant*: "The Ryans bore the burden of producing this evidence, because the Ryans' actions created the uncertainty with respect to the amount of damages." *Id.* The same principle applies here: once Petitioners proved that Vasquez and Mays each submitted multiple petition sheets with false oaths on November 4, 2025, it became PGS's burden to resolve any ambiguity about whether certain sheets submitted on that day were somehow untainted by the circulators' "proven serial misconduct." R.033339. PGS made no effort to satisfy that burden, and the Secretary's remedy was thus both supported by evidence and proper under Maine law.[2]

[2] Maine law is consistent with federal law on this point. For example, the U.S. Supreme Court has recognized that "[t]he most elementary conceptions of justice and public policy . . . require that

B. The Secretary correctly found that circulator Harris submitted invalid signatures that could not be counted.

The record also supports the Secretary's factual determination that circulator Rokelle Harris submitted petition sheets with false signatures. Oxford Town Clerk Kathleen Dillingham, a former Republican member of the Legislature, credibly testified that she "knew for a fact" that several signatures submitted by Harris "were not authentic signatures," based on her conversations with voters and her independent review of the voters' registration cards. R.033460–61; *see also* R.033466–68. Nancy Penn, a resident of Hiram, credibly testified that her purported signature on a petition circulated by Harris was fraudulent; she was not familiar with the ballot initiative and had no idea how her purported signature came to be on one of Harris's petition sheets. *See* R.033467–69. The Secretary's choice to credit this testimony was sound and cannot be disturbed. *See Hodsdon*, 2016 ME 46, ¶ 8; *see also Pelletier v. Pelletier*, 2012 ME 15, ¶ 13, 36 A.3d 903 ("Determinations of witness credibility are uniquely within the fact-finder's authority[.]").

Harris was present on Zoom during the hearing when Penn and Dillingham testified. But when she testified herself, she did not even attempt to explain this pattern of fraudulent signatures. Rather, she expressed the view that it was not her duty to discern the accuracy of the information on her petition sheets, notwithstanding that the circulator oath obliges her to ensure "to the best of [her] knowledge" that signatures are from who they purport to be. R.033592.

In addition to the testimony, the record further showed that Harris submitted facially problematic signatures. For example, in two instances, signatories on her petition sheets who

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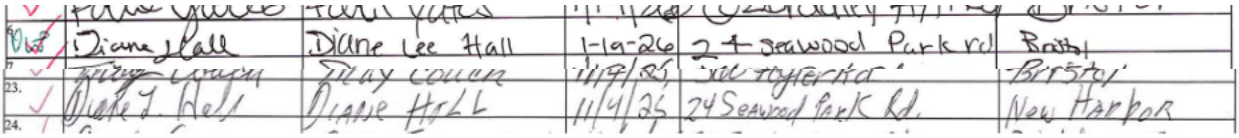
the wrongdoer shall bear the risk of the uncertainty which his own wrong has created." *Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters*, 459 U.S. 519, 552 (1983) (citation omitted). "Th[is] principle is an ancient one." *Estes v. Pineland Farms, Inc.*, No. 2:10-CV-00347-MJK, 2012 WL 1977956, at *2 (D. Me. June 1, 2012) (quoting *Bigelow v. RKO Radio Pictures, Inc*., 327 U.S. 251, 265 (1946)); *see also Thermo Electron Corp. v. Schiavone Constr. Co.*, 958 F.2d 1158, 1166 (1st Cir. 1992) (citations omitted) ("where the defendant's wrongdoing [has] created the risk of uncertainty, the defendant cannot complain about imprecision").

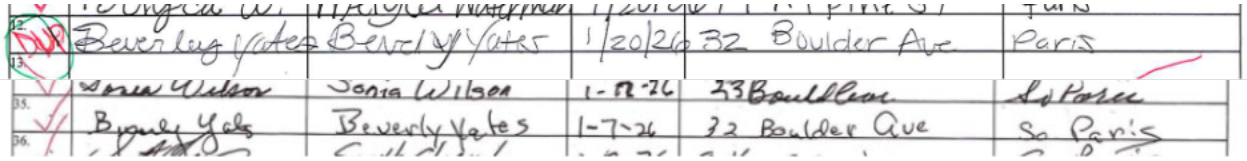
purportedly signed those petitions purportedly gave two different formulations of their municipality.

R.004959 (Pet. 1096, Line 6) [Harris] and R.004975 [Deitrick] (Pet. 1092, Line 23)



(Diane Hall, with her municipality listed as Bristol and New Harbor, respectively).

R.21107 (Pet. 5199, Line 12) [Harris] and R.21193 (Pet. 5211, Line 35) [Wessels]



(Beverly Yates, with her municipality listed as Paris and then South Paris).

While New Harbor and South Paris are both villages *within* Bristol and Paris, respectively—meaning either formulation might be correct in and of itself—it is implausible that the voters would have listed their municipalities *differently* when they signed with Harris later in time.

Based on the foregoing, and consistent with this Court's remand order, the hearing examiner reasonably exercised her discretion to order Elections Division staff to conduct a fresh review of the signatures submitted by Harris for the towns of Oxford and Hiram; the locus of the fraudulent signatures to which Dillingham and Penn testified. That remedy was well within the Secretary's authority, as she "is required to conduct an independent review of all direct initiative petitions to determine the validity of the petitions." *Me. Taxpayers Action Network v. Gwadosky*, No. AP-02-005, 2002 WL 747912, at *2 (Me. Super. Ct. Mar. 19, 2002); *see also MTAN*, 2002 ME 64, ¶ 12, 795 A.2d 75 (recognizing the Secretary's "authority to determine whether any petition filed in support of a citizens initiative is valid"); *cf. In re Op. of the Justs.*, 116 Me. 557, 103 A. 761,772 (1917) (concluding executive officials may "compare the names appearing on the

petitions, although certified by the town clerk . . . with the actual voting lists of the towns, and refuse to count such name as do not appear on such lists").

The result of the Secretary's re-review was stark: "Elections staff determined that *none* of the signatures on these . . . petition forms matched the voters' signatures on their voter registration applications." R.033346–47 (emphasis added). Based upon that finding, the hearing examiner then sensibly ordered a re-review of *every* signature submitted by Harris. The result was the same: Elections staff "concluded that each of the validated signatures collected by Harris on these [other] forms also should have been invalidated for ANO," R.033347, meaning invalidated for being the signature of another person. In sum, a "signature-by-signature review of Circulator Harris's petition forms indicated that *100% of Circulator Harris's signatures*" should have been invalidated because they "were not made by the named voters." *Id*. (emphasis added). Even a cursory review of Harris's petition sheets and voter registration cards produced by the Secretary under seal readily confirms this conclusion. *Compare, e.g.*, R.034355 (sealed) (signature of Nancy Penn on voter registration card), *with* R.013152 (Penn signature on Petition 3146); R.034383 (sealed) (signature of Diane Jackson on voter registration card), *with* R.020839 (Jackson signature on Petition 5123); R.034351 (sealed) (signature of Tiana Dunne on voter registration card), *with* R.013152 (Dunne signature on Petition 3146); R.034348 (sealed) (signature of Marylin Newell on voter registration card), *with* R.012838 (Newell signature on Petition 3067).

This factual determination by Elections Division staff on a matter within their expertise—that signatures on Harris' petition sheets were not made by the voters in question—cannot be disturbed on appeal, as the Court "[can]not substitute [its] judgment for that of the agency on questions of fact." *Gordon v. Maine Comm'n on Pub. Def. Servs.*, 2024 ME 59, ¶ 11, 320 A.3d 449; *see also Wood v. Superintendent of Ins.*, 638 A.2d 67, 71 (Me. 1994) (explaining courts

reviewing agency action "do not attempt to second-guess the agency on matters falling within its realm of expertise"). The Court must credit the Secretary's fact-bound determination, based upon her staff's signature-by-signature review, that Harris did not submit any valid signatures.

C. The Secretary correctly determined that circulators, including Cairo, cannot retroactively and opportunistically submit to Maine's jurisdiction.

The Secretary was also correct to stand by her determination that signatures from four non-resident circulators—Cairo, Kewechi Chukwuma, Jordan Albert, and Ummsalaamah Hakeem—had to be invalidated because those circulators failed to properly consent to Maine's jurisdiction. *See* R.033351–55. It is undisputed that none of the four properly submitted to Maine's jurisdiction at the time they submitted their circulator affidavit to the Secretary. *See* R.032665, R.032608, R.032767, R.032674 (circulator affidavits). And Maine law is clear that the affidavit "shall" be completed by "the time the petition is filed," 21-A M.R.S. § 903-A(4), meaning by the time specific *petition sheets* are submitted to town clerks by individual circulators, *see* R.0098 (instructing municipal clerks to "invalidate" signatures by circulators who have not previously submitted an affidavit). Nothing in Maine law contemplates circulators completing their affidavits *after* they submit their petition sheets—never mind after the Secretary makes a validity determination at the conclusion of the circulation period.

The Secretary's conclusion is largely rooted in two factual determinations that PGS cannot show to be clearly erroneous. First, the latter three circulators never bothered to appear at the hearing and failed to submit affidavit forms purporting to consent to Maine jurisdiction, even after the fact. Thus, the Secretary reasonably concluded as a factual matter that these circulators "never consented to the jurisdiction of Maine." *See* R.033352.

Second, while Cairo did testify (and purported to submit a corrected circulator affidavit), her testimony *confirmed* that she did not submit to Maine's jurisdiction while collecting signatures.

The circulator affidavit provides just two options: (1) check the box that you are a Maine resident or (2) check the box that you are a nonresident who consents to Maine jurisdiction. *See* R.0026. The form makes clear in bolded text that the circulator "**must check <u>one</u> box**." *Id.* Cairo knew that she was not a Maine resident and thus testified that the first option did not apply to her. *See* R.033411. As to the second box—consenting to Maine's jurisdiction as a non-resident—she was concerned about saying "yes," and had an (unspecified) question she wanted resolved. In her own words, she wanted to "get the actual data of what was being asked from [her]," so she put the affidavit "aside" in order to "get clarity on [the second box] to make sure that [she was] marking the right box." R.033405–06. As she explained, she was "inundated" with paperwork at that time and her supervisor never "g[o]t back to addressing the specificities of the matter." R.033406. To her credit, Cairo did not "want to mark the wrong box." R.033406. So she testified that she consciously and intentionally chose not to submit to Maine jurisdiction at the time that she submitted her circulator affidavit.

Cairo reconfirmed this version of events several times. R.033410 ("So, we did have some questions, and I don't think that we were able to address those questions . . . So, we did not get the chance to go back to that to mark that box off."); R.033411 (saying she had "a question or concern that needed to be addressed" but that she was "not able to address that"); R.033415 ("we had intended to specifically discuss this second box here, and we did not get the opportunity to do so"). Indeed, her cross-examination ended with her explaining that her hesitance to complete the checkbox requirement was because she knew that "a petitioner in Maine or anywhere" must "have a clear understanding of what it is that you're signing before you sign it or check any box." R.033415–16. As her testimony repeatedly confirmed, because she did not have sufficient

understanding about the consequences of checking the non-resident box, Cairo consciously opted not to do so.

Based on the foregoing testimony, the Secretary rightly concluded that Cairo "had concerns about the implications of agreeing to Maine's jurisdiction" and that those concerns were never "assuaged." R.033352. Accordingly, the Secretary concluded Cairo's choice not to check the box was "*not* an inadvertent failure to express her agreement to the terms of the affidavit, but [rather] a substantive lack of agreement to those terms." R.033353 (emphasis in original). The Secretary's factual determination about Cairo's state of mind when she chose not to check the non-resident box is amply supported by Cairo's own testimony and cannot be clear error. *See Tinsman v. Town of Falmouth*, 2004 ME 2, ¶ 12, 840 A.2d 100 ("The determination of an individual's state of mind is a question of fact, which we review for clear error."); *Flaherty v. Muther*, 2011 ME 32, ¶ 55, 17 A.3d 640 (explaining that determining the "objective intent" of a party "is a question of fact . . . review[ed] for clear error"). The Court need go no further than upholding the Secretary's factual conclusions on this point to affirm on this issue.

Even setting aside these determinative factual conclusions, however, the signatures submitted by these four non-resident circulators must be invalidated as a matter of law. The Constitution establishes a straightforward rule regarding qualification to circulate petitions in Maine: the person "must be a resident of this State and whose name must appear on the voting list[.]" Me. Const. art. IV, pt. 3, § 20. That rule governed Maine's petition process for more than a century. A few years ago, a federal injunction modified that rule. Non-Mainers could circulate petitions in Maine, but only if they "*first* submit to the jurisdiction of the state of Maine." *We the People PAC v. Bellows*, 40 F.4th 1, 9 (1st Cir. 2022) (quoting *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 53 (D. Me. 2021)) (emphasis added). As the First Circuit explained, the sufficiency

of such consent to legal process depends on its "immediacy, and corresponding reliability" as an assurance the circulator will follow the rules. *Id.* at 20 (quoting *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182, 196 (1999)). That language is drawn from U.S. Supreme Court's decision in *Buckley*, which explains that this "immediacy" refers specifically to an "attestation . . . made at the time a petition section is submitted" for review by election officials—not months after election officials render their validity determinations. *Buckley*, 525 U.S. at 196. In other words, in the First Circuit's view, the attestation is a reliable alternative to a residency requirement specifically because it is made concurrently with, or prior to, the circulator's submission of their petitions for review—not months after the fact and at their discretion. *Id.*

To comply with this injunction and its ensuing consent decree, the Secretary amended the circulator affidavit to require non-resident circulators to swear that they "submit [themselves] to the jurisdiction of the State of Maine" in relation to their circulating conduct. R.0026. Non-resident circulators must swear to this "as a condition of circulating a petition in the State of Maine." *Id.* Maine law further requires that this affidavit "shall" be completed and submitted "at the time the petition is filed." 21-A M.R.S. § 903-A(4). Doing so ensures that Maine has "jurisdiction over the circulators . . . if there is a question as to the validity of the signatures collected." *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165.[3] Plainly, Maine would not enjoy that benefit if the circulators had discretion about whether to submit to Maine's jurisdiction after-the-fact.

[3] The circulator affidavit itself makes clear in several ways that it must be completed *before* a circulator commences signature collection in Maine. For example, the form requires each circulator to attest that they have "read and understand" the Secretary's circulator instructions. R.0026. That requirement serves no purpose if the person swears to it after the fact. Similarly, the non-resident checkbox at issue requires the circulator to promise to "maintain up-to-date contact information with the Maine Secretary of State's office *for the duration of any petition drive . . .* including while signatures are being collected and through the review of those signatures by the Secretary of State's office." *Id.* Consenting to jurisdiction *after* the petition drive ends and the

Even if Maine law was not clear on its face, common sense reinforces that out-of-state circulators must consent to jurisdiction *before* election officials assess the validity of their signatures. Just look at what happened here. If Petitioners had not filed the present challenge, none of the circulators at issue would have purported to consent to Maine jurisdiction. Three still have not done so. Had the Secretary or municipal officials attempted to address errors, omissions, or other concerns *during* PGS's petition drive, these circulators could have—rightly—noted that they had not consented to and were not subject to Maine jurisdiction. And if after-the-fact consent sufficed, the rational calculus for all non-resident circulators would be to always leave the box unchecked. At worst, they might get called out later, at which point they can simply assess the situation and choose whether they wish to consent to Maine's jurisdiction—precisely what three circulators did here in choosing *not* to appear, *not* to testify, and thus unquestionably *not* to consent to Maine jurisdiction. At best, no one will ever notice and the circulator will have gained the benefit of collecting signatures in Maine (often for compensation) while immunizing themselves from legal process, undercutting Maine's valid interest in maintaining "jurisdiction over the circulators." *Hart*, 1998 ME 189, ¶ 13, 715 A.2d 165; *see also We the People PAC*, 40 F.4th at 20 (similar and collecting authority). Such a system offers perverse incentives to petition sponsors who, if challenged on the issue, could simply pick and choose which circulators to have (belatedly) consent to jurisdiction in order to keep the petition on the ballot. That is an invitation for misconduct, as the Secretary recognized. *See* R.033354.

PGS's primary counterargument below does not concern the Secretary's application of Maine law; rather, it claims that the district court in *We the People PAC* lacked authority to

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Secretary renders a determination is flatly contradictory to these requirements and makes clear the residency portion of the form must be completed beforehand.

partially enjoin Maine's residency requirement, and so the "consent to jurisdiction" requirement cannot be enforced. *See* R.034010–11. That argument is fundamentally misplaced because this Court cannot amend or set aside a dispositive ruling by a federal court on a question of federal law. *See, e.g.*, *United States v. Council of Keokuk*, 73 U.S. 514, 517 (1867); *Morris v. Travisono*, 509 F.2d 1358, 1361 (1st Cir. 1975). PGS's argument also misunderstands the relationship between federal courts and state laws—even those embodied in a state constitution. "It has long been a settled principle that federal courts may enjoin unconstitutional action by state officials." *Puerto Rico v. Branstad*, 483 U.S. 219, 228 (1987) (citing *Ex parte Young,* 209 U.S. 123, 155–156 (1908)). That authority extends to enjoining state action even when required by a state constitution—"state constitutions must give way to the requirements of the Supremacy Clause when there is a conflict with the federal Constitution." *Bd. of Cnty. Comm'rs of Shelby Cnty., Tenn. v. Burson*, 121 F.3d 244, 249 (6th Cir. 1997); *see, e.g.*, *Lucas v. Forty-Fourth Gen. Assembly of Colorado*, 377 U.S. 713 (1964) (enjoining Colorado constitutional rule regarding reapportionment as inconsistent with Equal Protection Clause); *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (enjoining Arkansas constitutional amendment imposing term limits on congresspersons as inconsistent with the Qualifications Clause in Article I); *Obergefell v. Hodges*, 576 U.S. 644 (2015) (enjoining various state constitutional bans on same-sex marriage as contrary to Equal Protection Clause). And the equitable jurisdiction of federal courts further permits—indeed, where possible, *favors*—only partially enjoining state laws so as to best leave intact the choices of state governments. In other words, "when confronting a constitutional flaw in a statute, [courts] try to limit the solution to the problem." *Ayotte v. Planned Parenthood of N. New England*, 546 U.S. 320, 328-29 (2006). Federal courts therefore often "enjoin only the unconstitutional applications of a statute while leaving other applications in force." *Id*. at 329. That is precisely what the First

Circuit and federal district court judge did here in holding that the residency rule cannot be enforced only *if* a non-resident circulator "first submit[s] to the jurisdiction of the state of Maine." *We the People PAC*, 40 F.4th at 20 (quoting *We the People PAC*, 519 F. Supp. 3d at 53).

PGS passingly argued below that the Legislature might have preferred full invalidation of the residency requirement. *See* R.034011. But that is improbable. The Law Court upheld the residency requirement in *Hart* specifically because it credited "the State's justification for the residency requirement," namely preserving "the integrity of the initiative process" and guaranteeing "the State [has] jurisdiction over the circulators." *Hart*, 1998 ME 189, ¶ 13. The line drawn by the injunction in *We the People PAC* best serves these state interests—it preserves the residency requirement as a default rule, while permitting a specific exception for non-resident circulators who abide by Maine's rules, including by consenting to jurisdiction as a condition of circulating petitions. Thus, as the Secretary—who actually defended Maine's residency rule in the *We the People PAC* litigation—explained, "there is no serious question that the framers of [the residency rule] would have preferred that 'half of a loaf' to no loaf at all." R.033355. In contrast, enjoining the residency rule wholesale would ignore the State's interests entirely, removing *any* limit on who can circulate petitions in Maine or on what conditions they must satisfy to do so.

Finally, there is no reason to doubt the Secretary's authority to implement rules that carry out the *We the People PAC* consent order and that ensure compliance with federal law. *Contra* R.034011–12. The Secretary was named as a defendant in that suit for a reason—she is the state constitutional officer charged by the Legislature with supervising the petition process. That includes by approving the form of a proposed ballot initiative, *see* 21-A M.R.S. § 901; drafting the initiative summary for voters, *id.* § 901-A; preparing and disseminating instructions for circulators, *id.* § 903; receiving and reviewing circulator affidavits, *see id.* § 903-A; registering petition

organizations, *see id.* § 903-C; and most critically "determin[ing] the validity of [a] petition." 21-A M.R.S. § 905; *see also* Me. Const. art. IV, pt. 3, § 22 (authorizing the Legislature to "enact further laws" to implement Maine's petition system, including laws "to establish procedures for determination of the validity of written petitions"). Further still, the Legislature has granted the Secretary authority to "establish the form and content of all forms, lists, documents and records required by or necessary to the efficient operation of [Title 21-A]." 21-A M.R.S. § 21. In tandem with her supervisory authority over the petition process, this power clearly authorized the Secretary to issue a modified circulator affidavit that brings Maine into compliance with federal law as determined by the First Circuit. And the Secretary—like all Maine officials—swears an oath to carry out her duties in a manner consistent with the federal constitution. *See* Me. Const. art. IX, § 1. By carrying out her duties in a manner consistent with binding federal court authority, the Secretary did not act "ultra vires"—she acted consistently with her oath and duties. *See Alden v. Maine*, 527 U.S. 706, 755 (1999) ("The States and their officers are bound by obligations imposed by the Constitution and by federal statutes that comport with the constitutional design.").

II. The Secretary should have invalidated signatures from circulators Jean-Baptiste, Jackson, and Turner or at minimum conducted an independent review of their signatures.

The foregoing issues, if affirmed, are sufficient to resolve this case. Affirmance on these points necessarily entails affirming the Secretary's ultimate conclusion that PGS submitted insufficient valid signatures to qualify its measure for the ballot. The Court accordingly need not stray into the thickets of other disputes if it upholds the Secretary's Revised Determination on those bases. Nonetheless, it bears emphasis that the record below contains *substantially* more evidence of circulator wrongdoing than what the Secretary ultimately chose to rely upon in making her Revised Determination. Petitioners filed objections to the Revised Determination to the extent that it did not invalidate additional signatures, even while agreeing it ultimately reached the correct

outcome. If the Court rules against Petitioners and the Secretary on the issues above—and in the process puts the ballot measure back above the necessary signature threshold—the Court must consider Petitioners' additional preserved challenges. These additional challenges cannot be meaningfully resolved without some accounting for the capacious evidence of fraud that follows.

This evidence concerns wrongdoing by three circulators—Fritz Jean-Baptiste, Kendrick Jackson, and Adam Turner. The Secretary recognized "troubling entries" submitted by these circulators. R.033348. In particular, she noted that Petitioners raised "substantial issues" as to petition sheets submitted by Jean-Baptiste and Jackson, R.033349, and agreed that testimony from these two circulators "called into question their credibility," R.033348. The Secretary further acknowledged a particularly "troubling form" submitted by Jackson where nearly every signature was invalidated as "ANO"—the same basis for invalidating Harris's signatures. *Id.* at n.13.

Even so, the Secretary stopped short of concluding that additional signatures from these circulators required invalidation, apparently because Petitioners' arguments relied chiefly upon a "paper review" of their petition sheets. R.033347. But as the record below shows, if these signatures become dispositive, the "paper review" *alone* demands the same double checking that Elections Division staff performed as to Harris. That evidence shows startling discrepancies that, to date, have never been seriously explained by any party. For example, one petition sheet submitted by Jackson featured numerous voters indicating that they lived in Auburn while listing addresses in Lewiston—an improbable error for Lewiston residents to make, never mind *three* of them, on the *same* form, in the *same* handwriting. *See.* R.01700. Further still, the Secretary did not address Petitioners' argument that certain petition sheets—including those where more than 80 percent of signatures were invalidated for having signatures from someone other than the voter—required total invalidation, as it is impossible in such instances that the circulators in question

could have sincerely sworn to having "witnessed all of the signatures to th[e] petition" and to actually believing that "each signature is that of the person whose name it purports to be." R.0017; *see also* R.033864–65 (collecting authority for proposition that sheets tainted by fraud must be completely invalidated, because such fraud undercuts the oath on that sheet).

The Secretary's hesitance to order Elections Division staff to independently review these circulators is perhaps understandable. These circulators submitted significantly more signatures than Harris, the hearing examiner already separately concluded that the measure had failed to qualify for the ballot, and Elections Division staff have already undertaken herculean efforts on an expedited timeframe. And Petitioners acknowledge that, so long as the Secretary's other determinations are upheld, the wrongdoing by these circulators may ultimately be moot. Nonetheless, the Law Court has been clear about the need to maintain integrity in the petition process. "As early as 1917, [it] held that verification of the signatures and the subsequent oath taken by the circulator is an 'indispensable accompaniment… of a valid petition,' and, accordingly, that the invalidation of signatures lacking this prerequisite is necessary to preserve the integrity of the initiative and referendum process." *MTAN*, 2002 ME 64, ¶ 14, 795 A.2d 75 (citing *In re Op. of Justs.*, 116 Me. 557, 569, 103 A. 761, 767 (1917)). If sheets submitted by these three circulators end up providing the measure's margin over the signature threshold, they must be meaningfully reviewed, lest the integrity of the initiative process be called into question. As the Law Court has made clear, Maine courts have a duty to preserve such integrity, and if necessary this Court should accordingly require the Secretary to undertake independent review of signatures submitted by Jean-Baptiste, Jackson, and Turner—just as was done with Harris.

A. The Court should, if necessary, order review of signatures submitted by Fritz Jean-Baptiste given his pattern of submitting fraudulent signatures.

Jean-Baptiste is a resident of Georgia who was recruited to come to Maine to collect petition signatures by the circulator known as Cairo. R.033608. His petition sheets follow a familiar pattern that is mirrored by several of the other circulators at issue. First, he collected signatures in New Gloucester on Election Day, submitting five nearly complete petition sheets with zero invalidations. That is consistent with the fact that Election Day is a prime opportunity to collect large numbers of signatures from individuals who are registered to vote in the town at issue.

Beyond Election Day, however, Jean-Baptiste struggled to submit sheets with a significant number of signatures. Because he was paid by the signature, R.033609, this meant on most days he earned trivial sums of money. Jean-Baptiste submitted 55 petition sheets with just a single signature (often invalidated) and 13 sheets with just two signatures. Of the 95 sheets he submitted, only 17 contained ten or more signatures, half of which are from Election Day in New Gloucester. *See generally* Master List of Petitions. In other words, Jean-Baptiste spent weeks in Maine seemingly spinning his wheels.

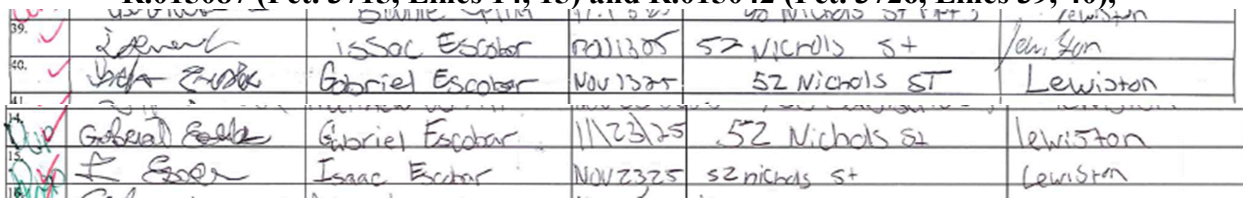
It appears that Jean-Baptiste then began submitting phony signatures to pad his meager signature numbers. His remaining petition sheets with over ten signatories—mostly from Lewiston—contain improbably high rejection rates due to signatories not being registered (REG), having already signed (DUP), or their signatures not matching the one on file (ANO). The below excerpt of the Master List summarizes this conspicuously high rejection rate.

2026 Sports Participation Petition
FINAL Master List
3/17/26

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total inval
7937	WINTHROP	11/25/2025	29	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	6	REG	11	DUP	1	WD	18
3709	LEWISTON	11/25/2025	48	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	7	REG	10	DUP	0		17
6018	SANFORD	11/25/2025	13	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	DUP	9	ANO	0		10
3721	LEWISTON	11/18/2025	47	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	7	REG	8	DUP	2	WD	17
3715	LEWISTON	11/25/2025	23	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	3	REG	5	DUP	0		8
3720	LEWISTON	11/18/2025	53	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	8	REG	4	DUP	0		12
3726	LEWISTON	11/18/2025	48	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	10	REG	4	DUP	2	ANO	16
7793	WINSLOW	11/25/2025	18	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	3	REG	4	DUP	0		7
3713	LEWISTON	11/25/2025	21	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	REG	3	DUP	0		4
1845	CUMBERLAND	11/25/2025	0	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	WD	1	DATE	0		2
1846	CUMBERLAND	11/25/2025	5	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	1	WD	1	ANO	0		2
7924	WINTHROP	11/25/2025	18	JEAN-BAPTISTE, FRITZ	TALARICO, MARCUS TIAMO	6	REG	1	DUP	0		7

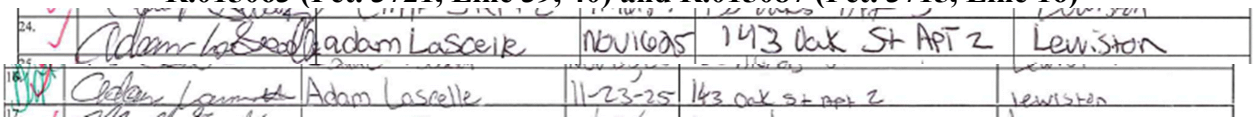
Inspection of these underlying petition sheets reveals clear fraud. The following are examples of duplicative entries from within Jean-Baptiste's own petition sheets, meaning he submitted *both* of the following signatures, often close in time or even on the same petition sheet.

R.015087 (Pet. 3715, Lines 14, 15) and R.015042 (Pet. 3726, Lines 39, 40),



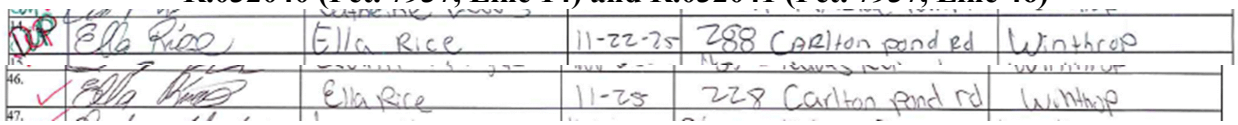
(Duplicative entries from Gabriel and Isaac Escobar but with "Isaac/Issac" spelled differently and visibly different signatures)

R.015063 (Pet. 3721, Line 39, 40) and R.015087 (Pet. 3715, Line 16)



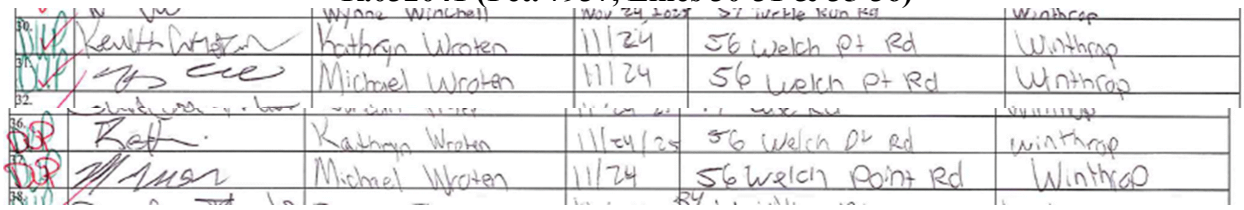
(*Duplicative entries of Adam Lascelle, one week apart, with "S" capitalized in one, and visibly different signatures)*

R.032040 (Pet. 7937, Line 14) and R.032041 (Pet. 7937, Line 46)



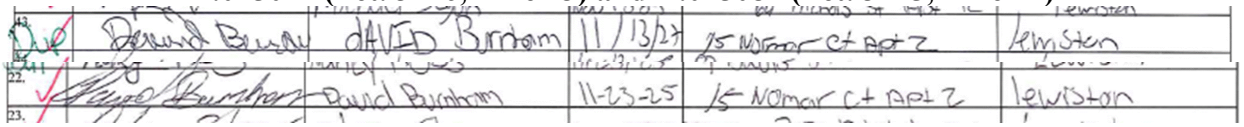
(*Duplicative entries of Ella Rice in November, with her address written "288" and then "228," respectively, and with visibly different signatures)*

R.032041 (Pet. 7937, Lines 30-31 & 35-36)



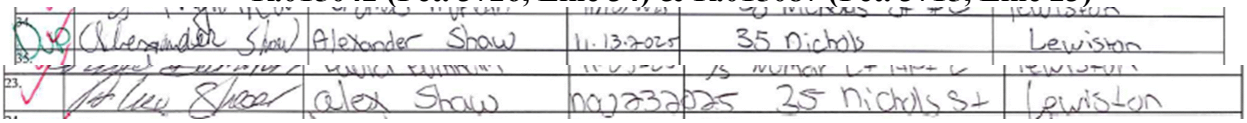
(Duplicative entries for Kathryn and Michael Wrotten five lines apart on the very same November 24 petition sheet, with different signatures, but prefilled name, date, address, and municipality fields written in same hand)

R.015042 (Pet. 3726, Line 43) and R.015087 (Pet. 3715, Line 22)



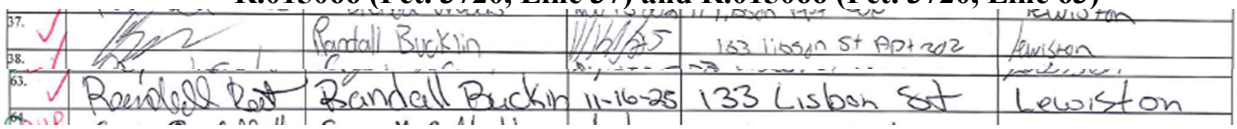
(*Duplicative entry for David Burnham, ten days apart, with visibly different signatures)*

R.015042 (Pet. 3726, Line 34) & R.015087 (Pet. 3715, Line 23)



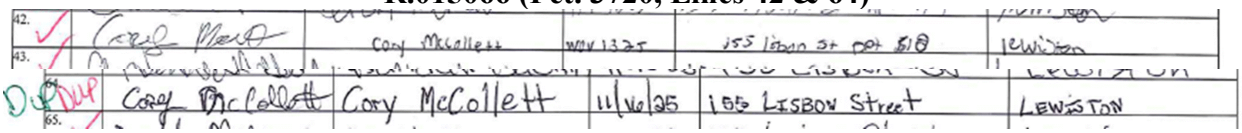
(Duplicative entry for Alexander Shaw, written "Alexander" in one instance and "Alex" on another, ten days apart, with visible different signatures)

R.015066 (Pet. 3720, Line 37) and R.015066 (Pet. 3720, Line 63)



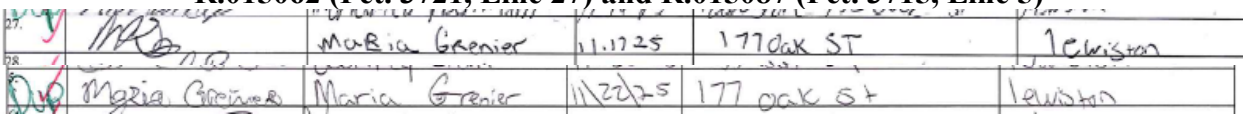
(Duplicative entry for Randall Bucklin on the same day, seemingly written "Buckin" in one instance, and with address written as "163" in one entry but "133" in another, with the first entry misspelling "Lisbon" as "Libson" along with visibly distinct signatures).

R.015066 (Pet. 3720, Lines 42 & 64)



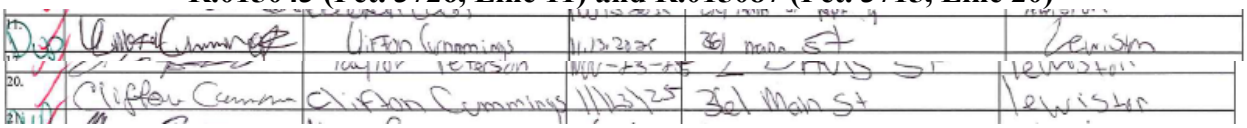
(Duplicative entry for Cory McCollett, three days apart but on the very same petition sheet, including his apartment number in one entry but not the other, along with a visibly distinct signature).

R.015062 (Pet. 3721, Line 27) and R.015087 (Pet. 3715, Line 5)



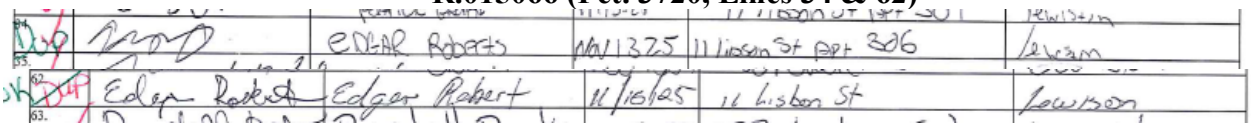
(Duplicative entry for Maria Grenier, five days apart and with visibly distinct signature)

R.015043 (Pet. 3726, Line 11) and R.015087 (Pet. 3715, Line 20)



(Duplicative entry for Clifton Cummings, ten days apart, with visibly distinct signatures)

R.015066 (Pet. 3720, Lines 34 & 62)

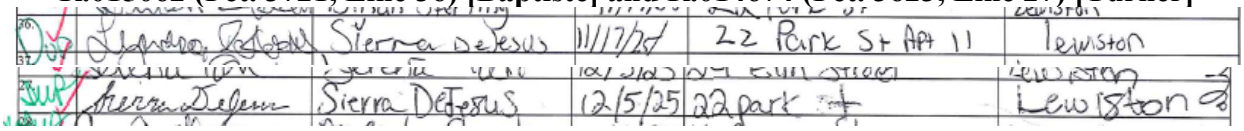


(Duplicative entry for Edgar Roberts, made three days apart but on the same petition sheet, with last name spelled "Roberts" in one instance and "Robert" in another, Lisbon spelled as "Libson" in the first line, apartment number included in one address but not the other, and visibly distinct signatures)

The discrepancies on these sheets are impossible to explain absent fraud. Indeed, in several instances the same voter purportedly signed *the exact same sheet* twice, but in obviously distinct handwriting. And beyond the fact that all these duplicative signatures—purportedly from the same voter—are visibly different to even a layperson's eye, these sheets ask the Court to believe that various Mainers forgot how to spell their own names ("Robert" versus "Roberts," "Issac" versus "Isaac"), misprinted their own street numbers ("163 Libson Street" versus "133 Lisbon Street," "288 Carlton Pond Rd." versus "228 Carlton Pond Rd."), and repeatedly misspelled one of Lewiston's major thoroughfares—Lisbon Street—as "Libson." And they further demand that this Court be willing to believe that these errors—seemingly absent on nearly every other circulator's sheets—happened with remarkable and coincidental frequency on Jean-Baptiste's sheets. The Court should not think so little of Maine voters as to believe that these basic errors—coupled with visibly distinct signatures—are pure coincidence. Courts, after all, are "not required to exhibit a naiveté from which ordinary citizens are free." *Dep't of Com. v. New York*, 588 U.S. 752, 785 (2019) (quoting *United States v. Stanchich*, 550 F.2d 1294, 1300 (2d Cir. 1977) (Friendly, J.)).

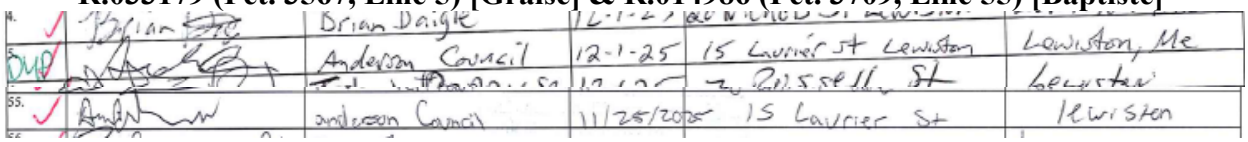
Jean-Baptiste submitted even more suspicious signatures when compared against sheets submitted by *other circulators*, including Adam Turner and Dennis Graise—circulators who also had improbably high invalidation rates on petition sheets submitted from Lewiston.

R.015062 (Pet. 3721, Line 36) [Baptiste] and R.014674 (Pet. 3623, Line 27) [Turner]



(Duplicative entry of Sierra DeJesus, with apartment listed in one entry but not the other and visibly different signatures)

R.033179 (Pet. 3567, Line 5) [Graise] & R.014986 (Pet. 3709, Line 55) [Baptiste]



(Duplicative entry for Anderson Council, with visibly different signature).

Jean-Baptiste had no serious explanation for these obviously fraudulent entries beyond attributing them to random chance, an incredible explanation given the sheer volume of problems on his sheets. When asked, for example, if Isaac Escobar forgot how to spell his own name, Baptiste speculated there "might be two Isaacs in this town," even though both entries concern an Isaac Escobar living at 52 Nichols Street. R.033618. When asked to compare their signatures, Jean-Baptiste refused, repeatedly asserting he was not a "handwriting expert," even while agreeing that he was "pretty sure everybody knows how to sign their name." R.033619. When asked if he often misspelled his own name or capitalized random letters in his name, he said he might do so based on his mood. R.033622 (official transcript errantly recording this as "move"). And when asked specifically about Michael and Kathryn Wrotten, whose names both appear *five lines apart* on the *same petition sheet*, but with different signatures, Jean-Baptiste admitted he could not answer how that happened. R.033627. PGS, for its part, offered no explanation for how such a petition sheet could plausibly contain a valid oath.

Jean-Baptiste provided other facially unbelievable testimony. For example, he was asked about a petition sheet he submitted from Sanford, and specifically whether his handwriting appeared anywhere on the body of the page. For example, he was asked whether it was his "testimony that a different person wrote 'Sanford' in each" entry in the municipality column. R.033612. After reviewing the sheet, he responded: "Correct." *Id.* As the following page from Sanford shows, that response cannot possibly be credited, as Sanford is obviously written in the same hand for most entries, as are many other fields.

Fritz Baptiste
Printed Name of Circulator

4950
Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
1.	✓	David Carpenter	11/22/25	27 H Candlewood Lane	Sanford
DUP	✓	Michele Fraser	11/22/25	1 Oak Forest St	Sanford
3.	✓	Jennifer Ucci	11/22/25	167 High St.	Sanford
4.	✓	Patricia Smart	11/22/2025	147 High St	Sanford
ANC	✓	Melissa Brown	11/22	8 Guilmette St	Sanford
6.	✓	Martin Eldert	11-22-25	84 Bateman St	Sanford
7.	✓	Alissa Kelley	11/22/25	84 Bateman St	Sanford
ANC	✓	robin maynard	11/22/25	24 Guilmette St	Sanford
9.	✓	James Bartholomeo	11/22/25	63 Bateman St	Sanford
10.					
11.	✓	Emma Westgate	11-22-25	13 Wilson St	Sanford
12.					
ANC	✓	Patrick Robichaud	11/22/25	7 Wilson St	Sanford
14.	✓	Piare Sullivan	11-22-25	8 Benoit St	Sanford
15.	✓	Guyson Malloy	11-22-25	7 Collins Way	Sanford
16.	✓	Spencer Wilkinson	11/22	7 Collins Way	Sanford
17.	ANC	Linda Gincherew	11/23/25	19 State St	Sanford
18.	✓	William Lavercier	11/23/2025	30 State Apt A	Sanford
19.	ANC	Ron Him	11/23	6 Henry Ave	Sanford
20.	✓	Therin Kman	11/23	6 Henry Ave	Sanford
21.	ANC	Gregory King	11-23-2025	26 Hickson St	Sanford
22.	ANC	Carole Vert	11-23-25	6 Ward St	Sanford
23.	ANC	Natisha Moran	11-23	7 Maple St	Sanford
24.	ANC	Cara Cooney	11/23	39 Riverside Ave	Sanford
25.	✓	Janet McKinney	11/23	63 Riverside Dr. Apt F	Sanford

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator: F. Baptiste — Printed Name: Fritz Baptiste

Signature of Notary: [illegible] — Printed Name: Marcia Sharon Patrice

Notary Public - Maine
My Commission Expires
5/12/2029

Subscribed to and sworn before me on this date: NOV 25 2025 (Date must be completed by Notary)

Date my Notary Commission expires: 5/12/2029

Petition Log
For Secretary of State Use Only

Petition #: 6018 Valid: 13 Invalid: 10

# Invalid	Reason	Signature Lines
1	DUP	2
9	AND	5,8,13,17,19,21-24

SOS Staff: AP Comments: 2 Dup 5995182

Registrar's Certification

Municipality: Sanford Total Valid: 14 Total Invalid: 9

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor. Lines # 10 + 12 were crossed out prior to receiving petition

Date & Time Petition Received: 12/10/25 @ 10:50AM

Signature of Registrar: Michelle Vermette Deputy Clerk

Date petition certified: 12-10-25

Lines 10 & 12 Crossed Out will receive

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

R 024452

4

To be sure, circulators are *permitted* to prefill certain fields on petition sheets, making Jean-Baptiste's testimony all the more remarkable. In his effort to make blanket denials of wrongdoing, it appears that Jean-Baptiste perjured himself regarding conduct that is, at least in some contexts, permissible. The Sanford example is no outlier either. Many of Baptiste's sheets include prefilled fields, including most obviously R.032040–41 (Winthrop), R.015087–88 (Lewiston), R.014986–87 (Lewiston), R.014971 (Lewiston). While such prefilling is not problematic *per se*, it provides further evidence both that Jean-Baptiste (1) gave dishonest testimony about never writing anywhere on the sheets beyond printing his name and signing the oath; and (2) sought to juice his numbers after failing to obtain *bona fide* signatures after Election Day in New Gloucester. Even the Secretary acknowledged that Jean-Baptiste's answers "called into question [his] credibility." R.033348. Simply put, the Court should not let Jean-Baptiste's error-laden petition sheets—which bear unmistakable indicia of fraud—supply the margin for the ballot initiative, particularly given that no other party has supplied a rationale alternative explanation for these problems. The Court should instead, if necessary, order review of his signatures by Elections Division staff.

B. The Court should, if necessary, order review of signatures submitted by Kendrick Jackson given his pattern of submitting fraudulent signatures.

Like Jean-Baptiste, Jackson also came to Maine from out-of-state to collect signatures through the circulator known as Cairo. R.033667–68. He also worked frequently with Jean-Baptiste and was also paid on a per signature basis. R.033678 (explaining Jean-Baptiste was a person he "came up here with"), R.033669. Like Jean-Baptiste, Jackson initially collected large numbers of seemingly *bona fide* signatures on Election Day. But after Election Day, Jackson struggled. Of his 88 petition sheets, all but 19 contain fewer than ten signatures, mostly from a diverse mixture of smaller towns.

Like Jean-Baptiste, Jackson seemingly sought to juice his numbers. The record shows that, excepting Gray on Election Day, Jackson's petition sheets with larger numbers of signatures (particularly from Auburn) all include improbably high invalidation rates, including numerous sheets where most signatures were invalidated.

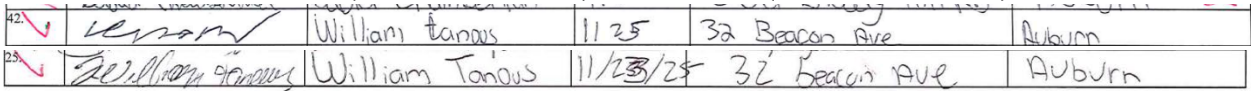
petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
329	AUBURN	11/25/2025	40	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	5	REG	20	DUP	0		25
7214	WATERVILLE	11/25/2025	3	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	20	ANO	0		22
330	AUBURN	11/25/2025	45	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	17	DUP	0		19
294	AUBURN	11/18/2025	47	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	4	REG	13	DUP	1	WD	18
3725	LEWISTON	11/18/2025	50	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	9	DUP	1	DATE	12
4831	OAKLAND	11/25/2025	17	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	7	DUP	1	WD	10
7662	WINDHAM	11/25/2025	19	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	3	DUP	1	WD	6
3866	LISBON	11/18/2025	7	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	3	REG	2	DUP	0		5
6911	TURNER	11/25/2025	21	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	2	DUP	0		4
2736	GRAY	11/4/2025	43	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	1	REG	1	DUP	0		2
2731	GRAY	11/11/2025	17	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	11	REG	0		0		11

Indeed, among all circulators for the ballot initiative, Jackson submitted the *three* petition sheets with the highest invalidation rates for duplication across the entire State—an improbable accomplishment if one assumes that all duplicates are the result of voters inadvertently signing twice, and thus likely to be randomly distributed among circulators.

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
329	AUBURN	11/25/2025	40	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	5	REG	20	DUP	0		25
330	AUBURN	11/25/2025	45	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	17	DUP	0		19
294	AUBURN	11/18/2025	47	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	4	REG	13	DUP	1	WD	18

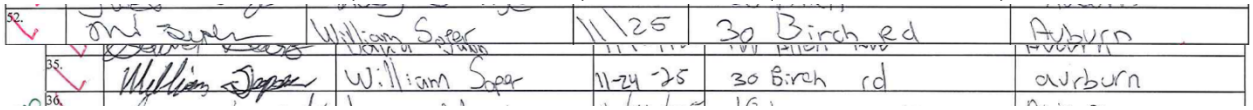
Once more, inspection of these petition sheets reveals discrepancies that are impossible to explain absent fraud, and for which no other party even tried to offer a plausible alternative explanation. In particular, Petition 329 (R.001700–71) shows an astounding degree of fraud. The following record excerpts compare signatures from that sheet to others also submitted by Jackson.

R.1700 (Pet. 329, Line 42) and R.1701 (Pet. 329, Line 25)



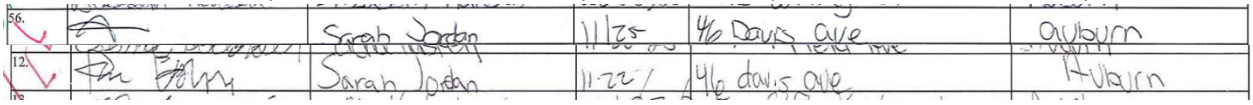
(Duplicative entry for William Tanous on the very same petition sheet, with visibly different signature)

R.1700 (Pet. 329, Line 52) and R.1697 (Pet. 330, Line 35)



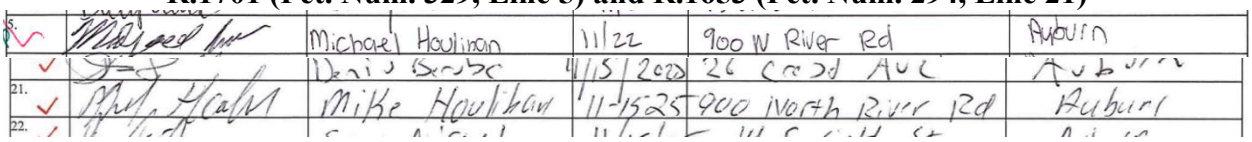
(Duplicative entry of William Soper with visibly different signatures, the second of which misspells Auburn as "aurburn")

R.1700 (Pet. Num. 329, Line 56) and R.1697 (Pet. Num. 330, Line 12)



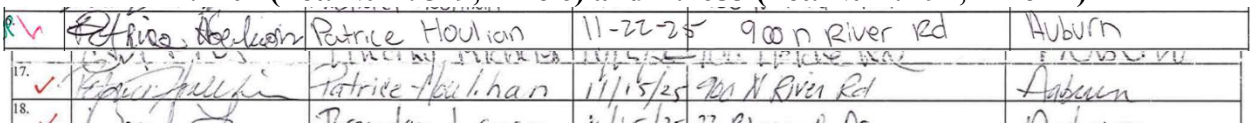
(Duplicative entry for Sarah Jordan, with fields seemingly pre-filled in same hand, but with visibly different signatures)

R.1701 (Pet. Num. 329, Line 5) and R.1653 (Pet. Num. 294, Line 21)



(Duplicative entry for Michael Houlihan with visibly distinct signatures)

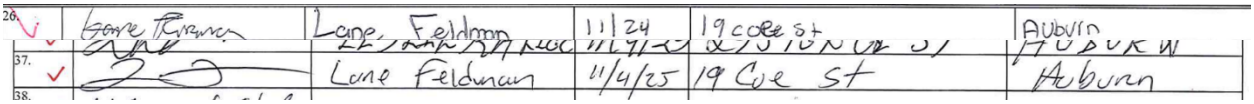
R.1701 (Pet. Num. 329, Line 6) and R.1653 (Pet. Num. 294, Line 17)



(Duplicative entry for Patrice Houlihan, with last name misspelled "Houlian," and visibly distinct signatures)

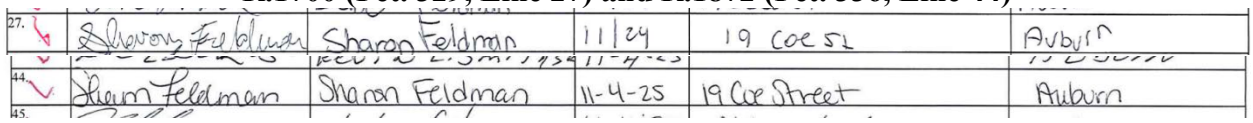
The following compare signatures from that sheet to sheets submitted by other circulators:

R.1700 (Pet. 329, Line 26) and R.1868 (Pet. 337, Line 37)



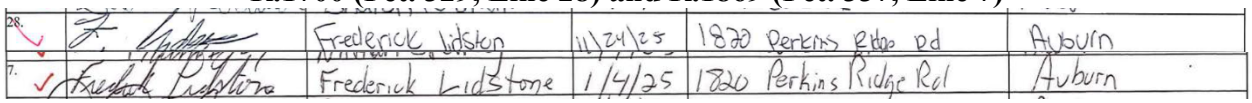
(Duplicative entry for Lane Feldman, with address misspelled as "Core" in one line, and visibly different signatures)

R.1700 (Pet. 329, Line 27) and R.1872 (Pet. 336, Line 44)



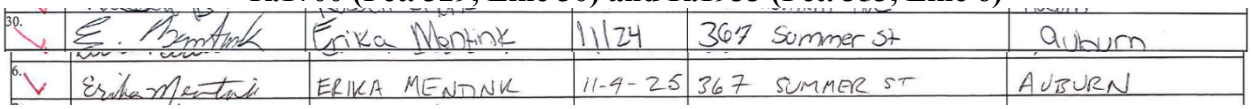
(Duplicative entry for Sharon Feldman with visibly different signatures)

R.1700 (Pet. 329, Line 28) and R.1869 (Pet. 337, Line 7)



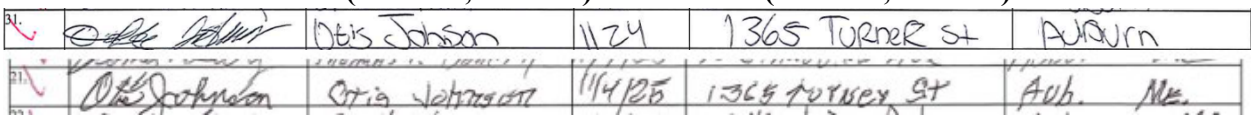
(Duplicative entry for Frederick Lidstone, with name spelled as "Lidston" in one instance, and visibly distinct signatures)

R.1700 (Pet. 329, Line 30) and R.1933 (Pet. 353, Line 6)



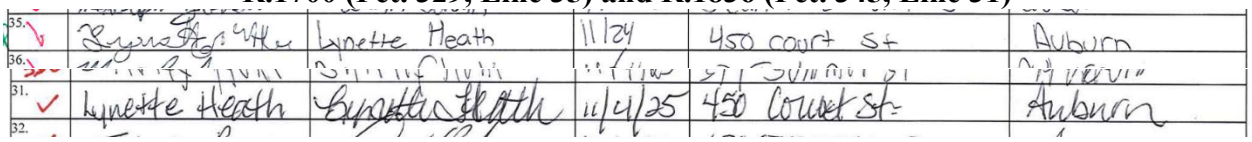
(Duplicative entry for Erika Mentink with visibly different signatures)

R.1700 (Pet. 329, Line 31) and R.1873 (Pet. 336, Line 21)



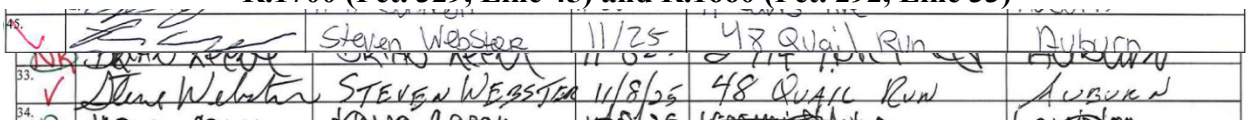
(Duplicative entry for Otis Johnson with visibly different signatures)

R.1700 (Pet. 329, Line 35) and R.1836 (Pet. 345, Line 31)



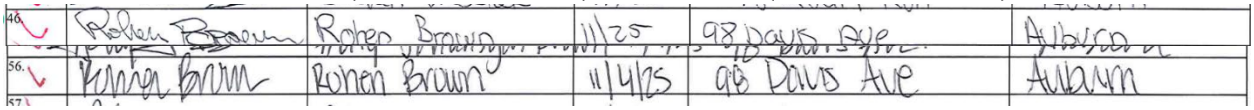
(Duplicative entry for Lynette Heath with visibly different signatures)

R.1700 (Pet. 329, Line 45) and R.1660 (Pet. 292, Line 33)



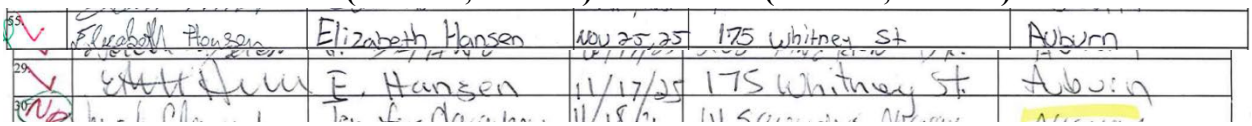
(Duplicative entry for Steven Webster with visibly different signature)

R.1700 (Pet. 329, Line 46) and R.1828 (Pet. 347, Line 56)



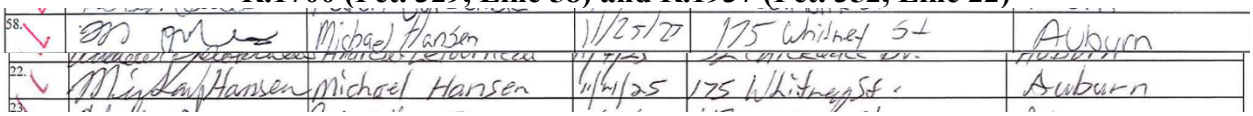
(Duplicative entry for Rohen Brown with visibly different signature)

R.1700 (Pet. 329, Line 55) and R.1644 (Pet. 296, Line 29)



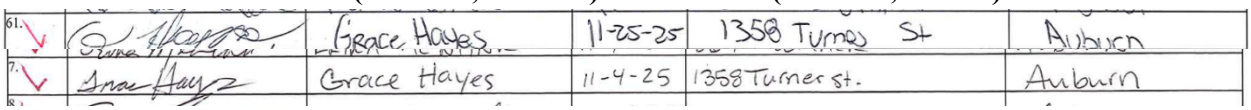
(Duplicative entry for Elizabeth Hansen with use of initial in one, but not the other, and visibly distinct signatures)

R.1700 (Pet. 329, Line 58) and R.1937 (Pet. 352, Line 22)



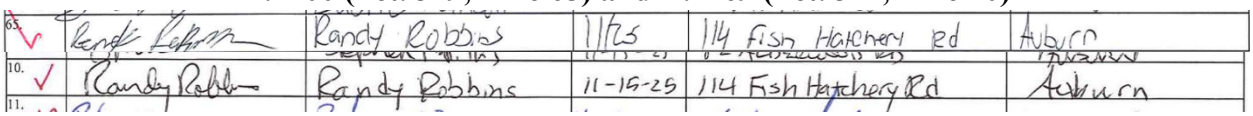
(Duplicative entry for Michael Hansen with visibly different signatures)

R.1700 (Pet. 329, Line 61) and R.1933 (Pet. 353, Line 7)



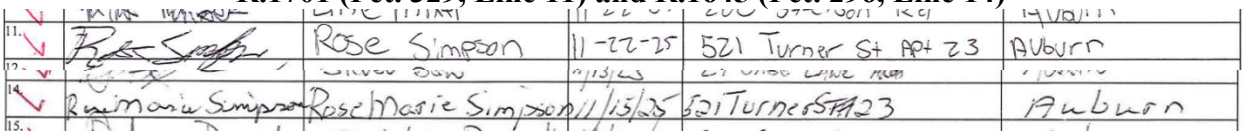
(Duplicative entry for Grace Hayes with visibly different signatures)

R.1700 (Pet. 329, Line 65) and R.1769 (Pet. 312, Line 10)



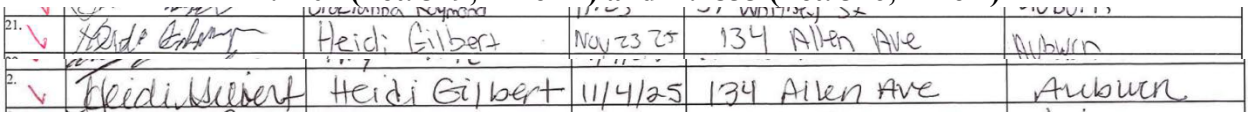
(Duplicative entry for Randy Robbins with visibly distinct signature)

R.1701 (Pet. 329, Line 11) and R.1645 (Pet. 296, Line 14)



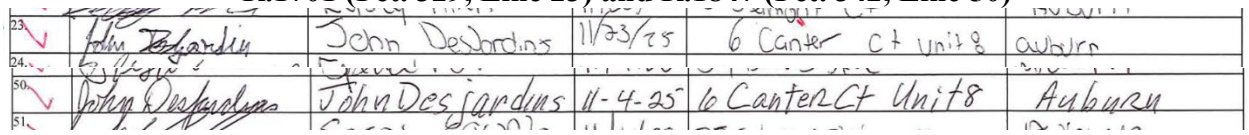
(Duplicative entry for Rose Simpson, with inconsistent use of middle name in both signature and printed name, inconsistent address conventions, and visibly different signatures)

R.1701 (Pet. 329, Line 21) and R.1833 (Pet. 346, Line 2)



(Duplicative entry for Heidi Gilbert with visibly different signatures)

R.1701 (Pet. 329, Line 23) and R.1847 (Pet. 342, Line 50)



(Duplicative entry for John DesJardins with visibly different signatures)

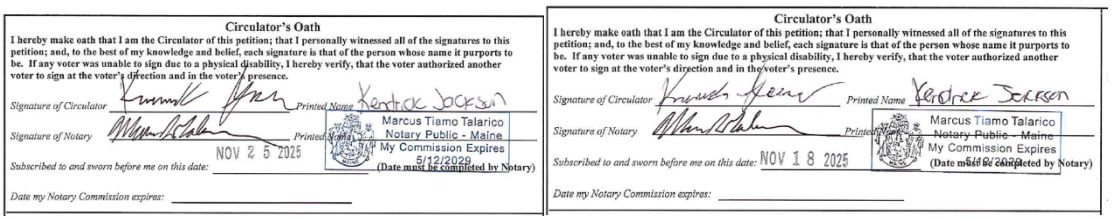
If these examples do not evince fraud, then the Court and the public are being asked to believe that various Mainers—beyond using visibly different signatures to sign the petition, sometimes even on the same sheet—serially misspelled their own last names, street names, and towns. Indeed, Petition 329 contains yet more indicia of obvious fraud. Three entries contain the notation "Lew" in red ink, reflecting that the addresses at issue—54 Old Greene Road, 8 Old Bloody Hill Road, and 15 Peter Boulevard—exist in Lewiston, rather than Auburn. It beggars belief that a *single* voter—never mind three who happened to sign in close succession to one another on the same sheet—forgot that they lived in Lewiston and mistakenly listed their residence

as in Auburn, all in the same handwriting no less.

39. NR		Rene Landry	11/24	54 old Greene Rd	Auburn
40.		Karen Michaud	11/24/25	16 belmont ct	auburn
41. NR	David Chamberlain	David Chamberlain	11/25	8 old Bloody Hill RD	Auburn
53. NR		Matthew tredway	11/25	15 Peter blvd	Auburn

In contrast, it makes perfect sense that Jackson—an out-of-state circulator who knew Lewiston and Auburn to be twin cities, R.033693—might confuse the two.

Petitioners never had an opportunity to properly examine Jackson about these problematic entries because he did not make himself available at the hearing by Zoom, purportedly due to being on an unidentified vessel somewhere in the Pacific Ocean. R.033657. Even so, Jackson's testimony via telephone revealed a lack of credibility, on things big and small. For example, Jackson testified to collecting "a lot of signatures" at the Bangor Christmas Parade (R.033673–74)—an event held on December 6, 2025—but his sole Bangor petition sheet was submitted on November 18 and contained just four signatures. R.002565. Similarly, counsel pressed Jackson to explain why many entries on his sheets included people misspelling their own name. When asked whether he sometimes misspells his own, such as with "two Ks instead of one," he said that "[i]t can happen." R.033676. Jackson, using language remarkably similar to that offered by Jean-Baptiste, also testified that his own signature can vary "depending on [his] mood." R.033687. Yet his own signatures on his petition oaths bear remarkable consistency, as shown below—a stark contrast to the visible dissimilarity between the numerous duplicative signatures that Jackson submitted.



Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator — Printed Name: Kendrick Jackson

Signature of Notary — Printed Name: Marcus Tiamo Talarico, Notary Public - Maine, My Commission Expires 5/12/2028

Subscribed to and sworn before me on this date: NOV 2 5 2025 (Date must be completed by Notary)

Date my Notary Commission expires:

Circulator's Oath

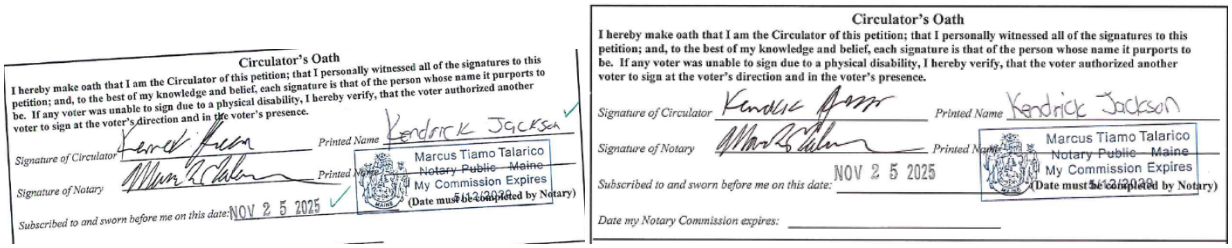
I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator — Printed Name: Kendrick Jackson

Signature of Notary — Printed Name: Marcus Tiamo Talarico, Notary Public - Maine, My Commission Expires 5/12/2028

Subscribed to and sworn before me on this date: NOV 1 8 2025 (Date must be completed by Notary)

Date my Notary Commission expires:



Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator — Printed Name: Kendrick Jackson

Signature of Notary — Printed Name: Marcus Tiamo Talarico, Notary Public Maine, My Commission Expires 5/12/2029

Subscribed to and sworn before me on this date: NOV 2 5 2025 (Date must be completed by Notary)

Date my Notary Commission expires:

See R.1701, R.1653, R.29163, R.1697. Jackson testified inconsistently on other points too. For example, he inadvertently admitted on direct examination that he sometimes saw "a wife . . . come by and sign for her [] husband," R.033662, but then when asked about this testimony on cross-examination insisted "I never said that a wife signed for her husband." R.033696.

Finally, Jackson discredited his own testimony in the same way Jean-Baptiste did by strenuously insisting he never prefilled petition sheets, or wrote in any field on his petition sheets. *See* R.033699–700. Counsel asked him if he "ever pre-fill[ed] any part of the petition sheets for people who signed them." R.033696. Jackson responded "Never." R.033697. Counsel then asked specifically about Auburn: "So there's no petition sheets you submitted where it looks like maybe the same person wrote out the name Auburn in all the lines?" *Id*. Jackson responded: "No." *Id*. But Jackson submitted many such petition sheets, with just a small sample below.

Printed Name of Circulator

Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26.	John Pullos	John Pullos	11.16.25	13 Charles St	Auburn
27.		Louise Griffa	11.16.25	2 chadin st	auburn
28.		Cindy Bowman	11.16.25	7 Clark St	Auburn
29.					
DUP 30.		Helene Gendell	11.16.25	16 Cliff St	Auburn
DUP 31.		Michael Gendell	11.16.25	16 Cliff St	Auburn
32.		Catherine Ramey	11.16.25	8 cliff St	Auburn
DUP 33.		Clarice Proctor	11/16/25	36 Cochman Ave	Auburn
DUP 34.		Nathaniel Proctor	11/16/25	36 cochman ave	auburn
35.		Archie Miller	11.16.25	19 Cochran Ave	Auburn
36.		Tina Miller	11.16.25	19 Cochman Ave	Auburn
37.		Donald Helwig	11/16/25	59 Cochman ave	Auburn
38.		Elaine Berry	11.16.25	1072 Lake Shore dr	Auburn
39.		Julie Francoeur	11.16.25	34 lewis Ln	auburn
40.		Linda Thibault	11/16/25	23 Mayfield rd	Auburn
41.		IAin Fumerton	11/16/25	523 Maple Hill Rd	Auburn
42.		holly stetson	11.16.25	2564 Hotel Rd	Auburn
43.		Sally Goodspeed	11.16.25	10 Groveland Rd 4	Auburn
44.		Joseph Foltz	11.16.2025	184 Howard St	Auburn
DUP 45.		Amy Lanois	11.16.25	109 Lake Auburn Ave	Auburn
46.		Joey Lanois	11.16.25	109 Lake Auburn Ave	Auburn
DUP 47.		Tony Lanois	11.16.25	69 Hanson dr	Auburn
48.		Sandra Wallingford	11/16/25	17 Jackson Hill Rd	Auburn
49.		Kyle Stone	11/16/25	10 Gracestone Rd Apt 212	Auburn
50.		Ralph Roland	11.16.25	74 Lake Auburn Ave	Auburn
51.		Melissa Keating	11.16.25	41 Bonsen Rd	Auburn
DUP 52.		John Bishop	11.16.25	66 Hathorne Ave	Auburn
DUP 53.		Alison Jarvis	11/16/2025	1779 Perkins Ridge Rd	Auburn
54.		Freda Freeman	11.16.25	1830 Perkins Ridge Rd	Auburn
DUP 55.		Lili Farral	11.16.25	18 plummer St	Auburn
56.		Brad Hall	11.16.25	100 N River Rd	Auburn
57.		Shirley Cotton	11.16.25	875 north River Road	Auburn
58.		Deborah Roberts	11.16.25	9 N RIVER RD 218	Auburn
59.		Kaitlyn Bilcher	11.16.25	8 Parker St	auburn
DUP 60.		Amy Wilkie	11/16/25	577 Pine Hill Rd	Auburn
DUP 61.		Gloria Gleason	11/16/25	9 mayfield rd	Auburn
62.		Tam Ha	11.16.25	37 newell Ave	Auburn
DUP 63.		Kyle Myers	11/16/25	47 Northern Ave	Auburn
64.		James Hinkman	11.16.25	443 Court St	Auburn
DUP 65.		Reginald Gardner	11.16.25	450 court St	Auburn

Printed Name of Circulator

Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

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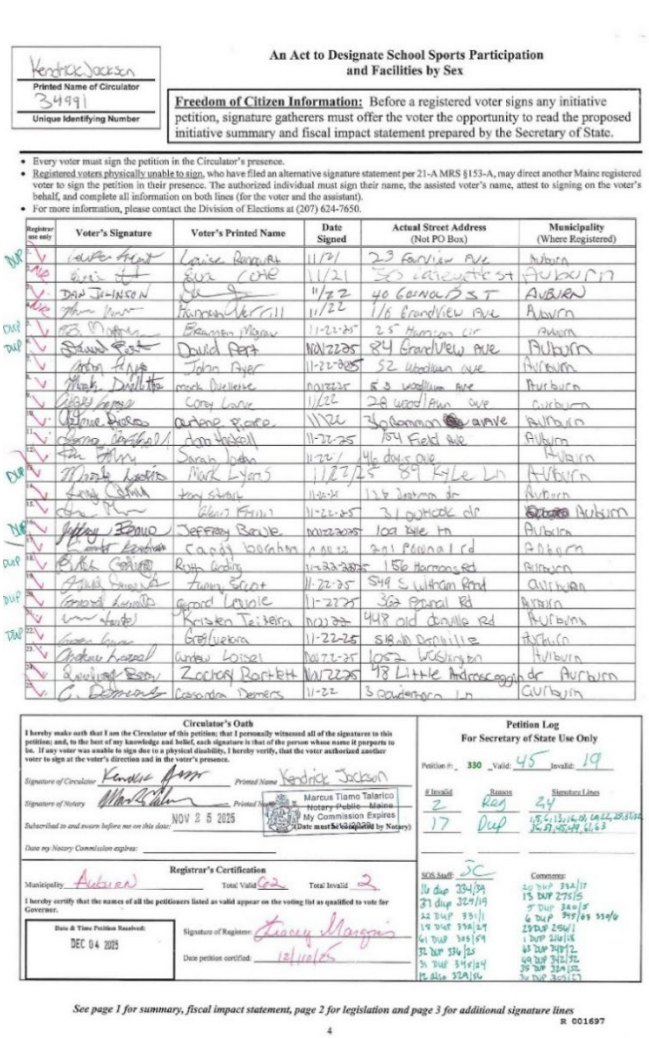
- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
1.		Jesse Lance	11-24-25	1 Rose ter	Auburn
2.		Daniel Wade	11/24/25	9 N River Road (6A)	Auburn
DUP 3.		Carroll Pullin	11-24	18 Cook St	AUBURN
4.		Thomas Lord	11-24	200 Stetson Rd	Auburn
5.		Charles Hargraves	11-24	33 Whitney corner Rd	auburn
DUP 6.		Richard Johnson	Nov 24	39 Ryans Way	Auburn
DUP 7.		Jane Johnson	11/24/25	39 Ryans way	Auburn
8.		Anthony Tozier	Nov 24	49 Whitney St	Auburn
9.		David Bagley	11/24/25	169 Allen Ave	Auburn
10.		William Soper	11-24-25	30 Birch rd	auburn
DUP 11.		Jeanne Wright	11/24/25	18 Brookside Cir	Auburn
DUP 12.		Tyler Boisvert	11/24/25	5 Taylor Ct	Auburn
13.		Louise Lord	11-24	200 Stetson Rd	Auburn
14.		Kenneth Rogers	11/25	599 Ct St	Auburn
15.		Phoebe Voisine	11/25	26 Crest Ave	auburn
16.		mark Bulley	11/25	165 Davis Ave	Auburn
17.		Karen Bulley	11/25	2025 160 davis ave	auburn
18.		Issac Forbes	11-25	33 davis st	Auburn
19.		charles Dix	11/25	151 Summer St	Auburn
DUP 20.		Peter Dingley	11/25	1017 Summer St	auburn
21.		Jessica Nixon	11/25	192 Stone Rd	auburn
22.		Flora Dotson	11-25-25	700 Stetson Rd	AUBURN
23.		Adan Abo	NOV 25	75 university St	Auburn
DUP 24.		Lawrence Robinson	NOV-25-25	56 E Watterman Rd	auburn
25.					
26.		michael strickland	nov 25 2025	32 whitney St	auburn
27.		Timothy Myers	11/25	3 whitman spring rd	Auburn
28.		Lovella Hood	11/25	105 Youngs corner rd	Auburn
29.		Kimberly Chesley	11/25	20 Allen Ave	Auburn
30.		Robert Chesley	11/25	20 Allen ave	Auburn
31.		Justin Mallard	NOV 25	71 Davis Ave	Auburn
32.		Steven Davilla	11-25	34 Davis Ave	Auburn
33.		donna Riley	11-24-25	24 Dexter Ave	auburn
34.		Amanda Surprenant	11-25	65 Fern St	Auburn
35.		Cynthia Forest	11/25	42 davis ave	auburn
DUP 36.		Megan Gray	11-25	67 Dennison St	Auburn
37.		Normand Poulette	11/25	101 Goff St	auburn
DUP 38.		Glen Rich	11-25	195 Danville Ave	Auburn
39.		Betty Lachance	11-25	41 Field ave	Auburn
40.		James Forrest	11-25	80 Davis ave	Auburn



An Act to Designate School Sports Participation and Facilities by Sex

Printed Name of Circulator: Kendrick Jackson
Unique Identifying Number: 34991

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Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
		Louise Bernard	11/21	23 Fairview Ave	Auburn
		Eliz Cote	11/21	30 Lafayette St	Auburn
		Dan Johnson	11/22	40 Grand St	Auburn
		Shannon Merrill	11/22	1/6 Grandview Ave	Auburn
		Shannon Merrill	11-22-25	25 Harrison Cir	Auburn
		David Pepe	NOV2225	84 Grandview Ave	Auburn
		John Ayer	11-22-2025	52 Woodlawn Ave	Auburn
		mark Ouellette	NOV2225	53 woodlawn Ave	Auburn
		Corey Lavoie	11/22	28 woodlawn ave	Auburn
		Arlene Pepe	11/22	36 woodlawn ave	Auburn
		dan tyndall	11-22-25	164 Field Ave	Auburn
		Sarah John	11-22-25	46 davis ave	Auburn
		Mark Lyons	11/22/25	89 Kyle Ln	Auburn
		tony Stasko	11-22-25	128 Jackson dr	Auburn
		Edwin Rivera	11-22-25	31 southside dr	Auburn
		Jeffrey Bowie	NOV22025	109 Elm St	Auburn
		Cindy Vaughan	11-22-25	201 Pennell rd	Auburn
		Ruth Godin	11-23-2025	156 Harmon Rd	Auburn
		Tammy Elliot	11-22-25	549 S Witham Road	Auburn
		Gerard Lavoie	11-22-25	367 Pownal Rd	Auburn
		Kristen Teixeira	NOV222	448 old danville rd	Auburn
		Gail Vickers	11-22-25	516 old Danville	Auburn
		Andrew Hassel	Nov22-25	1052 Washington	Auburn
		Zachary Bartlett	NOV2225	48 Little Androscoggin dr	Auburn
		Cassandra Demers	11-22	5 Saudenora Ln	Auburn

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator: Kendrick Jackson — Printed Name:
Signature of Notary: — Printed Name: Marcus Tiamo Talarico, Notary Public, Maine, My Commission Expires
Subscribed to and sworn before me on this date: NOV 2 5 2025 (Date must be completed by Notary)
Date my Notary Commission expires:

Registrar's Certification

Municipality: Auburn — Total Valid: 22 — Total Invalid: 2

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Date & Time Petition Received: DEC 04 2025
Signature of Registrar: Stacey Mangan
Date petition certified: 12/4/25

Petition Log
For Secretary of State Use Only

Petition #: 330 — Valid: 45 — Invalid: 19

# Invalid	Reason	Signature Lines
2	Ken	24
17	Dup	1,5,6,13,14,16,18,19,22,23,[illegible]

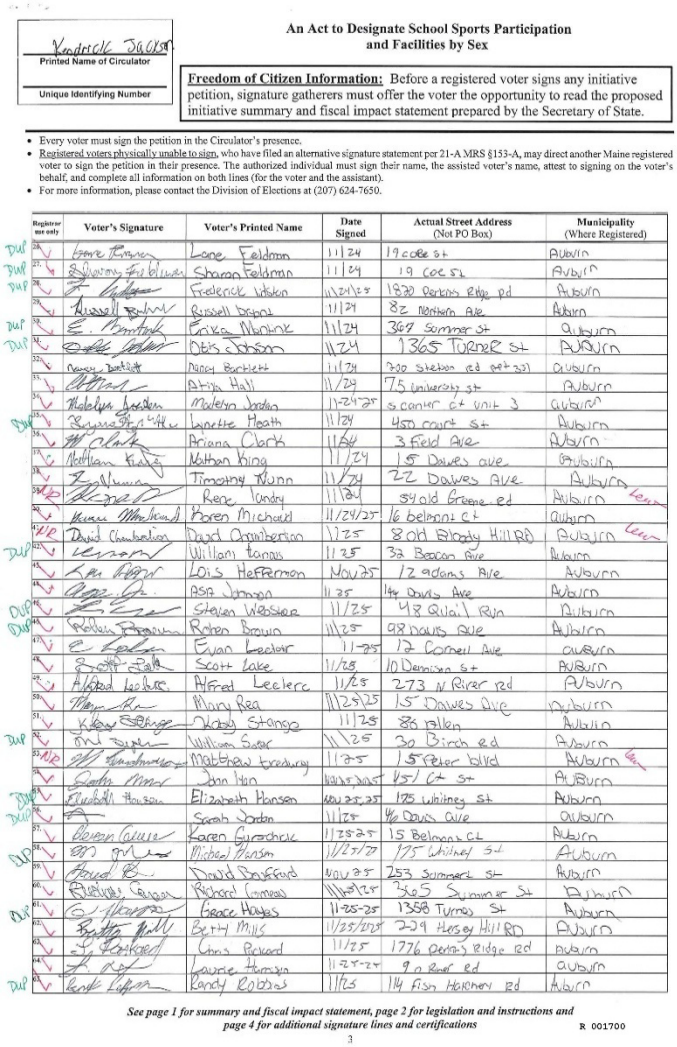
SOS Staff: JC

Comments:
- 2x Dup 324/19
- 15 DUP 275/5
- 1 DUP 320/5
- 6 DUP 307/05 324/6
- 23 DUP 296/1
- 1 DUP 318/16
- 4 DUP 307/12
- 19 DUP 324/32
- 20 DUP 324/32
- 2x DUP 303/13

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

R 001697

4



An Act to Designate School Sports Participation and Facilities by Sex

Printed Name of Circulator: Kendrick Jackson
Unique Identifying Number: 34991

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- For more information, please contact the Division of Elections at (207) 624-7650.

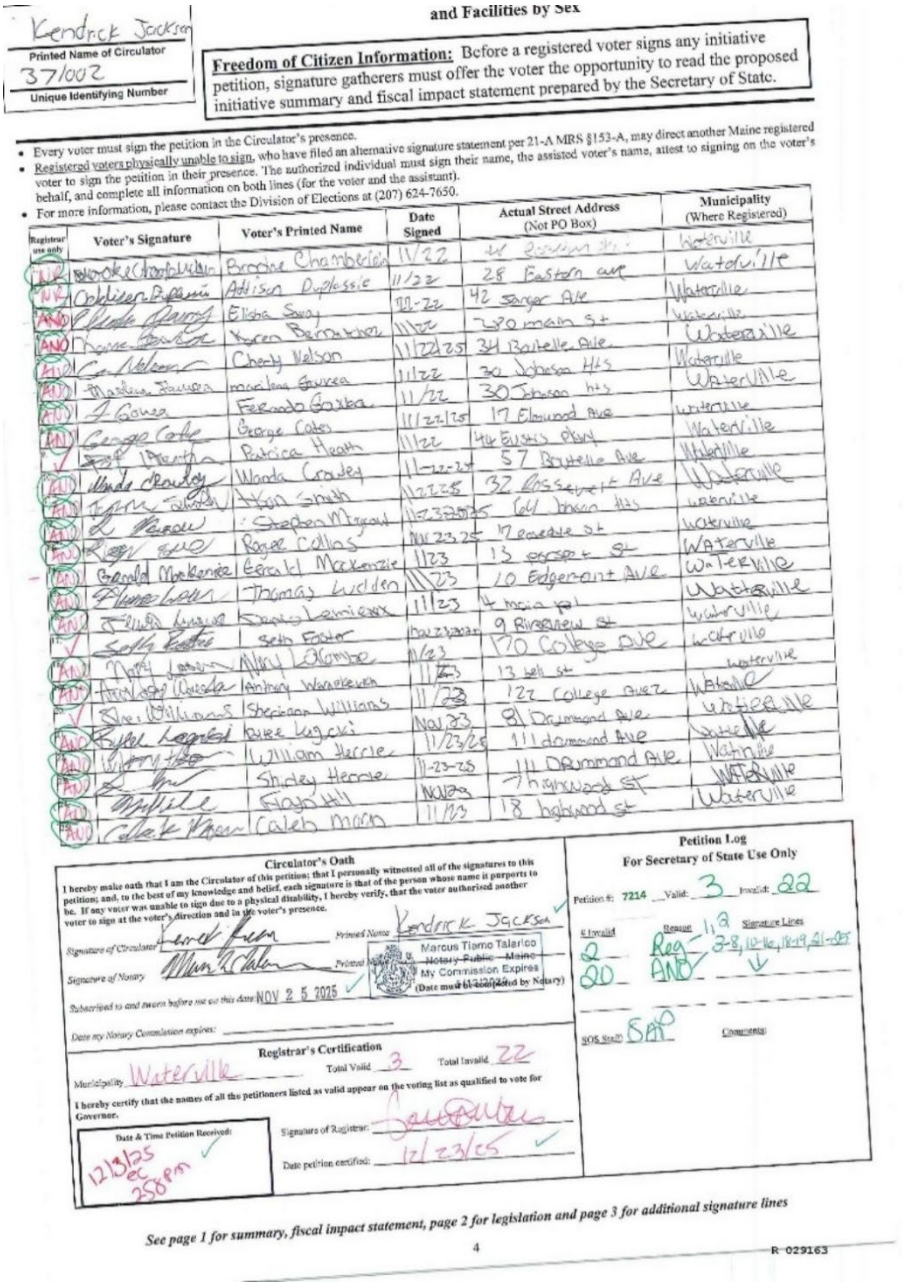
Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
		Lane Feldman	11/24	19 Cole St	Auburn
		Sharon Feldman	11/24	19 Cole St	Auburn
		Frederick Watson	11/24/25	1820 Perkins Ridge Rd	Auburn
		Russell Bryant	11/24	82 Northern Ave	Auburn
		Erika Mahlink	11/24	367 Summer St	Auburn
		Otis Johnson	11/24	1365 Turner St	Auburn
		Nancy Bartlett	11/24	320 Stetson Rd Apt 321	Auburn
		Aziz Hall	11/24	75 University St	Auburn
		Melvelyn Jordan	11-24-25	5 Center Ct Unit 3	Auburn
		Lynette Heath	11/24	450 court St	Auburn
		Ariana Clark	11/24	3 Field Ave	Auburn
		Nathan King	11/24	15 Dawes ave	Auburn
		Timothy Munn	11/24	22 Dawes Ave	Auburn
		Rene Vandry	11/24	54 old Greene rd	Auburn
		Karen Michaud	11/24/25	16 belmont Ct	Auburn
		David Chamberlain	11/25	8 Old Bloody Hill Rd	Auburn
		William Tanner	11/25	32 Beacon Ave	Auburn
		Lois Heffernon	Nov25	12 adams Ave	Auburn
		Asia Johnson	11/25	14 Davis Ave	Auburn
		Steven Webster	11/25	48 Quail Run	Auburn
		Robin Brown	11/25	98 davis Ave	Auburn
		Evan Leeder	11-25	12 Cornell Ave	Auburn
		Scott Lake	11/25	10 Dennison St	Auburn
		Alfred Leclerc	11/25	273 N River rd	Auburn
		Mary Rea	11/25/25	15 Dawes Ave	Auburn
		Kobb Stange	11/25	86 allen	Auburn
		William Soar	11/25	30 Birch rd	Auburn
		Matthew Treadway	11-25	15 Peter blvd	Auburn
		Jon Han	Nov25-2025	451 Ct St	Auburn
		Elizabeth Hansen	Nov 25-25	175 whitney St	Auburn
		Sarah Jordan	11/25	46 Davis Ave	Auburn
		Karen Gyrodnick	11-25-25	15 Belmont Ct	Auburn
		Michael Pinson	11/25/25	175 whitney St	Auburn
		David Bickford	Nov 25	253 summer St	Auburn
		Richard Cormier	Nov-25-25	365 Summer St	Auburn
		Grace Hayes	11-25-25	1358 Turner St	Auburn
		Beth Mills	11/25/2025	729 Hersey Hill RD	Auburn
		Chris Pickard	11/25	1776 Perkins Ridge rd	Auburn
		Laurie Hamlyn	11-25-25	9 n River rd	Auburn
		Randy Robbins	11/25	114 Fish Hatchery rd	Auburn

See page 1 for summary and fiscal impact statement, page 2 for legislation and instructions and page 4 for additional signature lines and certifications

R 001700

3

Counsel also asked Jackson if he "ever pre-fill[ed] a petition sheet for people in Waterville." R.033700. Jackson responded: "No." *Id*. Yet as his Waterville sheet shows, "Waterville" is plainly written in the same hand across the entire sheet. Jackson then made the same misrepresentation as to other fields, insisting he never wrote out the street address, date, or names on the Waterville sheet. *See id*. Relatedly, Jackson provided inconsistent testimony on whether he even visited Waterville, despite submitting a petition sheet from there that was obviously prefilled in one person's hand. *See* R.033674–76, R.033698–99. Given that 20 of 25 signatures on that sheet were invalidated as "ANO"—a rate that cannot plausibly be attributed to random chance—it is entirely possible that Jackson never visited Waterville.



Kendrick Jackson
Printed Name of Circulator
37/002
Unique Identifying Number

and Facilities by Sex

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- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
AW		Brooke Chamberlain	11/22	28 Easton ave	Waterville
AW		Addison Duplessie	11/22	42 Sanger Ave	Waterville
AW		Elisha Seay	11-22	480 main st	Waterville
AW		Karen Bernardin	11/22	34 Barrelle Ave	Waterville
AW		Cheryl Nelson	11/22/25	30 Johnson Hts	Waterville
AW		marilena fonseca	11/22	30 Johnson hts	Waterville
AW		Fernando Gonsa	11/22	17 Elmwood Ave	Waterville
AW		George Cates	11/22/25	4 Bussey Pkwy	Waterville
AW		Patricia Heath	11/22	57 Barrelle Ave	Waterville
AW		Wanda Crowley	11-22-25	32 Roosevelt Ave	Waterville
AW		Ryan Smith	11/22/25	60 Johnson Hts	Waterville
AW		Stephen Nygaard	11/23/25	17 Pleasant St	Waterville
AW		Roger Collins	Nov 23 25	13 Prospect St	Waterville
AW		Gerald Mackenzie	11/23	10 Edgemont Ave	Waterville
AW		Thomas Lucidon	11/23	4 main st	Waterville
AW		Shelly Lemieux	11/23/25	9 Riverview St	Waterville
AW		Seth Foster	Nov 23 2025	170 College Ave	Waterville
AW		Abby Colombo	11/23	13 bell st	Waterville
AW		Anthony Wentworth	11/23	122 College Ave	Waterville
AW		Sheridan Williams	Nov 23	91 Drummond Ave	Waterville
AW		Kyle Kuzyk	11/23/25	111 drummond Ave	Waterville
AW		William Herrick	11-23-25	111 Drummond Ave	Waterville
AW		Shirley Herrick	Nov 23	7 highwood St	Waterville
AW		Steph Hill	11/23	18 highwood st	Waterville
AW		Caleb Moon			

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator: [signature] Printed Name: Kendrick K. Jackson

Signature of Notary: [signature] Printed Name: Marcus Tiamo Talarico

Notary Public - Maine
My Commission Expires
(Date must be completed by Notary)

Subscribed to and sworn before me on this date: NOV 25 2025

Date my Notary Commission expires:

Registrar's Certification

Municipality: Waterville Total Valid: 3 Total Invalid: 22

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Date & Time Petition Received: 12/3/25 EC 2:58pm

Signature of Registrar: [signature]

Date petition certified: 12/23/25

Petition Log
For Secretary of State Use Only

Petition #: 7214 Valid: 3 Invalid: 22

# Invalid	Reason	Signature Lines
2	Reg	3-8, 10-16, 18-19, 21-05
20	AND	

SOS Staff: SAP Comments:

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

4

R-029163

Jackson's assertion that one person did not prefill his Waterville sheet asks this Court to "leave its common sense at the courthouse door." *State v. DesRosiers*, 2024 ME 77, ¶ 22, 327 A.3d 64.

In sum, the record shows that Jackson—after initially obtaining success on Election Day—struggled to collect signatures and thus resorted to easily spotted fraud. His testimony provided no serious explanation for these discrepancies, and revealed a glaring lack of credibility on a wide range of topics, including as to whether he prefilled petition sheets. The Secretary acknowledged

the "troubling" nature of Jackson's submissions and his lack of credibility, R.033348 n.13, yet chose not to order a limited and straightforward remedy likely to resolve the matter—double checking of Jackson's petition sheets (or at least those containing improbably high error rates) by Elections Division staff. The Court should fulfill its duty of maintaining the integrity of the initiative process by ordering that remedy, if petitions submitted by Jackson may be dispositive.

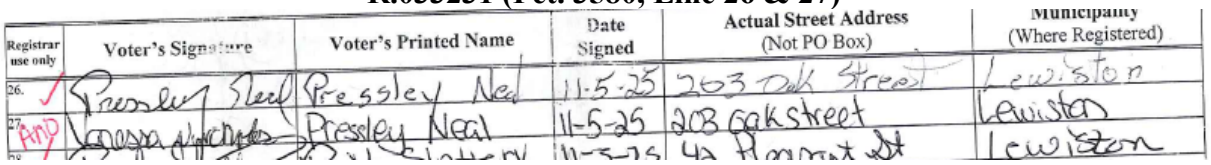
C. The Court should order a review of signatures submitted by Adam Turner given his pattern of ignoring circulator rules.

Turner's conduct as a circulator follows the well-worn pattern above. Of the 138 sheets Turner submitted, approximately 120 of them contained fewer than ten signatures. These petition sheets contained a substantial number of errors, including a few that were inexplicably comprised almost entirely of unregistered voters. *See, e.g.*, R.033167 (Petition 3564), R.014586–87 (Petition 3616), R.015663 (Petition 3876), R.011930 (Petition 2839). On their own, these errors might generously be attributed to random chance, bad luck, or inattentiveness. But once again, Turner's sheets with larger volumes of signatures consistently contain astonishingly high invalidation rates.

petnu	town	date	valic	c_fullname	n_fullname	invali	reaso	invali	reaso	invali	reaso	total invali
227	AUBURN	12/10/2025	27	TURNER, ADAM	TALARICO, MARCUS TIAMO	33	REG	3	DUP	0		36
3580	LEWISTON	11/11/2025	36	TURNER, ADAM	TALARICO, MARCUS TIAMO	26	REG	1	WD	1	ANO	28
3562	LEWISTON	11/18/2025	0	TURNER, ADAM	TALARICO, MARCUS TIAMO	21	REG	2	DUP	2	WD	25
3623	LEWISTON	12/10/2025	37	TURNER, ADAM	TALARICO, MARCUS TIAMO	19	REG	6	DUP	0		25
3625	LEWISTON	12/10/2025	16	TURNER, ADAM	TALARICO, MARCUS TIAMO	16	REG	1	DUP	0		17
3710	LEWISTON	11/25/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	14	REG	1	DUP	0		15
360	AUBURN	11/18/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	13	REG	0		0		13
313	AUBURN	12/2/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	12	REG	4	DUP	0		16
3566	LEWISTON	11/18/2025	14	TURNER, ADAM	TALARICO, MARCUS TIAMO	12	REG	2	DUP	1	WD	15
299	AUBURN	11/11/2025	12	TURNER, ADAM	TALARICO, MARCUS TIAMO	11	REG	2	WD	0		13
3564	LEWISTON	11/11/2025	2	TURNER, ADAM	TALARICO, MARCUS TIAMO	11	REG	1	DUP	0		12
3570	LEWISTON	12/2/2025	11	TURNER, ADAM	TALARICO, MARCUS TIAMO	8	REG	0		0		8
328	AUBURN	11/25/2025	17	TURNER, ADAM	TALARICO, MARCUS TIAMO	7	REG	8	DUP	0		15
3616	LEWISTON	12/10/2025	5	TURNER, ADAM	TALARICO, MARCUS TIAMO	7	REG	0		0		7
3905	LISBON	12/10/2025	12	TURNER, ADAM	TALARICO, MARCUS TIAMO	6	REG	1	SIG	0		7
7794	WINSLOW	11/25/2025	5	TURNER, ADAM	TALARICO, MARCUS TIAMO	6	REG	2	DUP	0		8
6846	TURNER	11/18/2025	11	TURNER, ADAM	TALARICO, MARCUS TIAMO	5	REG	1	DUP	0		6

This includes sheets with suspicious duplicative signatures, as well as sheets with improbably high numbers of signatories who were not registered to vote, suggesting Turner obtained their information from another source without verifying their registration status. And, notably, many of Turner's duplicates implicate Jackson and Baptiste as well. Below are examples of signatures from Turner that bear clear indicia of fraud.

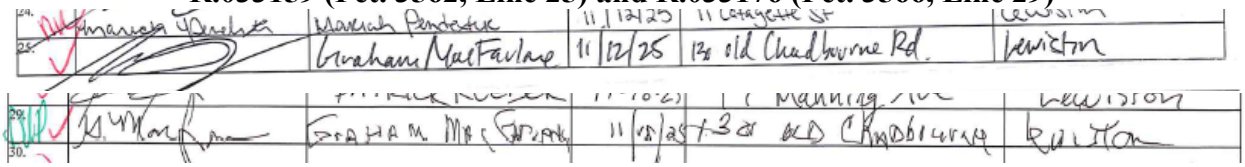
R.033231 (Pet. 3580, Line 26 & 27)



Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26.	Pressley Neal	Pressley Neal	11-5-25	203 Oak Street	Lewiston
27. AMD	Vanessa [illegible]	Pressley Neal	11-5-25	203 Oak street	Lewiston

(Sequential entries with name printed as "Pressley Neal," but the second is signed by a "Vanessa")

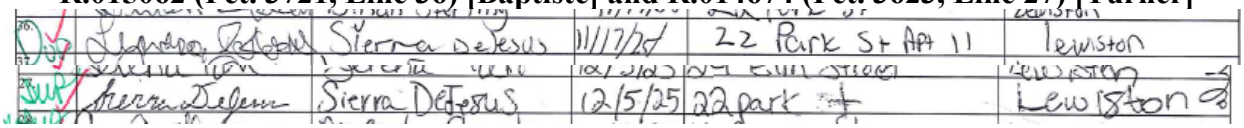
R.033159 (Pet. 3562, Line 25) and R.033176 (Pet. 3566, Line 29)



25.	[signature]	Graham MacFarland	11/12/25	12 old Chadbourne Rd.	lewiston
29. SWF	[signature]	GRAHAM MacFARLAND	11/12/25	12 old Chadbourne Rd	Lewiston

(Duplicative entries for Graham MacFarland with obviously different signatures)

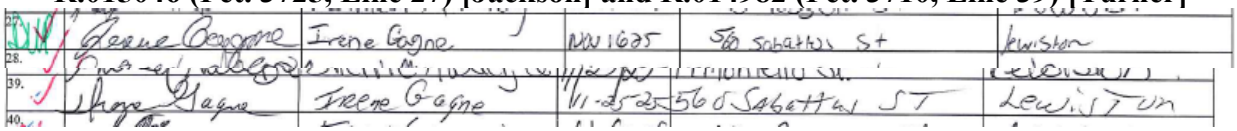
R.015062 (Pet. 3721, Line 36) [Baptiste] and R.014674 (Pet. 3623, Line 27) [Turner]



26. DJB	[signature]	Sierra DeJesus	11/17/25	22 Park St Apt 11	Lewiston
28. SWF	[signature]	Sierra DeJesus	12/5/25	22 park st	Lewiston

(Duplicative entries for Sierra DeJesus from Baptiste and Turner with notably different signatures)

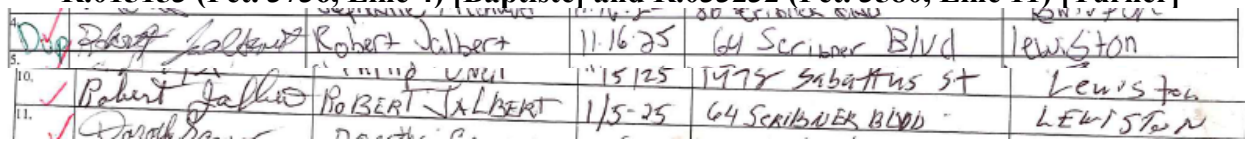
R.015046 (Pet. 3725, Line 27) [Jackson] and R.014982 (Pet. 3710, Line 39) [Turner]



27. SWF	[signature]	Irene Gagne	NW 1635	56 Sabattus St	lewiston
39.	[signature]	Irene Gagne	11-25-25	56 Sabattus ST	Lewiston

(Duplicative entry for Irene Gange with distinct signatures from Jackson and Turner)

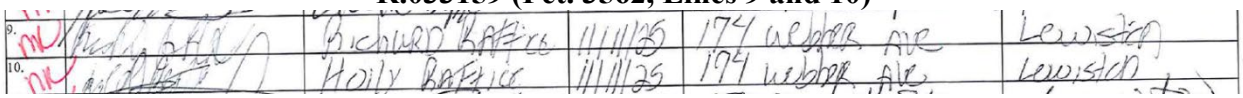
R.015153 (Pet. 3736, Line 4) [Baptiste] and R.033232 (Pet. 3580, Line 11) [Turner]



4. DJB	[signature]	Robert Jalbert	11.16.25	64 Scribner Blvd	lewiston
11.	Robert Jalbert	ROBERT JALBERT	1/5-25	64 SCRIBNER BLVD	LEWISTON

(Duplicative entries from Baptiste and Turner for Robert Jalbert with different signatures)

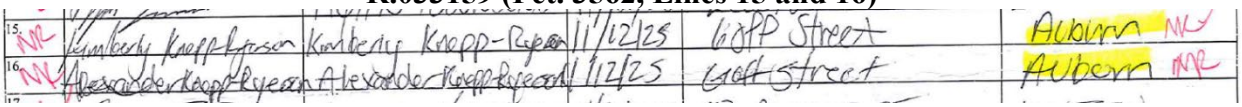
R.033159 (Pet. 3562, Lines 9 and 10)



9. MC	[signature]	Richard Bates	11/11/25	174 webber ave	Lewiston
10. MC	[signature]	Holly Bates	11/11/25	174 webber Ave	Lewiston

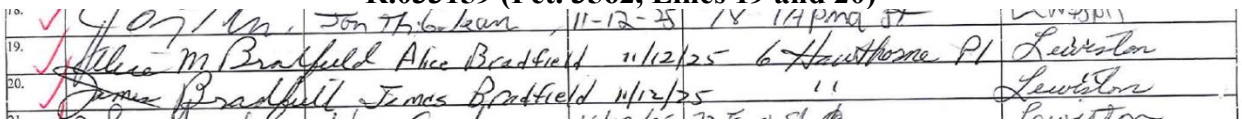
(Signatures for Richard and Holly made in same hand)

R.033159 (Pet. 3562, Lines 15 and 16)



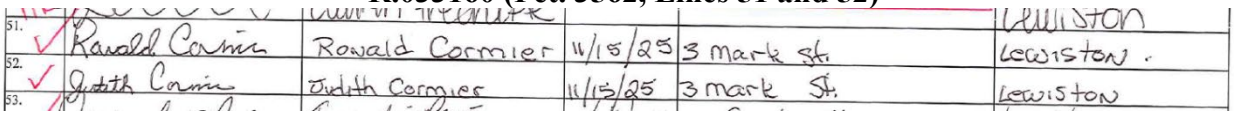
(Signatures for Alexander and Kimberly Knapp-Ryan made in same hand)

R.033159 (Pet. 3562, Lines 19 and 20)



(Signatures for Alice and James Bradfield made in same hand)

R.033160 (Pet. 3562, Lines 51 and 52)



(Signatures for Ronald and Judith Cormier made in same hand)

In sum, Turner submitted a substantial number of petition sheets that reflect clear indicia of wrongdoing and which undercut the oath sworn on the relevant petition sheets, including as to whether Turner personally witnessed each signature and as to whether each signature is that of the person whose name it purports to be. Turner himself did not appear at the hearing to address this record evidence, despite appearing on both parties' witness lists. The Court should, as with Jean-Baptiste and Jackson, order the Secretary to review Turner's signatures, if they should prove outcome determinative in this litigation.

III. The Court should, if necessary, require invalidation of additional signatures in response to Petitioners' preserved challenges.

Petitioners have also lodged several other meritorious challenges in these proceedings—challenges that the Secretary opted not to address or revisit on remand but that nonetheless require invalidating thousands of additional signatures as a matter of law. To be clear, these challenges need not disrupt the Revised Determination as it stands—they simply provide *more* reasons for ultimately affirming the outcome reached by the Secretary. Petitioners therefore seek further review of these preserved challenges—*i.e.*, Challenges 1, 5, 14, 15, 18, 20, and 21—only in the

unlikely event that PGS succeeds in reversing enough other invalidations as to threaten resuscitation of the Measure. *See* R.034045–53.[4] In other words, even if PGS prevails on certain issues, there remains a series of additional, insurmountable hurdles in the way of reversing the Secretary's Revised Determination. These challenges are briefly summarized below.

A. Challenge 1: Signatures submitted by petition organizations that failed to comply with basic registration requirements are invalid.

Starting with Challenge 1, the record establishes beyond dispute that three out-of-state petition organizations that collectively submitted more than 50,000 signatures (including some that have been invalidated independently due to fraud) violated clear circulator registration mandates. As Petitioners have shown, these organizations ("1st Amendment Pros," "Canyon State Marketing," and "Morning in America") failed to register to do business in Maine, failed to disclose how their circulators were paid, and (in the case of 1st Amendment Pros) relied on a fictitious business address—all in violation of clear statutory requirements. *See* 21-A M.R.S. § 903-C; *see also* Pets.' Rule 80C Br. 13–16 (Apr. 10, 2026) ("Pets.' Br."). There is also hardly any dispute that a straightforward application of Maine law requires invalidating the signatures submitted by these groups. Pets.' Rule 80C Reply 6–9 (Apr. 22, 2026) ("Pets.' Reply"); *see also* SOS Rule 80C Br. 11 (Apr. 17, 2024) ("SOS Br.") (conceding Secretary's policy should be updated to require invalidation in the future).

Nonetheless, apparently wary of enforcing the law as written because of the sheer number of signatures affected by the failures in this case, the Secretary's office previously suggested that

[4] While this Court briefly passed on these challenges in its remand order, largely accepting the various legal positions advanced by the Secretary, the Court is free to revise its conclusions to conform to governing law—and it *must* do so if the challenges become outcome-determinative. *See* Me. R. Civ. Proc. 54(b)(1); *Wilcox v. City of Portland*, 2009 ME 53, ¶ 17, 970 A.2d 295, 299 (explaining that any ruling may be "reopened and reviewed by the trial court at any time before final judgment"); *see also Trump v. Sec'y of State*, 2024 ME 5, ¶ 24, 307 A.3d 1089, 1099 (holding that rulings in remand orders are not "final judgments") (citing Me. R. Civ. Proc. 80C(m)).

this result can be avoided either because Petitioners somehow "waived" the challenge altogether, or because the registration provision should not be enforced *this time* because the Secretary's office has not historically enforced the law as written. *See* SOS Br. 8–12. Neither theory can be squared with governing law and—should the issue become outcome-determinative—the Court should reject them and resolve the merits for Petitioners.

1. A finding that Petitioners waived Challenge 1 would defy the general pleading standard and the basic structure of APA review.

To start, Petitioners did not "waive" Challenge 1. As the Court itself observed, Petitioners "expressly" pleaded in their Petition that organizations must properly register with the Secretary prior to circulating any petitions. Decision and Order 10 (Apr. 24, 2026) (citing Pet. ¶ 27). Petitioners also alleged expressly that the organizations at issue here fell short of the circulator requirements of Maine law "at nearly every turn," and that this Court must reverse the Secretary's approval of all petitions that fail to "satisfy the governing legal requirements." Pet. ¶¶ 3, 37–38. Petitioners further alleged expressly that the administrative record would help bring into focus specifics of violations the public record only partially revealed. *Id.* ¶¶ 3 & n.1, 7–8 & n.2.

While it is true that Petitioners included more detail about other challenges for which more information was available at the time of filing, *see* Decision and Order 10 (Apr. 24, 2026), that fact does not alter the pleading standard, *see Sewall v. Spinney Creek Oyster Co.*, 421 A.2d 36, 38 (Me. 1980) (holding the Rules of Civil Procedure governing pleadings apply to petitions for review of agency action under the APA). Petitioners' burden at that stage was merely to provide a concise statement of the grounds for relief. *Id.* (citing 5 M.R.S. § 11002(2)). And the Petition expressly provides notice that Petitioners would press violations of the registration provisions that were ascertainable from the record. Pet. ¶¶ 3, 7–8, 27, 37–38.

Indeed, because of the petition organizations' failure to make proper disclosures before this lawsuit, Petitioners could *not* have included the full breadth of their allegations under Challenge 1 in the Petition—much of that information was unavailable until the record was later produced. *See* Pets.' Reply 9–13; *see also* R.30–41, 46–51. Nor does anything in Rule 80C or the Maine APA require Petitioners to plead this issue with the level of granularity that the Secretary appears to demand. *See Mutty v. Dep't of Corr.*, 2017 ME 7, ¶ 13, 153 A.3d 775 (reversing dismissal of petition that was based on petitioner's failure to "include content not required by 5 M.R.S. § 11002"). Indeed, under those rules, a petitioner's obligation to delineate the precise scope of their challenge attaches with the "[f]iling of briefs"—not the Petition itself—because only after the Petition is filed does the record actually become available to all parties, Me. R. Civ. Proc. 80C(g); *see also* Pets.' Reply 12 (citing *York Hosp. v. Dep't of Human Servs.*, 2005 ME 41, ¶¶ 20–23, 869 A.2d 729). Petitioners here have, in turn, diligently advanced this challenge at every stage since the record was produced, *see* Pets.' Br. 13–16, Pets.' Reply 6–9; *see also* R.033872 (Post-Hearing Brief); R.034052 (Objections), and even requested leave to amend if the Court viewed such a step as procedurally "necessary," Pets.' Reply 13 n.4 (citing *Anderson v. Cigna Healthcare of Maine*, No. CV-04-685, 2005 WL 3340127, at *2 (Me. Super. Oct. 27, 2005)).

Finally, waiver typically applies only when opposing parties are prejudiced—a claim no party has made (or could make) here. Both the Secretary and PGS were not even obliged to respond to Petitioners' argument on Challenge 1 until after Petitioners extensively detailed it in their opening brief, meaning they suffered no prejudice. In the absence of such prejudice, "[t]here is a

strong preference in [Maine] law for deciding cases on the merits." *Thomas v. Thompson*, 653 A.2d 417, 420 (Me. 1995).[5]

2. The Court should enforce Maine's registration requirements, if necessary.

The Court should, if necessary, reach the merits of Challenge 1 and conclude that the 53,424 signatures on petitions circulated by 1st Amendment Pros, Canyon State Marketing, and Morning in America must be invalidated due to their failures to satisfy the basic registration requirements of § 903-C. The facts underlying this challenge are almost entirely undisputed. Even though such organizations must satisfy "requirement[s] to transact business in this State," *id.*, the Corporate Search database maintained by the Secretary's office shows that none of these foreign LLCs registered in Maine, *see Seymour v. Seymour*, 2021 ME 60, ¶ 12, 263 A.3d 1079 (holding courts may take judicial notice of information on official government websites). Neither the Secretary nor PGS even claim that these organizations *did* comply with § 903-C—the point is uncontested. As for the failure to indicate the method by which circulators were paid, *none* of the petition organizations disclosed such information on their registration forms, as required by § 903-C(1)(D). *See* R.0028–29, R.0032–45. Instead, the record contains only a stray document—written in green ink and purporting to be from the Measure's sponsor (but notably not from any agent from the petition organizations themselves)—claiming circulators were paid per signature. *See* R.0051. No party has argued this satisfies § 903-C(1)(D) and it plainly does not. *See* SOS Br. 12 (suggesting

[5] While the Court did not reach the issue, the Secretary also previously suggested that Petitioners may have waived this challenge by failing to raise it prior to her initial Determination of Validity. *See* SOS Br. 9–10. As Petitioners explained in their Reply, however, no authority supports this suggestion: It is well established that neither the Secretary nor this Court can impose a mandatory exhaustion requirement where the Legislature prescribed none in the relevant judicial review provision. Pets.' Reply 10–11. Cases that have imposed such requirements involve challenges to administrative action that, unlike here, involved formal proceedings or adjudications where parties had an affirmative opportunity or obligation to participate at the administrative level. *See id.*

only that this evidence should be "deemed adequate" in the circumstances of this case); *see generally* PGS Rule 80C Br. (April 17, 2026) ("PGS Br.") (not addressing issue).

As Petitioners have explained, these violations are not *de minimis* errors: Maine law *mandates* disclosure of specific information on registration forms specifically to facilitate public inspection and to preserve the integrity of the ballot-initiative process. *See* 21-A M.R.S. § 903-C(1) (circulator organizations "*shall* register . . . in accordance with this section" and must "meet[] any *other* requirement to transact business in this State") (emphases added); *see also* Pets.' Reply 8 (citing *Knutson*, 2008 ME 124, ¶ 24, 954 A.2d 1054). The remedy is just as clear: "the law requires the invalidation of the petition upon demonstration of noncompliance, regardless of scienter." *Knutson*, 2008 ME 124, ¶ 24, 954 A.2d 1054.

Any suggestion that invalidation is not the appropriate remedy merely because the requirement has not been strictly enforced in the past must be rejected. *See* SOS Br. 11. Indeed, the Secretary does not claim the statute is ambiguous, nor does the Secretary dispute that the law compels invalidation. *See id.* The Secretary and this Court may view this outcome as harsh in the "context" of this case because the Secretary's registration materials have to date not specifically noted that such a remedy inures for violations, *see* Decision and Order 10 & n.1 (Apr. 24, 2026) (quoting SOS Br. 11), but the plain language of the statute imposes these mandatory obligations *on the circulator organizations*, and neither the Secretary nor this Court have discretion to dispense with such statutory requirements, *see* Pets.' Reply 7 (citing 21-A M.R.S. § 7); *see also* Pets.' Br. 16–17 (citing *Knutson*, 2008 ME 124, ¶ 24, 954 A.2d 1054).

B. Challenge 5: Circulator affidavits notarized by notaries with conflicts of interest are invalid.

Petitioners should also succeed on Challenge 5, which concerns two circulator affidavits notarized by circulators Robert De Clercq and Patrick Harrington, who previously "[p]rovid[ed]

services other than notarial acts" to the Measure and thus were "not authorized to administer an oath or affirmation to the circulator of a petition under section 902." 21-A M.R.S. § 903-E; 4 M.R.S. § 1904(5); *see also* Pets.' Br. at 21. The Secretary agrees in connection with *Challenge 6* that § 903-E requires invalidating the oaths on individual *petition sheets* notarized by De Clercq and Harrington, but the Secretary's office has maintained to date that the statute allowed these conflicted circulators to notarize *circulator affidavits*, *see* SOS Br. 14–15; R.033355–56 (maintaining this position on remand). As Petitioners have explained, that distinction is not supported by the plain text of § 903-E. *See* Pets.' Br. 21–22. And this Court previously agreed with the Secretary's approach based solely on the notion that she enjoys discretion to construe the statutory requirement in this bifurcated manner. *See* Decision and Order 13–14 (Apr. 24, 2026). That conclusion is, respectfully, an error of law that the Court should revisit as necessary.

Section 903-E provides as follows: "A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation *to the circulator of a petition* under section 902" if they previously provided non-notarial services to the campaign. 21-A M.R.S. § 903-E (emphasis added). In the Secretary's view, the provision's inclusion of the term "under section 902" limits the statute's prohibition only to the administration of the specific "oath on the petition form" prescribed by that section. SOS Br. 14–15 (quoting 21-A M.R.S. § 903-E). But, as Petitioners have explained, that argument relies on a misunderstanding of the statutory syntax and thus contradicts the provision's plain meaning. *See* Pets.' Reply 13–14; Pets.' Br. 21. And even if the language were ambiguous—it is not—the Secretary's interpretation is not reasonable in light of the purpose and structure of the statute, as construed by the Law Court, which is to prohibit notaries with conflicts of interest from assisting initiative campaigns.

A straightforward reading of § 903-E reveals that "the circulator" is the object "to" whom a disqualified notary "is not authorized" to administer an oath. In other words, §903-E prohibits administering an oath to a category of *person*—a circulator—rather than prohibiting administering the oath on a specific *form* or under a specific *provision*, as the Secretary urges. Put another way, § 903-E answers *to whom* a disqualified notary is barred from administering an oath. Had the Legislature intended to draft § 903-E as the Secretary reads it, it easily could have done so by simply omitting the phrase "to the circulator" and straightforwardly prohibiting administration of oaths "under section 902." But it did not do so, and the Secretary's contrary reading erases the phrase "to the circulator" from the statute. *See* Pets.' Reply 14–15 (citing *Carrier v. Sec'y of State*, 2012 ME 142, ¶ 12, 60 A.3d 1241; *State v. Dubois Livestock, Inc.*, 2017 ME 223, ¶ 6, 174 A.3d 308). Neither the Secretary's briefing, nor this Court's earlier analysis, grapples with these textual points. *See* SOS Br. 15; R.033355–56; *see also* Decision and Order 13–14 (Apr. 24, 2026).

Even on the Secretary's own theory, a circulator who executes an affidavit under § 903-A(4) remains a "circulator of a petition under section 902." 21-A M.R.S. § 903-E. Section 903-A(4) does not create a separate species of circulator; it imposes an additional obligation on the circulator under § 902, who must swear in that affidavit that she "compl[ied] with the provisions of section 902." 21-A M.R.S. § 903-A. Section 903-A itself repeatedly refers to the "circulator of a petition" or the "circulator of the petition," confirming that the Legislature used this phrasing throughout Title 21-A to refer to a category of person engaged in the circulating process. 21-A M.R.S. § 903-A. And it further reflects the same syntactical formulation as § 903-E, where "circulator" is used as a noun and "of a petition" specifies the kind of circulator at issue. The phrase "of a petition under section 902" in § 903-E is thus satisfied by the circulator's status as someone engaged in the § 902 process, regardless of what document the conflicted notary is asked to

notarize on the circulator's behalf and in connection with the campaign. *See* Pets.' Reply 14–15 (explaining that this understanding is consistent with the broader statutory scheme).

This conclusion is supported by *Reed v. Secretary of State*, which held that petition sheets notarized by disqualified notaries must be invalidated. 2020 ME 57, ¶ 19, 232 A.3d 202. The Court previously accepted the Secretary's effort to "distinguish[]" *Reed* because the case involved only individual petition sheets rather than circulator affidavits. Decision and Order 13–14 (Apr. 24, 2026). But that incidental fact does not cut either way here—nothing in *Reed* suggests circulator affidavits were even at issue. More importantly, the Law Court's reasoning in *Reed* supports invalidating the affidavits at issue here. There, the Law Court explained that invalidating petition sheets lacking a compliant notarization "rationally advances the legislative purpose of discouraging fraudulent notarizations by prohibiting the use of notaries who have a demonstrable conflict of interest *at the time of their notarial acts* in connection with the campaign." 2020 ME 57, ¶ 21, 232 A.3d 202 (emphasis in original). The Court did not distinguish between "notarial acts," so long as they were "in connection with the campaign." *Id.*; *see also id.* ¶ 17 (explaining that courts cannot accept interpretations that would "defeat the obvious legislative purpose of discouraging fraudulent notarizations *related to direct initiative campaigns*") (emphasis added).

This reasoning plainly supports Petitioners—there is no sensible reason why a notary with a conflict of interest should be able to notarize one kind of document for a ballot measure campaign (circulator affidavits) but not others (petition sheets). The Secretary *agrees* on this point, acknowledging that there is a "strong policy argument" in favor of Petitioners' view. SOS Br. 15. Thus, only Petitioners' view is both consistent with statutory text and statutory purpose. The Secretary is not entitled to deference in the face of clear statutory language, never mind to adopt an interpretation that fails to rationally advance the agreed upon purpose of § 903-E. *See Snakeroot*

Solar, 2025 ME 64, ¶ 26, 340 A.3d 99 (explaining an agency only receives deference when a statute is ambiguous and their construction is reasonable).

To the extent PGS suggests (as it did its objections, *see* R.34071) that enforcing Maine's circulator conflict-of-interest law—in connection with either Challenge 5 or Challenge 6—would violate the First Amendment, the argument goes nowhere. Most fundamentally, § 903-E does not burden speech; it regulates professional conduct by notaries. Indeed, De Clercq and Harrington were free to circulate as many petitions as they wished. Petitioners do not even seek to invalidate De Clercq's and Harrington's petition sheets, but rather those they improperly notarized for others despite having known conflicts. *See* Pet. ¶¶ 89–90. Consistent with that understanding, the Law Court readily enforced § 903-E just a few years ago in *Reed* by holding that invalidating signatures on petition sheets submitted in violation of the restriction was an appropriately tailored remedy, 2020 ME 57, ¶ 16, 232 A.3d 202. And the mere fact that the ballot initiative system in Maine is intended to "encourage . . . participatory democracy" generally, R.034070 (quoting *McGee v. Sec'y of State*, 2006 ME 50, ¶ 24, 896 A.2d 933), does not erase the State's legitimate interest in enforcing its specific notary rules, *see also* Pets.' Reply 5 (citing *Fla. Bar v. Went For It, Inc.*, 515 U.S. 618, 625 (1995)). Even if it were true that enforcement of these notary rules has some incidental impact on protected rights, PGS has tellingly pointed to no authority holding that enforcement of rules like those in § 903-E violate either a state constitution or the federal Constitution. *See* R.034070–71; PGS Br. 13–14.

The Court should therefore—if necessary—rule for Petitioners on Challenge 5 and invalidate all signatures submitted by circulators whose affidavits were notarized by De Clercq and Harrington (in addition to affirming the Secretary's decision to invalidate all signatures submitted on petition-sheets notarized by these circulators under Challenge 6).

C. Challenge 14: Signatures dated after the circulator oath are invalid.

Challenge 14, which concerns signatures made on petition sheets made *after* the circulator swore their oath, likewise requires invalidating additional signatures. As explained, these signatures contravene the Constitution's requirement that "all of the signatures to the petition [be] made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be," Me. Const. art. IV, pt. 3, § 20; *see also* 21-A M.R.S. § 902 (similar). The circulator cannot honestly swear to those facts where a voter signs the petition sheet *after* the circulator executes the oath.

Here, the Secretary initially agreed with Petitioners that at least 43 additional signatures must be invalidated on this basis, while Petitioners have maintained that at least 152 additional signatures are invalid. *See* Pets.' Reply 18 & tbl. 14. On remand, the Secretary's staff reviewed the 152 additional signatures and concluded that six more must be invalidated—for a total of 49 additional invalidated signatures under Challenge 14. *See* R.033350. The Secretary's rationale for rejecting challenges to the remaining signatures is that typos can be ascertained from the petition sheets. *See id.* That conclusion might be supportable where the specified date would have been *impossible*—such as a date prior to the existence of the petition or a future date that has not yet occurred—and Petitioners no longer challenge entries with such impossible dates. But dates that *do* fall within the circulation period—but after the oath—are not susceptible to such an inference. *See* Pets.' Reply 18 & tbl. 14. Given that there is no evidence in the record that these signers did in fact sign before the relevant circulator oaths were executed, the record fails to support a finding that these signatures took place *before* the circulator swore their oath, as required. Me. Const. art. IV, pt. 3, § 20. Accordingly, the 103 additional signatures beyond the 49 invalidated by the Secretary that have been identified by Petitioners should be invalidated as well, if necessary.

D. Challenge 15: Signatures lacking a date are invalid as a matter of law.

Challenge 15 similarly requires invalidation of additional signatures that lack a date entirely. The Constitution could not be clearer on this point. It requires that when a registered voter signs a petition sheet, "[t]he date each signature was made *shall be written* next to the signature on the petition." Me. Const. art. IV, pt. 3, § 18 (emphasis added). While the Secretary's office previously conceded that 4 signatures should be invalidated on this basis, it suggested that the Secretary has discretion to determine based on context clues whether a signature was timely made, and that signatures are only "problematic" under the Maine Constitution if the Secretary cannot do so. SOS Br. 30–31.[6] But the Constitution does not grant the Secretary such leeway. Its straightforward command—"shall be written next to the signature"—leaves *no* discretion on the Secretary's part. *See State v. Bishop*, 392 A.2d 20, 22 (Me. 1978) ("The use of the word 'shall' makes compliance mandatory."); *In re Opinion of the Justs.*, 114 Me. 557, 95 A. 869, 873 (1915) ("The provision of the Constitution is explicit and mandatory.").

The Law Court has been clear that "the Secretary's *policy* decision," even if intended to "to save petitions in certain circumstances," cannot trump clear constitutional or statutory language. *Knutson*, 2008 ME 124, ¶ 27, 954 A.2d 1054. The "plain language" of the Constitution "must be effectuated." *Id.* The Legislature has also reinforced the point through its own rules of construction in Title 21-A: "When used in this Title, the words 'shall' and 'must' are used in a mandatory sense to impose an obligation to act in the manner specified by the context." 21-A M.R.S. § 7. Accordingly, in the petition context, Maine law "gives the Secretary no discretion or authority to accept" invalid petitions, "no matter how substantially they may comply with other statutory or constitutional requirements." *McGee*, 2006 ME 50, ¶ 16, 896 A.2d 933. Because the

[6] The Secretary declined to revisit her position on remand. *See* R.033349.

Constitution "plainly compels a decision contrary to that of the Secretary of State"—namely that signatures without any dates whatsoever can somehow be counted—the signatures "at issue are void." *Knutson*, 2008 ME 124, ¶ 28, 954 A.2d 1054.

E. Challenge 18: Signatures of individuals who do not appear on the voter registration list are invalid.

It is undisputed that only registered Maine voters can sign petition sheets. *See* Me. Const. art. IV, pt. 3, § 20 (mandating that signatories be registered voters). Petitioners, after reviewing publicly available voter lists promulgated by the Secretary, have determined that a substantial number of validated signatures—at least 59—are from likely unregistered voters. *See* Pets.' Br. 26–27 & tbl. 18; Pets.' Reply 23–25. The Secretary does not dispute that this comprises *prima facie* evidence that these individuals are not registered. Instead, she previously argued only that Maine law places the initial responsibility of verifying registrations on municipal officials and not the Secretary, Decision and Order 16 (Apr. 24, 2026) (citing SOS Br. 21), and subsequently declined in her Final Decision to review these signatures on remand, *see* R.033346–47.

Petitioners do not dispute that municipal registrars are responsible for checking registration status in the first instance, and agree that the Secretary does not have an obligation to *sua sponte* re-review the registrations of every single signatory. However, the Secretary must "review all petitions filed" in support of a direct initiative to "determine the validity of the petition," 21-A M.R.S. § 905, which "require[s] . . . an independent review of all direct initiative petitions to determine the validity of the petitions," *Gwadosky*, 2002 WL 747912, at *2 (emphasis added). This includes the duty and "authority to determine whether any petition filed in support of a citizens initiative is valid." *MTAN*, 2002 ME 64, ¶ 12, 795 A.2d 75. Regardless of whether the Secretary's office can "commit reversible error in a petition validation decision by relying on municipal certification decisions" in the first instance, Decision and Order 16 (Apr. 24, 2026), the

Secretary's office certainly can do so by neglecting relevant evidence brought to its attention during its review. Indeed, the Law Court has routinely held that an administrative official's failure to consider relevant evidence amounts to an abuse of discretion. *See, e.g.*, *Berry v. Me. Pub. Utils. Comm'n*, 394 A.2d 790, 794 (Me. 1978); *Mallinckrodt v. Dep't of Env't Prot.*, 2014 ME 52, ¶ 32, 90 A.3d 428. Thus, if these signatures become outcome-determinative in this matter, the Court should order the Secretary to review these 59 signatures for validity—this is a straightforward and easily executed direction that comports with the Secretary's duty under Maine law.

F. Challenges 20 and 21: Signatures lacking municipality information or an "actual" address are invalid as a matter of law.

Finally, Maine law unambiguously requires that petition signatories record their "residence address" and their "municipality of registration." 21-A M.R.S. § 354(4). This requirement is *not* optional: "The voter or the circulator of the petition *must* write or print" this information on the petition sheet. *Id.* (emphasis added). And the Legislature has left no doubt that, as used in Title 21-A, "must" is a "mandatory" term that "impose[s] an obligation to act in the manner specified[.]" 21-A M.R.S. § 7. Simply put, recording the voter's residence address and municipality of registration on the petition is a mandatory obligation that cannot be excused for any reason.

The Secretary and this Court each previously acknowledged that the plain language of the statute *mandates* that this information be included on petition sheets. Decision and Order 17 (Apr. 24, 2026) (citing SOS Br. 24). Thus, as Petitioners have explained, when a signatory omits either field entirely (or places, for example, a P.O. Box in lieu of a "residence address") they indisputably fail to satisfy this clear statutory requirement. Pets.' Br. 29–30; Pets.' Reply 20. The Court nevertheless—at least preliminarily—accepted the Secretary's invitation to "defer" to the Secretary's office's "longstanding" practice of accepting these signatures. *See* Decision and Order 17 (Apr. 24, 2026). The Law Court has been clear, however, that courts may only consider

deferring to an agency's interpretation when "the statute's language is ambiguous." *E. Maine Conservation Initiative v. Bd. of Env't Prot.*, 2025 ME 35, ¶ 22, 334 A.3d 706. And, here, not even the Secretary's office argues that § 354(4) is ambiguous. Nor could it, given that the provision states that petition signatories (1) "must"; (2) "write or print"; (3) both their "residence address and municipality of registration." 21-A M.R.S. § 354(4); *see also* Pets.' Reply 20 (citing 21-A M.R.S. § 7). The Court has no permissible basis to consider an alternative construction, regardless of whether or how it facilitates the petition process. *See E. Maine Conservation Initiative*, 2025 ME 35, ¶ 22, 334 A.3d 706.[7]

Thus, in short, should the question become pertinent to the validity of the petition, the Court must invalidate the 207 signatures identified by Petitioners in Challenges 20 and 21 because Maine law "gives the Secretary no discretion" to excuse the violations. *McGee*, 2006 ME 50, ¶ 16, 896 A.2d 933.

CONCLUSION

The Court should affirm the Secretary's Revised Determination.

[7] *Allen v. Quinn*, 459 A.2d 1098 (Me. 1983), which the Court previously relied upon, does not hold otherwise. That decision afforded a "liberal" reading to a *constitutional* provision—not a statutory one—in part because such provisions "are expected to last over time and are cumbersome to amend." *Id*. at 1102. But the provision here is rooted in statute, which the Legislature could easily amend at any time. Until it does so, the Court is "bound by the Legislature's choice of language." *Knutson*, 2008 ME 124, ¶ 28; *see also Lewis v. Webb*, 3 Me. 326, 333 (1825) ("It is the province of the legislature to make and establish laws; and it is the province and duty of Judges to expound and apply them."); *McGee*, 2006 ME 50, ¶ 16, 896 A.2d 933 (similar in petition context).

Dated: June 3, 2026

Respectfully submitted,

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STATE OF MAINE
CUMBERLAND, SS

SUPERIOR COURT
DOCKET NO. PORSC-AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent.

PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

SECRETARY OF STATE'S POST-REMAND RULE 80C BRIEF

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Table of Contents

Preliminary Statement 3

Background 5

Initial Appeal 5

Adjudicatory Hearing 6

Post-Hearing Process 8

Argument 13

I. Legal Standard 13

II. The Court should reject the Committee's challenges to the decision on remand. 14

A. The Secretary properly declined to revisit her concession that signatures gathered by circulators who failed to consent to Maine's jurisdiction should be invalidated. 14

1. The out-of-state circulator requirements do not violate the Maine Constitution. 14

2. Invalidating the signatures on the nonconsenting circulators' petition forms does not violate signers' right to petition the government and the Committee in any event lacks standing to assert signers' constitutional rights. 18

3. Cairo's untimely consent to Maine's jurisdiction was inadequate. 19

4. The Secretary did not err in invalidating Circulator Cairo's petitions 23

5. The Committee's argument that the invalidation of Cairo's signatures is unconstitutional should be rejected. 24

B. The Court should not rule on the constitutionality of a hypothetical version of the Maine Constitution's residency and registration requirements that is not currently in force. 25

C. The statutory ban on conflicted notaries notarizing circulator oaths is constitutional. 27

D. The Court should again affirm the Secretary's decision to invalidate signatures based on the use of ditto marks in the date field 31

III. Gilbert's challenges to the decision on remand are without merit..... 32

A. The Secretary was not required to direct Elections Division staff to review all of Circulator Jean-Baptiste's 765 validated signatures for fraud. 33

B. The Secretary was not required to direct Elections Division staff to review all of Circulator Jackson's 955 validated signatures for fraud. 36

C. The Secretary was not required to direct Elections Division staff to review all of Circulator Adam Turner's 539 validated signatures. 37

IV. The Court should not revisit its prior rulings in this case. 38

A. The Court properly rejected Challenge 1. 38

B. The Court should reject Gilbert's arguments to revive Challenge 5. 40

C. The Court should not reconsider its ruling on Challenges 14 and 15, involving incorrect or missing dates. 42

D. The Court should not reconsider its rejection of Challenge 18. 43

E. The Court should not reconsider its ruling on Challenges 20 and 21, concerning missing street addresses and municipalities. 44

Conclusion 45

Preliminary Statement

During the remand ordered by this Court, the agency held a two-day evidentiary hearing, received extensive written arguments from both parties, conducted an investigation of one circulator's petitions, and, finally, issued a lengthy recommended decision that, after an opportunity for objections, was adopted in full by the Secretary of State ("Secretary"). During that process, the challengers ("Gilbert") established that two petition circulators engaged in repeated misconduct on Election Day by leaving their petition forms unattended, requiring invalidation of their signatures collected that day. Moreover, based on Gilbert's evidentiary showing, the Presiding Officer directed an investigation into the petition forms of a third circulator, resulting in a determination that none of the 61 signatures on that circulator's petition forms matched the signatures on file for those voters. As a result of these determinations, the number of valid signatures went from just above the constitutional threshold to just below it, and the petition is now 532 signatures short of what is necessary for placement on the November 2026 ballot.

Both parties now make a multitude of arguments attacking the Secretary's determinations on remand, while Gilbert also asks this Court to reconsider all of its rulings against her in the initial appeal. The Court should reject all of these arguments and instead affirm the Secretary's revised determination of validity as written.

The intervenor ballot question committee (the "Committee") does not challenge the Secretary's findings of circulator misconduct on remand and the resulting invalidation of signatures. Instead, it focuses on challenging the propriety of a federal injunction allowing the Secretary to continue to enforce Maine's ban on out-of-state circulators to the extent those circulators fail to consent to Maine's jurisdiction. The federal injunction at issue does not,

contrary to the Committee's arguments, give the Secretary new "ultra vires" powers that conflict with the Maine Constitution. Rather, it simply allows the Secretary to apply an existing constitutional ban on out-of-state circulators against the one category of such circulators who, according to the federal court, are not protected by the First Amendment: those who fail or refuse to consent to Maine's jurisdiction. Moreover, the Secretary may properly require that consent to jurisdiction be made by the time petition forms are submitted and before the constitutional deadline for the filing of a complete petition has passed, which undisputedly did not occur here. The Committee's various other constitutional challenges to the Secretary's actions, among other things, fail to apply the appropriate level of scrutiny, fail to give appropriate weight to the government's compelling interests in policing the integrity of the initiative process, and overstate the burdens placed on petition circulators and signers.

Meanwhile, Gilbert seeks to compel the Secretary (if the Court rules in such a way as to make it outcome-determinative) to conduct a *second* remand proceeding to conduct onerous additional investigations of three circulators. But, as the Secretary determined on remand, Gilbert failed to develop sufficiently persuasive evidence of circulator fraud to warrant such further investigation. Moreover, the Court has already made clear that whether the Secretary orders such additional investigations is entrusted to her considerable, if not complete, discretion. Given the inconclusive evidence of fraud presented on remand, it was not an abuse of that discretion to decline to order the Elections Division to conduct a massive investigation of more than a thousand signatures already certified as authentic by municipal officials.

Finally, particularly given the short timetable for the Court's ruling, it should decline Gilbert's request to revisit each of its rulings against Gilbert's many challenges. Those rulings are law of the case, and the Court is under no obligation to revisit them. What is more, the

Court's initial rulings, which gave appropriate deference to the Secretary's longstanding practices for reviewing petition signatures, were correct on the merits and should not be disturbed.

The Court should affirm the Secretary's revised determination of validity in its entirety.

Background

Initial Appeal

This action is a challenge to the Secretary of State's decision, dated March 17, 2026, to validate a direct initiative petition to enact legislation entitled "An Act to Designate School Sports Participation and Facilities by Sex" (the "Initiative"). Gilbert filed this action on March 27, 2026, under 21-A M.R.S. § 905 and M.R. Civ. P. 80C, asserting 21 numbered challenges to the Secretary's decision. The Committee was granted intervenor status.

The initial action was briefed and decided pursuant to the expedited schedule set forth in 21-A M.R.S.A. § 905(2). The Secretary opposed many of Gilbert's challenges but conceded that she should have invalidated additional signatures pursuant to some of the challenges, specifically Challenges 3, 6, 9, 12, 13, 14, 15, 16, and 17. She also conceded that remand would be appropriate on Challenges 2 and 19 if those challenges appeared to be outcome-determinative. The Secretary calculated that her position in the initial proceeding would result in the petition having at least 68,019 signatures, which was above the constitutional threshold by 337 signatures. Sec'y Rule 80C Br. at 34.

The Court issued its decision and order on April 24, 2026. The Court affirmed the Secretary's determination except in the cases in which the Secretary had conceded agency error or argued that remand for further fact-finding was appropriate. The Court thus remanded the case to the Secretary for further proceedings consistent with its Order, "which may include

correcting the concessions identified herein, taking new evidence, and developing further findings of fact as necessary." D&O at 17. The Court directed the Secretary to issue a new Determination of Validity within 30 days. *Id*. at 18.

Adjudicatory Hearing

On April 24, 2026, the same day the Court issued its Decision and Order, counsel for the Secretary notified Gilbert and the Committee that an evidentiary hearing would be held on May 12, 2026, to hear evidence on the matters remanded to the Secretary. R 033744. The formal Amended Notice of Hearing, issued April 28, 2026, listed four topics on which evidence and argument would be heard:

- Whether the circulators described in Gilbert's Challenge No. 2 engaged in conduct contrary to their circulator's oath and, if so, the effect of such failure on the validity of signatures collected;
- Whether the 31 individual signatures identified as "suspicious" in Gilbert's Challenge Table 19a should be invalidated;
- Whether the two circulators identified in Gilbert's Challenge 19 engaged in misconduct implicating the validity of signatures that they collected and, if so, the effect of such misconduct on the validity of signatures collected;
- Whether the Secretary should, consistent with the Court's legal rulings, correct any of the concessions contained in her Rule 80C brief, including but not limited to whether the Secretary should or should not accept corrected forms from circulators regarding their consent to personal jurisdiction in Maine after the petition's filing (pursuant to Challenge 3) and whether specific signatures identified in Challenges 12, 14, 15, and 16 should be treated as valid or invalid..

R033364.

The adjudicatory hearing was held on May 12 and 13, 2026. Chief Deputy Secretary of State Katherine McBrien served as hearing officer. The parties presented evidence and testimony on the following topics:

Circulation of Petitions at Mount Ararat High School in Topsham on Election Day.

Gilbert presented evidence, including photographs, video, and three eyewitnesses, demonstrating

that the sole circulator working at Mount Ararat High School on Election Day had left his petitions unattended on a table next to the exit to the voting area two times during the day and, on both occasions, voters signed the petitions while they were unattended. *See* R 033323–033326.

Circulation of Petitions at Thornton Academy in Saco on Election Day. Gilbert presented evidence, including photographs, video, and two eyewitnesses, demonstrating that a circulator at Thornton Academy on Election Day left blank petition forms unattended on two occasions and that, in both instances, people signed the petition forms while they were unattended. Moreover, the circulator's testimony that she sequestered and destroyed a petition form containing unwitnessed signatures was contradicted by photographic evidence showing that one of the petition forms with unwitnessed signatures was a visual match for one submitted by that circulator to the Secretary of State for validation. R 033327–033330.

Circulation of Petitions in Auburn on December 7, 2026. Gilbert presented a single witness who testified that she witnessed a circulator at an outdoor event in Auburn hand petition forms to people waiting in line, who then passed those petition forms to others waiting in line, while the circulator stood approximately 15 feet away with his back turned or operating his phone. There was no corroborating photographic or video evidence. R 033330–033331.

Alleged Fraud by Circulator Rokelle Harris. Gilbert presented the testimony of the Oxford Town Clerk that she identified suspicious signatures on petition forms circulated by Rokelle Harris. She testified that she followed up with two voters whose names appeared on the petition forms, who confirmed to her that they did not sign the petitions. Gilbert further presented the testimony of a voter from Hiram whose name appeared on one of Ms. Harris's

petition forms, who testified she had never heard of the petition and did not sign it. R 033331–033332.

Alleged Fraud by Circulators Fritz Jean-Baptiste and Kendrick Jackson. Gilbert cross-examined two circulators about discrepancies contained on some of their petition forms, including duplicate signatures, signatures that did not match voter signatures on file, and instances in which purported voters misspelled their names, addresses, or municipalities. R 033332–033334.

Failure of Cairo to consent to Maine's jurisdiction. The Committee presented testimony by Cairo (full name), who had failed to check the box on her circulator affidavit consenting to the jurisdiction of the State of Maine. Cairo testified that she did not check the box because she was concerned that doing so might require a court appearance during midterm season and that she therefore wished to get a better understanding of the requirement before agreeing to it. The Committee entered into evidence an executed affidavit by Cairo, dated May 6, 2026, consenting to Maine's jurisdiction. The Committee did not present any testimony or corrected affidavits from the other three circulators who failed to consent to Maine's jurisdiction, Kewechi Chukwuma, Albert, Jordan, and Hakeem Ummsalaama. *See* R 033335–033336.

Post-Hearing Process

The parties were asked to file post-hearing briefs no later than May 15, 2026. In the meantime, the Presiding Officer asked Elections Division staff to compare signatures on the Hiram and Oxford petition forms submitted by Circulator Harris to the signatures on those voters' voter registration applications. After staff determined that all signatures on those forms should have been invalidated for ANO—meaning that the voter's signature on the petition did not match the signature on the registration application—the Presiding Officer asked Elections

Division staff to expand their review to all 61 signatures gathered by Circulator Harris. Elections Division staff determined that 100% of those signatures should have been invalidated for ANO as they did not match the signature of the voter. R 033346–033347. For their review, staff used scans of the voter registration applications contained in the State's central voter registration system (CVR) or, if no scan was available in CVR, by asking the relevant municipal clerks to transmit scanned versions of the original card. R 033347.

On May 21, 2026, the Presiding Officer issued her recommended decision. The recommended decision contained 101 proposed findings of fact, followed by legal analysis that included recommendations for resolving Challenges 2 and 19, and recommendations concerning the parties' arguments that the Secretary should revisit certain of her concessions in Superior Court, either to expand or reverse them. Briefly, the recommended decision contained the following legal conclusions:

Mt. Ararat Circulator (Challenge 2). The Presiding Officer's proposed findings of fact established that the circulator, Elias Vasquez, left his petition forms unattended on two occasions, that voters signed the petition forms during each occasion, and that, as a result, Circulator Vasquez could not have reasonably believed that his oath to have witnessed each signature was true and accurate on at least those petition forms he left unattended. However, the evidence did not establish which of the circulator's 10 petition forms from that day contained the unauthorized signatures. Relying on the Law Court's decision in *Maine Taxpayer Action Network v. Secretary of State*, 2002 ME 64, 795 A.2d 75 ["*MTAN*"], the Presiding Officer recommended that all of Circulator Vasquez's petition forms from Election Day be invalidated on grounds that the signatures on those petitions forms were untrustworthy as a result of multiple instances of misconduct occurring on that day. R 033336–033340.

Thornton Academy Circulator (Challenge 2). The Presiding Officer's proposed findings of fact similarly established that the circulator here, Susan Mays, left petition forms unattended on multiple occasions on Election Day, resulting in many unwitnessed signatures on multiple petition forms. The Presiding Officer recommended invalidating all of Circulator Mays's petition forms from that day under the same analysis she applied to Circulator Vasquez's petition forms. R 033340–033343.

Auburn Circulator (Challenge 2). The Presiding Officer concluded that the evidence concerning the Auburn circulator who allegedly failed to witness signatures of signers standing in line at an outdoor event in Auburn, was insufficient to establish that the circulator violated his circulator's oath in a manner sufficient to call into question the trustworthiness of signatures on all of that circulator's petition forms. R 033343–033346.

Circulator Jean-Baptiste's testimony that he witnessed "most" signatures. (Challenge 2) The Presiding Officer concluded that Circulator Jean-Baptiste's statement in his testimony that he did his best to witness "most" signatures was, without more evidence to consider, insufficient to warrant invalidation of all 77 of the circulator's submitted petition forms. R 033345–033346.

Petitions circulated by Rokelle Harris (Challenge 19). The Presiding Officer recommended that, based on the Elections Division review, all 61 signatures collected by Rokelle Harris should be invalidated for ANO. The Presiding Officer noted that it was unnecessary to resolve whether Circulator Harris committed fraud, which the Committee argued required clear and convincing evidence, in light of the Election Division's conclusion that each of her collected signatures was not that of the voter and could thus be invalidated on that basis alone. R 033346–033347.

Petitions circulated by Jean-Baptiste, Jackson, and Turner (Challenge 19). The Presiding Officer recommended that no petition forms circulated by Jean-Baptiste, Jackson, or Turner be invalidated for fraud. The Presiding Officer noted that, in contrast to Gilbert's case against Harris's signatures, Gilbert's case in favor of invalidation of the other circulators' petition forms was based entirely on a paper review of the circulators' submissions and inconclusive cross-examinations of two of the three circulators (Tuner was not called as a witness by either side). While the Presiding Officer agreed that some petition forms contained concerning discrepancies, she concluded that the evidence was inadequate to establish fraud by any of the circulators. R 033347–033349.

Revisiting Challenge 14. The Presiding Officer considered an argument by Gilbert that the Secretary should expand her concession that some signatures challenged in Challenge 14 were invalid to cover an additional 152 signatures. Challenge 14 challenged signatures on grounds that they were dated after the circulator's oath. The Secretary contested Challenge 14 to the extent the dates on the challenged signatures were obvious typographical errors. The Presiding Officer, after directing the Elections Division to review these 152 signatures, concluded that 6 additional signatures should be invalidated because it was not obvious that the dates were typographical errors. R 033350

Revisiting Challenges 1, 5, 15, 18, 20, and 21. Gilbert argued that the Presiding Officer should revisit these challenges even though the Court affirmed the Secretary's position that those challenges lacked merit. The Presiding Officer recommended concluding that these challenges were outside the scope of the remand and, in any event, should not be revisited. R 033351.

Failure to consent to the jurisdiction of Maine (Challenge 3). The Presiding Officer considered whether she should accept Cairo's late-filed circulator affidavit consenting to the

jurisdiction of Maine. She also considered whether she should excuse the failure of three other circulators to consent to the jurisdiction of Maine. The Presiding Officer concluded that the statutory deadline for submitting a circulator affidavit is mandatory and that the consent to jurisdiction is an important part of the affidavit, thus warranting invalidation of signatures collected by circulators who fail to consent to jurisdiction by the statutory deadline. The Presiding Officer further recommended rejection of the Committee's arguments that invalidation of signatures on this ground violated the Maine Constitution and is "ultra vires," concluding that the requirement to consent to jurisdiction merely narrows the scope of the Constitution's prohibition on out-of-state circulators rather than creating an entirely new requirement. R 033355.

Notarization by circulators (Challenge 6). The Presiding Officer also considered the Committee's argument that Maine laws prohibiting notaries from administering the circulator's oath if they have previously provided services to the campaign are unconstitutional. The Presiding Officer concluded that these laws are narrowly tailored to a compelling governmental interest in discouraging fraudulent notarizations and therefore recommended that the challenge be rejected, to the extent it was appropriate for the agency to consider such a constitutional challenge. R 033356.

Use of ditto marks (Challenge 17). Finally, the Presiding Officer considered the Committee's argument that the Secretary should not have conceded the invalidity of signatures due to the use of ditto marks in the dates. The Presiding Officer concluded that invalidation in these circumstances, while in some tension with the Secretary's general treatment of dates, was expressly required by statute, *see* 21-A M.R.S.A. §§ 354(4), 902, and therefore should not be changed. R 033356–033357.

After issuance of the recommended decision, the parties were afforded an opportunity to file objections to the recommendations under 5 M.R.S.A. § 9062(4). R 033359. Both sides filed objections. The Secretary then issued her Final Decision, adopting in full the recommended decision of the Presiding Officer. R 033315. In addition, the Secretary issued a Revised Determination of Validity, dated May 26, 2026, which added the newly invalidated signatures to the prior invalidations. R 033316–033317. The Revised Determination of Validity concluded that the petition was 532 signatures short of the required number of 67,682. R 033317.

Argument

I. Legal Standard

This action is an appeal of final agency action subject to Rule 80C of the Maine Rules of Civil Procedure. *See* 21-A M.R.S.A. § 905(2); M.R. Civ. P. 80C(a). Judicial review under Rule 80C is "deferential and limited." *Friends of Lincoln Lakes v. Bd. of Env't Prot.*, 2010 ME 18, ¶ 12, 989 A.2d 1128. The Court's task is to review the agency's decision for "errors of law, abuse of discretion, or findings of fact not supported by the record." *Id.* (quoting *Save Our Sebasticook, Inc. v. Bd. of Envtl. Prot.*, 2007 ME 102, ¶ 13, 928 A.2d 736); *see also* 5 M.R.S.A. § 11007(4)(C) (setting forth limited bases for reversing final agency action). In making this determination, the "court may not substitute its judgment for that of the agency on questions of fact." *Id.* § 11007(3). The party seeking to vacate the agency decision bears the burden of persuasion. *Town of Jay v. Androscoggin Energy, LLC*, 2003 ME 64, ¶ 10, 822 A.2d 1114.

Furthermore, "[t]he Secretary of State is the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process" *Caiazzo v. Sec'y of State*, 2021 ME 42, ¶ 17, 256 A.3d 260. Therefore, if there is "any ambiguity" in a statute regulating the direct initiative process, the Court should "defer to the Secretary of State's reasonable interpretation of the statute." *Id.*

II. The Court should reject the Committee's challenges to the decision on remand.

A. The Secretary properly declined to revisit her concession that signatures gathered by circulators who failed to consent to Maine's jurisdiction should be invalidated.

The Committee devotes much of its argument to challenging the Secretary's decision not to count signatures collected by out-of-state circulators who failed to consent to the jurisdiction of Maine for purposes of any investigation or prosecution of misconduct. In the first round of briefing before this Court, after Gilbert argued in Challenge 3 that the Secretary should not have counted these signatures, the Secretary conceded agency error and agreed the signatures—1,520 in total (*see* R 034073)—should not have been counted. Citing *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 20 n.7, 954 A.2d 1054, the Court accepted the Secretary's concession under its "deferential and limited review of the Secretary's determination" and directed the Secretary on remand to "act in compliance with her concessions and invalidate the challenged signatures." D&O at 11. On remand, the Secretary did so, rejecting the same arguments that the Committee raises here. This Court should reject these arguments as well.

1. *The out-of-state circulator requirements do not violate the Maine Constitution.*

The Committee's first argument is that requiring out-of-state circulators to consent to Maine's jurisdiction is inconsistent with the Maine Constitution. Comm. Br. at 20. The Committee argues that the relevant restriction on circulators in article IV, part 3, § 20 of the Maine Constitution is a blanket ban on non-residents circulating petitions and that, therefore, the Secretary's imposition of conditions on non-residents circulating petitions is the wielding of a power "denied" by the Maine Constitution. Comm. Br. at 21. Though the Committee acknowledges that the Secretary is authorized to impose these requirements on out-of-state circulators by a consent judgment issued by the United States District Court for the District of

Maine, the Committee argues that this aspect of the consent judgment was "ultra vires," on a theory that it gave the Secretary powers that are, allegedly, affirmatively denied to her by the Maine Constitution.

The Committee's argument is remarkable in its implications. It would suggest that, short of going through the difficult process of amending the Constitution, the Secretary is powerless to regulate out-of-state circulators. She could not require them to consent to Maine's jurisdiction. She could not even require them to keep their contact information updated in case they need to be contacted. The practical consequence would likely be even more of the sort of troubling issues that the Secretary found on remand—including an out-of-state circulator who turned in 14 petition forms that were found to consist *entirely* of forged signatures, *see* R 033332. This consequence would adhere despite the fact that the Framers were so concerned about the possibility of untraceable misconduct by circulators that they chose to ban out-of-state circulators altogether. Indeed, even after the federal court enjoined § 20's blanket ban, a proposed constitutional amendment to remove that provision from the Constitution failed overwhelmingly at the polls, confirming voters' widespread concern that out-of-state circulators created risks to the integrity of the direct initiative process.[1]

The Court should not go down this dangerous road. It would be one thing if the federal court had issued a consent judgment that enjoined the Secretary from prohibiting out-of-state circulators but affirmatively authorized her to impose new, unrelated requirements on all circulators. But that is not what it did. Rather, based on its recognition that requiring circulators to consent to a state's jurisdiction is (unlike a blanket ban on out-of-state circulators) a

[1] *See* BallotPedia, "Maine Question 7, Remove Residency Requirement for Initiative Petition Circulators Amendment (2023)," at https://ballotpedia.org/Maine_Question_7,_Remove_Residency_Requirement_for_Initiative_Petition_Circulators_Amendment_(2023).

requirement narrowly tailored to furthering "the State's strong interest in protecting its elections," *see We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 46 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022), the federal court simply tailored the scope of its injunction to those out-of-state circulators whose conduct can be properly regulated by the State: those who fail or refuse to consent to Maine's jurisdiction.

Thus, contrary to the Committee's argument, when the Secretary invalidates the signatures of out-of-state circulators who fail to consent to Maine's jurisdiction, the Secretary is not imposing some new extra-constitutional requirement on those circulators. All she is doing is applying the Maine Constitution's existing ban on out-of-state circulators to the one subcategory of those circulators whom the federal court's injunction still permits her to regulate: those who fail or refuse to consent to Maine's jurisdiction. What is more, the condition imposed on those circulators—to consent to Maine's jurisdiction and to keep their contact information updated, among other things—is in direct furtherance of the goals of § 20's ban on out-of-state circulators. In effect, it places out-of-state circulators on close to the same footing as in-state circulators in terms of Maine's ability to police their compliance with Maine's substantive circulator laws. In no sense is the Secretary exercising a power "denied" to her by the Maine Constitution; to the contrary, she is carrying out the Framers purposes to the greatest extent permissible under the First Amendment, as interpreted by the U.S. District Court for the District of Maine and the First Circuit.

The Committee apparently could not find a single case holding that an injunction like the one contained in the *We the People* consent judgment is "ultra vires." Comm. Br. at 20–24. Instead, it asserts that *Minnesota v. National Tea Company*, 309 U.S. 551 (1940), supports its position. *Id.* at 22. But while that decision's dicta that federal courts should leave state courts

free "in interpreting their state constitutions," is laudable, *id.* at 557, *National Tea Company* in no way holds that injunctions like the one issued by the federal court in *We the People* are improper. Rather, *National Tea Company* made its observation in the context of deciding whether it had jurisdiction over an appeal from the Minnesota Supreme Court where there was ambiguity in the decision about whether the court had applied state or federal law to reach its decision. *Id.* at 555. Its decision to remand the decision to allow the state court to clarify its reasoning, *see id.* at 557, says nothing about the propriety of a federal court order allowing partial enforcement of a state constitutional provision where full enforcement would violate the U.S. Constitution.

Rather, the consent judgment is an example of a federal court following the Supreme Court's preference that "when confronting a constitutional flaw in a statute, we try to limit the solution to the problem," including by "enjoin[ing] only the unconstitutional applications of a statute while leaving other applications in force." *Ayotte v. Planned Parenthood of N. New England*, 546 U.S. 320, 328 (2006). Instead of completely eviscerating § 20's ban on out-of-state circulators, creating the very risks to the integrity of the petitioning process that § 20 was designed to avoid, the federal court issued a tailored injunction that left the Secretary free to enforce § 20 against those out-of-state circulators who fail or refuse to consent to Maine jurisdiction. Far from an example of federal judicial overreach, as suggested by the Committee, the consent judgment is an example of narrowly tailoring an injunction to proscribe the ability of a state official to enforce state law only to the extent it would actually violate federal law. Since applying the out-of-state circulator ban to nonconsenting circulators is entirely consistent with the First Amendment, it was proper for the federal court to limit its order in such a way.

Finally, the Committee argues that the federal court's order would "render longstanding rules of constitutional construction elastic and wholly unreliable." Comm. Br. at 23. But, again, all the consent judgment does is restrict the Secretary's ability to enforce the ban on out-of-state circulators to the specific subset of such circulators who the state can properly ban under the First Amendment. No "construction" of the Maine Constitution is required.

> 2. *Invalidating the signatures on the nonconsenting circulators' petition forms does not violate signers' right to petition the government and the Committee in any event lacks standing to assert signers' constitutional rights.*

The Committee briefly asserts that invalidation of the signatures on the nonconsenting circulators' petition forms violates the constitutional rights of the signers, specifically their constitutional right to petition the government for the redress of grievances. The Committee, a registered ballot question committee that organized the petition effort, *see* Comm. Mot. to Intervene at 2; 21-A M.R.S.A. § 1052(2-A), did not (and, as a non-human entity, could not) sign the petition. Moreover, the Committee does not explain how it might have standing to assert the constitutional rights of individual petition signers. *See generally Common Cause v. State*, 455 A.2d 1, 7 (Me. 1983) (holding that a party may not assert constitutional claims on behalf of third parties unless an exception applies). The Court should thus disregard this argument for lack of standing.

In any event, the argument lacks merit. The Secretary has long invalidated all signatures on petitions that were circulated in violation of the residency requirement in article IV, part 3, § 20 of the Maine Constitution. And the Law Court has twice affirmed that invalidation of signatures for violation of § 20 was consistent with the First Amendment. *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165; *Jones v. Sec'y of State*, 2020 ME 113, ¶ 23, 238 A.3d 982. While the federal injunction obviously precludes the Secretary from invalidating signatures for out-of-state circulators who agree to the conditions on the circulator affidavit, it does not

preclude the Secretary from continuing to follow her usual practice of invalidation with regard to out-of-state circulators who fail to consent to Maine's jurisdiction.

Nor does it matter that the Committee asserts the right to petition the government rather than the rights of freedom of speech and association specifically considered in *Hart* and *Jones.* As the Supreme Court has observed, "[a]lthough the right to petition and the right to free speech are separate guarantees, they are related and generally subject to the same constitutional analysis." *Wayte v. United States*, 470 U.S. 598, 611 n.11 (1985). The Committee does not suggest an analysis different from the one applied in *Hart* and *Jones* should apply as a result of its invocation of the right to petition.

3. *Cairo's untimely consent to Maine's jurisdiction was inadequate.*

The Committee also argued on remand that even if the other three circulators' petition forms were invalid for failure to consent to Maine's jurisdiction, Cairo's petition forms should not have been invalidated because she ultimately filed a corrected circulator affidavit, dated May 6, 2026, as part of the remand proceedings. The Secretary rejected this corrected application as untimely given the statutory requirement that the circulator affidavit be filed "with the Secretary of State at the time the petition is filed." 21-A M.R.S.A. § 903-A(4). Here, the petition was filed on February 2, 2026, and Cairo's corrected affidavit was not executed until May 6, 2026.

The Committee objects to the Secretary's reliance on the deadline in § 903-A, arguing that the statute does not specifically "refer to out-of-state circulators *at all*." Comm. Br. at 27. But that absence is irrelevant. The statute requires the circulator affidavit to be filed by that deadline and further includes the requirement (now enjoined except for nonconsenting circulators) that the circular be a resident of the State and a registered voter in the State. The circulator affidavit is thus the logical place to implement the requirement that the circulator consent to jurisdiction in order to avoid the ban on out-of-state circulators. The Secretary had

authority to do so under her general power to "establish the form and content of all forms . . . required by or necessary to the efficient operation of this Title." 21-A M.R.S.A. § 21.

Moreover, even assuming arguendo that these statutes cannot be read to expressly require consent to be received by the Secretary by the filing of the petition, the statutory and constitutional framework necessarily requires consent no later than the constitutional deadline for filing the petition. The Justices have recognized in the context of the People's Veto that petitioners should not be allowed to correct deficiencies in their submission after the expiration of the constitutional deadline for filing the petition. *In re Opinion of the Justices*, 114 Me. 557, 95 A. 869, 876 (1915) ("Neither certificates nor jurats can be corrected after the expiration of 90 days from the recess of the Legislature. We think no amendments of any kind are permissible after the time fixed in the Constitution has expired."). The same should be true of the direct initiative process, which likewise requires petitioners to meet hard deadlines keyed to the convening of the Legislature in order to qualify the initiative for placement on the ballot that year.[2] *See* Me. Const. art. IV, pt. 3, § 18(1). If petitioners could submit defective or incomplete petitions at the deadline, and then cure those defects once the deadline passed, those constitutional deadlines would become effectively meaningless. Thus, just as the Committee on remand could not properly have circulators retake circulator oaths that were improperly executed or taken before conflicted notaries, or have voters re-sign petitions forms where they were found to have committed invalidating errors, the Committee similarly cannot cure fatal problems with

[2] Here, the Committee filed the petition with the Secretary on February 2, 2026, which was the deadline for the legislation to appear on the 2026 ballot. Thus, the entirety of the Secretary's review under 21-A M.R.S.A. § 905(1) as well as the proceedings on remand took place after the constitutional deadline.

their circulator affidavits by correcting them only after the constitutional deadline for submission.

The Committee's argument that out-of-state circulators can wait to consent to the jurisdiction after the petition is filed would also greatly undermine the State's ability to enforce its petition circulation laws. If out-of-state circulators need not consent to the jurisdiction when the petition is filed, they could adopt a "wait-and-see" approach, only submitting to Maine's jurisdiction if the Secretary's review caught that they failed to do so and, further, that the signature margin was close enough that their signatures might make a difference. In the meantime, the Secretary's ability to investigate petition irregularities during the crucial 30-day window when she must make her determination of validity under 21-A M.R.S.A. § 905(1) would be severely hampered. As the Secretary's decision observed, this 30-day period is "the most crucial part of the petition review process." R 033353.

Indeed, it is worth considering the bizarre and unworkable nature of the process that would follow from the Committee's position that a circulator could wait until judicial review of the petition was underway to consent to Maine's jurisdiction. Under such a process, the Secretary, during the initial 30-day review process, would invalidate the circulator's signatures for failure to consent to the jurisdiction. During this time, the Secretary might be unable to further investigate any irregularities on this circulator's petitions due to their lack of consent to Maine's jurisdiction. If the petition were determined valid without the circulator's signatures, the circulator need not ever consent to Maine's jurisdiction. If, on the other hand, the petition were determined invalid, the circulator could simply revive the validity of their invalid signatures during the resulting judicial review process by filing a belated consent to jurisdiction. The signatures would become valid again, even though the Secretary never had a full opportunity to

investigate them during her 30-day review window. Such a byzantine process would deeply compromise the Secretary's ability to police the initiative process.

Indeed, the events in this action provide a perfect example of the problem with the Committee's deadline-free approach. Even after the Secretary determined that petition forms collected by nonconsenting circulators should be invalidated and indicated in a footnote to her Superior Court brief that she was willing to consider whether the problem could be cured on a remand, only one of the four nonconsenting circulators submitted a corrected affidavit submitting to Maine's jurisdiction. The other three circulators—presumably armed with the knowledge that the signatures they collected were not needed to reverse the Secretary's revised determination of validity—still to this day have not consented to the jurisdiction of Maine and presumably never will. As a result, these circulators have successfully made it more difficult for Maine to investigate them for potential circulator crimes under 21-A M.R.S.A. § 904 should any incriminating evidence someday come to light. To protect its compelling interest in policing the integrity of the direct initiative process, Maine must be permitted to require out-of-state circulators to submit to Maine's jurisdiction *before* they are able to game out the consequences to the petition effort of refusing to do so.

The Committee makes much of a purported discrepancy between the initial preliminary injunction decision in *We the People v. Bellows*, which enjoined enforcement of § 20 against circulators who "first" submit to Maine's jurisdiction before commencing circulation, and the consent judgment, which enjoined enforcement of § 20 against circulators who submit to Maine's jurisdiction without specifically requiring them to "first" submit to the jurisdiction. Comm. Br. at 26. To the extent this slight change in wording reflects any intentionality at all, it is fully explained by the Secretary's determination that the proper place for the consent to

jurisdiction is the circulator affidavit, which is filed at the end of the circulation process rather than the beginning. *See* 21-A M.R.S.A. § 903-A(4). It is thus true that circulators need not "first" submit to Maine's jurisdiction; they merely need to do so by the time the petition is filed so that the Secretary can fully investigate any irregularities during her 30-day window to determine validity. The Secretary's decision not to allow Cairo to cure her failure to submit to Maine's jurisdiction long after the petition was submitted, the constitutional deadline for ballot access had passed, the statutory deadline for submitting circulator affidavits had passed, and the Secretary had already completed her 30-day review of petition validity was entirely consistent with the consent judgment.

Finally, the Committee's suggestion that the Secretary's refusal to consider Cairo's amended affidavit on remand months after the relevant deadline had passed somehow violated the Committee's due process rights due to lack of notice about how the consent requirement would be enforced, Comm. Br. at 26–27, should be rejected. The circulator affidavit states that circulators "must" indicate that they are either residents or consent to Maine jurisdiction. Moreover, it requires the circulator to swear that "I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed." R 0026. No reasonable person reading the form affidavit would be under the misimpression that submitting a fully completed affidavit by the time petitions were submitted was optional.

4. *The Secretary did not err in invalidating Circulator Cairo's petitions.*

The Committee also argues that the Secretary should not have invalidated the signatures circulated by Cairo even if the Secretary properly determined that Cairo's affidavit was untimely. But failure to file a valid circulator affidavit has long been grounds to invalidate the circulator's signatures. *See* R 0098 (instructing staff to invalidate for AFF if the circulator fails to submit an affidavit). Prior to *We the People*, the failure to file an affidavit was treated as a failure to

confirm that the circulator was in fact a Maine resident eligible to circulate petitions. Invalidating Cairo's signatures based on her affidavit's failure to consent to the jurisdiction of Maine—which is necessary to exempt her from the residency requirement—is no different than invalidating a circulator's signature when there is no affidavit filed at all.

Also, although invalidation would be warranted either way, the Secretary's findings of fact show that invalidation of Cairo's signatures was especially warranted. Cairo testified that her initial failure to check the box was not inadvertent but based on a concern that she might be required to appear in court during midterm season. R 033335. Because she was never able to get clarity on the implications of her consent, she submitted the affidavit with the box unchecked. As the Secretary concluded, Cairo's failure to check the box was not "an inadvertent failure to express her agreement to the terms of the affidavit, but a substantive lack of agreement to those terms." R 033353. Under these circumstances, there is even greater reason to be concerned that the failure to consent could have interfered with the Secretary's or law enforcement's ability to investigate Cairo if the timing of the investigation had interfered with her schedule.

5. *The Committee's argument that the invalidation of Cairo's signatures is unconstitutional should be rejected.*

The Committee's contention that the invalidation of Cairo's signatures is unconstitutional, Comm. Br. at 29, should also be rejected. First, as pointed out above, the Committee has not made any showing that it has third-party standing to raise the constitutional rights of voters signing the petition. But, even assuming arguendo it does have standing, requiring out-of-state petition circulators to consent to a state's jurisdiction has been recognized by the courts as a narrowly tailored means of furthering "the State's strong interest in protecting its elections." *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 46 (D. Me. 2021), *aff'd*, 40

F.4th 1 (1st Cir. 2022); *accord Nader v. Brewer*, 531 F.3d 1028, 1037 (9th Cir. 2008) ("Federal courts have generally looked with favor on requiring petition circulators to agree to submit to jurisdiction for purposes of subpoena enforcement, and the courts have viewed such a system to be a more narrowly tailored means than a residency requirement to achieve the same result.").

As noted above, the Law Court has held on two occasions that invalidation of all of a circulator's signatures was permissible where the circulator did not comply with § 20's residency requirements. *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165; *Jones v. Sec'y of State*, 2020 ME 113, ¶ 23, 238 A.3d 982. Invalidation of Cairo's signatures here is legally indistinguishable—the Secretary's authority to do so is based on the same residency requirement in article IV, part 3, § 20 that formed the basis for invalidation in *Hart* and *Jones*. Cairo's failure to consent to Maine's jurisdiction by the time the petition was submitted and before the constitutional and statutory deadlines passed rendered her the type of non-resident circulator against whom § 20 may still properly be enforced under the consent judgment. Invalidation of her signatures is thus constitutional under the holdings of those cases.

B. The Court should not rule on the constitutionality of a hypothetical version of the Maine Constitution's residency and registration requirements that is not currently in force.

The Committee, relying on the decisions of the U.S. District Court and the First Circuit in *We the People v. Bellows* asks this Court to "find that the residency and voter registration requirements [in the Maine Constitution] violate the First Amendment." Comm. Br. at 31. The Court should decline this puzzling invitation to decide a purely hypothetical question.

By order of a federal court, the Secretary is permanently enjoined from enforcing the residency and voter registration requirements against any out-of-state circulator who consents to Maine's jurisdiction. There is no live controversy about whether the original scope of the constitutional prohibition—as opposed to the narrowed scope set forth in the consent judgment—

violates the First Amendment, as the Secretary is barred from enforcing that original scope and the Committee makes no allegation she is violating the injunction. This Court should limit itself to "questions of live controversy, and not hypothetical, abstract, or moot questions." *Jipson v. Liberty Mut. Fire Ins. Co*., 2007 ME 10, ¶ 5, 912 A.2d 1250 (quoting *Sevigny v. Home Builders Ass'n of Maine, Inc*., 429 A.2d 197, 201 (Me. 1981)). The only live constitutional question before this Court is whether application of the registration and residency requirements *as narrowed by the federal injunction* is consistent with the First Amendment.

In any event, if the Court were to consider the constitutionality of the enjoined aspects of § 20—and there is no reason for it to do so—it could only conclude that these requirements are consistent with the First Amendment. While it is true that the Secretary is subject to a federal injunction preventing her from enforcing § 20 in many of its applications, those decisions do not bind this Court. Rather, the only decisions binding on this Court are those of the Law Court and the U.S. Supreme Court. *See Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 57 (1997) ("a lower federal-court judgment is not binding on state courts"). In this case, the U.S. Supreme Court has not addressed the issue and the Law Court's decisions in *Hart*, 1998 ME 189, ¶ 13, 715 A.2d 165, and *Jones*, 2020 ME 113, ¶ 23, 238 A.3d 982, indicate that § 20's residency and registration requirements are constitutional. Thus, if this Court were to reach this entirely hypothetical question, it would have to follow *Hart* and *Jones.* Of course, since the Secretary—the only official who can enforce the registration and residency requirements—will remain bound by the permanent injunction either way, any such ruling would be an entirely academic exercise.

C. The statutory ban on conflicted notaries notarizing circulator oaths is constitutional.

The Committee next argues that Maine statutes prohibiting notaries public from notarizing circulator oaths after they have provided services to the campaign, *see* 21-A M.R.S.A. § 903-E; 4 M.R.S.A. § 1904(5), are unconstitutional burdens on the First Amendment rights of petition signers. On remand, in compliance with her concessions to this Court, the Secretary invalidated 224 signatures on this ground. R 034073. The Court should reject the Committee's constitutional claim.

While the Committee argues for application of strict scrutiny to the notarization requirements, the Law Court has recognized that, because petition circulation laws are a species of law governing the "mechanics of the electoral process," strict scrutiny does not automatically apply. *Jones v. Sec'y of State*, 2020 ME 113, ¶¶ 22–23, 238 A.3d 982 (quoting McIntyre, 514 U.S. at 345). Rather, even though petition circulation involves "core political speech," substantial regulation of elections is necessary "if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes." *Id.* ¶ 20.

Thus, rather than automatically applying strict scrutiny, the constitutionality of petition circulating laws must be evaluated under the flexible *Anderson-Burdick* balancing test. Under that test, the Court must weigh the "character and magnitude" of the burden on the circulators' associational rights against the asserted interests of the state justifying the regulation of petition circulation. *Jones*, 2020 ME 113, ¶¶ 23–24, 238 A.3d 982. Strict scrutiny applies only if the regulation imposes a "severe restriction" on First Amendment rights. In that case, the state must show that the law is narrowly tailored to serve a compelling governmental interest. In contrast, "when a state election law provision imposes only reasonable, nondiscriminatory restrictions on First Amendment rights, the State's important regulatory interests are generally sufficient to

justify the restrictions." *Id.* ¶ 24 (cleaned up); *accord All. for Retired Americans v. Sec'y of State*, 2020 ME 123, ¶ 15, 240 A.3d 45. Moreover, "states are accorded considerable leeway in the regulation of the initiative process in order to promote their legitimate state purposes." *Jones* ¶ 24.

Under this flexible standard, Maine's notary conflict of interest requirements easily passes muster. According to the Secretary's Notary Handbook, there are approximately 29,000 notaries public commissioned in Maine.[3] That is in addition to thousands of licensed attorneys who may also properly perform notarial acts. 4 M.R.S.A. § 1910(1)(C). To avoid running afoul of the conflict-of-interest statutes, all that petition circulators need to do is procure services of any of these thousands of notarial officers who have not previously provided services to that particular campaign. That is a negligible burden for any organized campaign effort.

The Committee's argument to the contrary focuses not on the minimal burden of locating a non-conflicted notary to sign petitions, but on the consequences that ensue if the campaign ignores or flouts the law. The Court should reject this focus on the consequences of noncompliance as opposed to the minimal burden of compliance. But even assuming that burden can be properly measured based on the consequences of flouting the law as opposed to the difficulty of complying with the law, the burden is still minimal. Specifically, the consequences of having a conflicted notary notarize a circulator oath are narrowly tailored to the harm that results from that violation: invalidation of those petition forms that are rendered untrustworthy by the lack of a properly administered circulator oath by an impartial official. No additional signatures are invalidated beyond those affected by the faulty oath. Such a targeted remedy

[3] Available at https://legislature.maine.gov/testimony/resources/JUD20220316@OPLA132921209305078421.pdf

cannot be understood as a severe, let alone "extreme," Comm. Br. at 29, burden on First Amendment rights.

Given that the burden on First Amendment rights imposed by the notary conflict-of-interest statutes is far from "severe," those laws easily satisfy the remaining requirements that the restrictions be "reasonable" and "non-discriminatory." *Jones*, 2020 ME 113, ¶ 24, 238 A.3d 982. Notaries who have provided services for the initiative campaign have a conflict of interest that calls into question their impartiality in administering the circulator's oath. The Law Court has recognized that "the circulator's oath is critical to the validation of a petition." *MTAN*, 2002 ME 64, ¶¶ 8, 13, 795 A.2d 75. And in *Reed v. Sec'y of State*, 2020 ME 57, ¶ 17, 232 A.3d 202, the Law Court has further recognized the reasonableness of the notary conflict-of-interest statutes, observing that invalidation of signatures on petition forms notarized in violation of the statute "rationally advances the legislative purpose of discouraging fraudulent notarizations by prohibiting the use of notaries who have a demonstrable conflict of interest at the time of their notarial acts in connection with the campaign." *Id.* at ¶ 12. Moreover, the requirement is nondiscriminatory, applying equally to all notaries and all direct initiative and People's Veto campaigns.

In an attempt to avoid this relevant caselaw, the Committee attempts to draw analogies to dissimilar areas of law. It points to Supreme Court caselaw striking down campaign finance laws limiting the amount of money that a person can spend to influence elections. Comm. Br. at 33. But as *Jones* explains, those laws are not subject to the *Anderson-Burdick* balancing test, since they regulate "pure speech" rather than the "mechanics of the electoral process." *Jones*, 2020 ME 113, ¶ 21, 238 A.3d 982. When laws regulate "pure speech," governments do not

receive the same "considerable leeway" in enacting such laws that they receive when they enact laws governing the petitioning process. *Id.* ¶ 24.

Nor should the Court accept the Committee's argument that notaries public should simply be trusted to do the right thing, due to their interest in "upholding their reputations for competence and integrity, and in avoiding potential discipline by the Secretary." Comm. Br. at 33. While one certainly hopes that commissioned notaries will not engage in unethical conduct even when adverse consequences are unlikely, the Secretary and Maine voters are not required by the First Amendment to bank on notaries' good faith. The Supreme Court has recognized that while the notary's role is important, it is ultimately a "clerical and ministerial" role, unlike that of a police officer or policymaker. *Bernal v. Fainter*, 467 U.S. 216, 225 (1984). Maine law may properly impose prophylactic regulation on notaries reasonably calculated to deter and prevent fraudulent circulator oaths.

Finally, the Committee's theory that the conflict-of-interest statutes constitute "viewpoint discrimination" should be rejected. *See* Comm. Br. at 34. Notary publics are commissioned public officers. *See* 66 C.J.S. Notaries § 1. It is no more "viewpoint discrimination" to prevent notaries public from administering oaths to validate signatures for a campaign for which they previously worked than it is to bar legislators from voting on legislation in cases in which they have a financial interest, *see* 1 M.R.S.A. § 1014, or judges from presiding over cases in which they previously acted as an advocate. Moreover, the conflict-of-interest laws do not apply based on whether a notary "speak[s] out" in favor of an initiative, Comm. Br. at 34, but rather based on the notary's *conduct*—whether the notary is "providing any other services" to the campaign that would create a conflict of interest that could call into question the integrity of the circulator's oath. Notaries wishing to provide notarial services for a campaign remain free to speak out

about the initiative in any manner they choose, so long as they refrain from providing services to the campaign.

In any event, even if First Amendment scrutiny applies, the conflict-of-interest laws would satisfy any applicable level of scrutiny. Maine has a compelling interest in policing the integrity of the circulator's oath and requiring non-conflicted notaries to administer that oath is a narrowly tailored, least restrictive means of furthering that compelling interest.

D. The Court should again affirm the Secretary's decision to invalidate signatures based on the use of ditto marks in the date field

Finally, the Committee takes issue with the Secretary's invalidation, in conformity with her concession to this Court, of 39 signatures based on the voter's use of ditto marks in the date field. Although the Court accepted these concessions in its Decision and Order, *see* D&O at 11, the Committee nevertheless sought to persuade the Secretary to retract this concession on remand.

In her decision, the Secretary readily admits that invalidation for use of ditto marks is in some tension with her approach to other date issues in the petitions. But that tension is because the Legislature has precluded any other approach: 21-A M.R.S.A. § 902 expressly requires that initiative petitions be signed "in the same manner as are [candidate petitions] under section 354, subsections 3 and 4." And that candidate petition provision, in turn, forbids the use of ditto marks for anything other than residence address and municipality. *See* 21-A M.R.S.A. § 354(4).

While the Committee accuses the Secretary of inconsistency, it offers no plausible contrary interpretation of the statutory text on which the Secretary relies. And while it cites general principles that the Legislature cannot abridge the people's right to legislate through the initiative process, it seems to stop short of arguing that 21-A M.R.S.A. § 902 is unconstitutional. This is perhaps unsurprising given the Constitution's delegation to the Legislature of the power

to "enact further laws not inconsistent with the Constitution for applying the . . . direct initiative" and to "establish procedures for determination of the validity of written petitions." Me. Const. art. IV, pt. 3, § 22. Section 902's incorporation of § 354(4)'s ditto-mark prohibition is a straightforward exercise of this constitutionally delegated power. Moreover, as the Secretary observed in her decision, prohibiting ditto marks in the date is a reasonable means to ensure that voters stop to consider the date, rather than applying the next in a series of ditto marks that may or may not reflect the current date.

III. Gilbert's challenges to the decision on remand are without merit.

Although Gilbert prevailed on remand, she nonetheless takes issue with the Secretary's decision not to invalidate any additional signatures by circulators Fritz Jean-Baptiste, Kendrick Jackson, and Adam Turner. Notably, Gilbert concedes (and the Secretary agrees) that the Court need not reach these issues if it otherwise agrees with the Secretary's analysis on remand. Gilbert Br. at 20. Gilbert also properly and correctly recognizes the "herculean efforts on an expedited timeframe" already undertaken by the Elections Division in this case, Gilbert Br. at 21, completed in the weeks leading up to Maine's statewide primary election on June 9, 2026. Gilbert nevertheless argues that the Court should, if necessary, remand this case back to the Secretary *again* so that the Elections Division can review thousands more signatures based on discrepancies Gilbert has identified on a handful of the many petition forms submitted by each of these three circulators. Should the Court reach these issues, it should reject Gilbert's position.[4]

[4] Indeed, it is unclear how the Elections Division could even accomplish such a massive review in anything resembling a timely manner. The Elections Division has only 13 employees, all of whom will be more than fully occupied with the administration of the June 9, 2026 statewide primary election and any resulting ranked-choice tabulations and recounts, which will most likely span at least the remainder of June.

A. The Secretary was not required to direct Elections Division staff to review all of Circulator Jean-Baptiste's 765 validated signatures for fraud.

According to the Secretary's findings, Circulator Jean-Baptiste circulated 77 petition forms containing 765 validated signatures and 156 invalidated signatures. R 033332. Of these, 324 signatures were collected on Election Day, all of which were found valid. R 033333. In contrast, Circulator Jean-Baptiste's post-election-day petition forms contained relatively high rates of signatures that were invalidated by either the municipal registrar or the Elections Division, for issues that included ANO and DUP. *Id.* "ANO" means that the municipal registrar, after comparing the signature on a petition from with the voter's signature on their voter registration application (which are maintained by municipal registrars), has determined that the signatures do not match. "DUP" means that the Elections Division has determined that the same name already appears elsewhere in the petition, either on the same form or a different form.

Gilbert pointed out some of these issues in arguing for a remand to consider this issue in her initial Rule 80C brief. *See* Gilbert 80C Br. at 28–29. But, unlike her presentation on remand relating to Circulator Rokelle Harris, in which she presented testimony of multiple live witnesses confirming that signatures on the petition were not those of voters, Gilbert's remand presentation on Circulator Jean-Baptiste was limited to an inconclusive cross-examination of Mr. Jean-Baptiste and pointing out in her post-hearing brief instances on some of the circulator's petition forms in which duplicate signatures appeared to be made by different hands, voter names or addresses were misspelled, and similar discrepancies.

The Secretary agreed that Gilbert's review of the petitions "uncovered some troubling entries" and that certain aspects of the circulators' testimony "called into question their credibility." R 33348. However, the Secretary ultimately declined to order an Elections

Division review of the petition forms of circulators other than Rokelle Harris. The Secretary reasoned:

> Ultimately, while Gilbert's paper review of the petitions suggests that some signatures on these two circulators' petitions were not made by the named voter, I conclude that the evidence did not rise to the level of proving that either circulator engaged in forgery or other fraudulent conduct. Neither circulator asked petition signers for identification, nor were they required to do so. The alleged forgeries identified by Gilbert are not—or at least not obviously—written by the same hand. Notably, with the exception of Jackson's Waterville petition form, even those petition forms submitted by these circulators with unusually high invalidation rates were found to contain mostly valid signatures. It is thus unclear without more evidence how any scheme by the circulators to forge signatures on the petitions would have worked in practice.

Id.

Given these issues with Gilbert's showing, tasking the Elections Division with the painstaking task of reviewing Circulator Jean-Baptiste's 765 additional signatures for ANO was not required. As the Court has already held, "the petition validation procedures as outlined by the Maine Constitution and Title 21-A place the responsibility for verifying whether petition signers are registered voters with municipal registrars, rather than the Secretary." D&O at 16. The review of signatures for ANO is a key part of this municipal review process. While the Secretary may, in her discretion, conduct additional review when she deems it warranted, the Court has already held that she "cannot commit reversible error in a petition validation decision by rel[]ying on municipal certification decisions." D&O at 16; *see also Johnson v. Dunlap*, Docket No. AP-09-56, slip op. at 7 n.5 (Ken. Cty. Super. Ct. Dec. 23, 2009) (recognizing both the Secretary's "power to review individual signatures for duplicates, forgery, and other issues" and that her decision to instead rely on certifications of municipal registrars "is not error.") (attached as Exhibit A to the Secretary's original Rule 80C brief).

That the Secretary's decision whether to order additional review of the municipal certification process is entirely discretionary should end the matter. But, even if it does not, that decision was sound and not an abuse of discretion. In all but one of the examples of suspicious duplicate signatures cited by Gilbert, *see* Gilbert Br. at 23–24, the Elections Division had already invalidated one of the signatures for DUP. What is more, the very fact that Circulator Jean-Baptiste's petitions contain a higher-than-average number of invalidations demonstrate that state and local officials conducted an appropriately rigorous review of those petitions the first time around. Particularly with regard to the petition forms that already contain invalidations for ANO, it can be fairly assumed that the municipal registrars performed their duty to compare petition signatures against those on the voters' registration applications and confirmed that the non-ANO signatures on the form matched those on the voter registration applications. *See, e.g.*, Gilbert Br. at 27 (reproducing petition form). There was no need to require Elections Division staff to re-review those petition forms.

In declining to order additional investigation by the Elections Division, the Secretary also properly considered the inconclusive nature of the evidence presented by Gilbert. Unlike with Circulator Harris, Gilbert did not subpoena municipal clerks to testify about the thoroughness of their review or voters to testify that they did not in fact sign the petitions. Moreover, while time on remand was short for all involved, there was nothing to stop Gilbert from undertaking the signature comparison that she now demands of the Elections Division. While the scans of voter registration applications contained in CVR are confidential, *see* 21-A M.R.S.A. § 196-A(1), any member of the public may visit the municipal registrar and inspect and copy the original voter registration forms. *See* 21-A M.R.S.A. § 22(5) ("Voter signatures on voter registration applications and associated records in a printed hard-copy format are public records in

accordance with subsection 1 and Title 1, section 408-A."). The petitions at issue here involved a small number of towns (primarily Lewiston), such that review would not have required CVR access as a practical matter. Yet Gilbert did not present any evidence from these public records to demonstrate that municipal registrars missed a significant number of signatures that should have been invalidated for ANO.

In short, the Court should rule that the Secretary's decision not to order a re-review of municipal certification decisions for Circulator Jean-Baptiste's petition forms was entirely discretionary and was, in any event, not an abuse of discretion in light of the limited evidence of fraud presented on remand.[5]

B. The Secretary was not required to direct Elections Division staff to review all of Circulator Jackson's 955 validated signatures for fraud.

Gilbert's argument that the Secretary should be forced to conduct additional investigation of Circulator Kendrick Jackson is nearly the same as her arguments regarding Circulator Jean-Baptiste. *See* Gilbert Br. at 28–38. Like Circulator Jean-Baptiste, Circulator Jackson collected petitions with almost entirely valid signatures on Election Day, but then submitted post–Election Day petition forms with a relatively high number of invalidations, including for ANO and DUP. *See* R 33333–34. He ultimately submitted 955 validated signatures and 162 invalidated signatures. R 033333.

As with Jean-Baptiste, Gilbert points to discrepancies visible on the petition forms themselves suggesting that some signatures were forged as well as Jackson's at times less-than-credible testimony. But also as with Jean-Baptiste, she presented no witnesses on remand, other

[5] Should the Court disagree, it should at least limit the scope of any such investigation to the post-Election Day petitions containing unusual numbers of invalidations. Even Gilbert does not appear to contend that the many signatures Jean-Baptiste collected on Election Day were the result of fraud. *See* Gilbert Br. at 22.

than an inconclusive cross-examination of the circulator, and did not conduct any comparison between the petition signatures and the voter registration applications, despite the availability to her of those applications. Thus, further investigation by the Elections Division was not required for the same reasons it was not required with regard to Circulator Jean-Baptiste. As argued above, the Secretary has sole discretion in whether to order such an investigation, or instead rely on the review by municipal registrars, and, in any event, did not abuse that discretion by declining to order such an investigation based on Gilbert's inconclusive showing on remand.

C. The Secretary was not required to direct Elections Division staff to review all of Circulator Adam Turner's 539 validated signatures.

In her post-hearing brief Gilbert pressed the Secretary to also invalidate additional signatures collected by Adam Turner based on suspected fraud, even though Gilbert's original Challenge 19 contained no mention of Circulator Turner. Gilbert 80C Brief at 28–29. Unlike Jean-Baptiste and Jackson's petition forms, the invalid signatures on Turner's forms were overwhelmingly for NR—not registered. R 033334–35. The Secretary concluded that "[w]hile such invalidations might theoretically be an indication of fraud, they may also simply reflect circulation of petitions in settings in which a large number of non-voters are likely to be present." R 033349.

Gilbert suggests that "improbably high" number of invalidations for NR "suggest[s] Turner obtained [those signatories'] information from another source without verifying their registration status." Gilbert Br. at 38. That is one possible explanation. But Gilbert did not present evidence that would move the needle from "possible" to "probable." Most notably, not one of the signers invalidated for NR appeared at the hearing to testify that they did not in fact sign the petition. Moreover, while Gilbert points to some suspicious signatures in her brief, Gilbert Br. at 38–39, those signatures were mostly invalidated. In short, without more evidence,

the Secretary did not abuse her discretion by declining to order an Elections Division review of Circulator Turner's 539 validated signatures.

IV. The Court should not revisit its prior rulings in this case.

Despite the expedited timeframe in which the Court intends to decide this case, and despite the fact that Gilbert's initial arguments rejected by this Court in Decision and Order are already fully preserved for appeal, *see* M.R. Civ. P. 80C(m), Gilbert nevertheless asks this Court to reconsider essentially the entirety of its original Decision and Order to the extent it ruled against Gilbert's legal positions. The Court should decline this invitation. Instead, the Court should follow the doctrine of law of the case and decline to reopen the legal rulings it has already made and that established the proper scope of the remand proceedings just concluded. *See generally Blance v. Alley*, 404 A.2d 587, 589 (Me. 1979).

To the extent the Court wishes to consider Gilbert's requests for reconsideration of the rulings in its Decision and Order, the Secretary opposes reconsideration for all the reasons set forth in her initial Rule 80C brief, which she incorporates by reference herein, as well as the reasons set forth below.

A. The Court properly rejected Challenge 1.

The Court should not reconsider either of the alternative bases on which it rejected Gilbert's Challenge 1. The Maine Administrative Procedure Act expressly requires that a petition for review state the "grounds upon which relief is sought." 5 M.R.S.A. § 11002. While Gilbert argues that her petition for review mentioned the petition organization registration requirements, Gilbert Br. at 42, it does so in the context of reciting a list of all of the requirements that apply to petition circulators. Pet. ¶ 27. Nowhere does the petition for review allege that the petition is invalid due specifically to a failure to comply with the registration

requirements. As the Court correctly found, such an omission is not "merely a technicality of the pleading." D&O at 10. That is especially true in the highly expedited context of a petition challenge, in which late notice to the other parties of a claim can cause prejudice in light of the breakneck briefing schedule that must necessarily be followed.

The Court should also reject Gilbert's argument that she could not have asserted her registration claim in the petition review because much of the information concerning petition registration was unavailable prior to the filing of the record. While true that the record contains additional materials beyond what was publicly available, the registration information posted online by the Secretary was more than sufficient to allow Gilbert to discern core aspects of Challenge 1, such as whether the registered organizations were registered foreign LLCs within Maine. *See* https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/Petition%20Organization%20Reg%20Apps.pdf.

What is more, the Court should decline to revisit its alternative conclusion that "invalidation of tens of thousands of petition signatures may not be an appropriate remedy in the context of this specific case," where the Elections Division has not provided instruction or notice to petition circulators on the specific requirements cited by Gilbert, such as foreign LLC registration. D&O at 10 n.1. Gilbert's argument is that these areas of noncompliance with petition organization registration requirements compel the Secretary to invalidate over 50,000 otherwise valid signatures. But Gilbert cites no authority for the proposition that the Secretary is *compelled* to invalidate signatures, regardless of circumstances or context, when a law regulating circulation of petitions does not specify that noncompliance requires invalidation of signatures. To the contrary, the Law Court has described the Secretary's authority in permissive rather than mandatory terms: "the Secretary *may* disqualify signatures for a failure to follow the

requirements of the Constitution or its statutory overlay." *MTAN*, 2002 ME 64, ¶ 12, 795 A.2d 75. Particularly given the extenuating facts and circumstances, that the Secretary did not do so here is not reversible error.

B. The Court should reject Gilbert's arguments to revive Challenge 5.

Gilbert asks the Court to reconsider her agreement with the Secretary's reading of 21-A M.R.S.A. § 903-E as barring conflicted notaries from notarizing the circulator's oath on the petition form, but not the circulator affidavit. Gilbert Br. at 46. The Court should decline to do so.

The relevant statute reads "[a] notarial officer may not administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum under Title 21-A, section 902 if the notarial officer also provides services that are not notarial acts to initiate or promote that direct initiative or people's veto referendum." 4 M.R.S.A. § 1904(5); *see* 21-A M.R.S.A. § 903-E (using materially identical language to impose the same requirement). "Title 21-A, section 902" is entitled "verification and certification" and sets forth the processes by which a petition form must be verified by the circulator and certified by the municipal registrar before it is filed with the Secretary. It does not address circulator affidavits, which are regulated by a different provision, 21-A M.R.S.A. § 903-A, which sets forth regulations governing circulators themselves.

The Secretary's interpretation of these conflict-of-interest provisions is straightforward: a conflicted notary may not administer the "oath or affirmation" that is required "under Title 21-A section 902." That oath is the circulator oath on the petition form, which is the only oath mentioned in § 902. For the statute to mean what Gilbert asserts it means, the relevant language would need to be amended to "oath or affirmation . . . under Title 21-A, sections 902 or 903-A.

Gilbert's argument to the contrary is that the statutes "prohibit[] administering an oath to a category of *person*—a circulator—rather than prohibiting administering the oath on a specific *form* or under a specific *provision.*" Gilbert Br. at 47. But Gilbert's interpretation would, among other things, violate the rule against surplusage—the canon that "[a]ll words in a statute are to be given meaning, and no words are to be treated as surplusage if they can be reasonably construed." *Waterman v. Wheeler*, 2025 ME 96, ¶ 4, 347 A.3d 1028 (quoting *Cent. Me. Power Co. v. Devereux Marine, Inc.*, 2013 ME 37, ¶ 8, 68 A.3d 1262). If the restriction targets "a category of person" rather than a type of oath, the phrase "under Title 21-A section 902" becomes surplusage. That language could be excised from the statute completely with no change in meaning whatever.

What is more, even putting aside the surplusage problem, Gilbert's interpretation of the statute makes no sense. Circulators are regulated as "a category of person" not by section 902, but by section § 903-A, which is entitled "Circulation." That statute begins with a definition of "circulator" and continues by setting forth various requirements relating to circulators. Section 902, in contrast, is not specific to circulators but describes actions that must be taken with regard to each petition form before it may be submitted to the Secretary, just one of which is the administration of the circulator's oath. Thus, for Gilbert's interpretation of the statute to be correct, it would need to read ". . . under section 903-A," not ". . . under section 902."

In any event, even if the Court concludes that the textual analysis above is not dispositive, it should still defer to the Secretary's reasonable interpretation of the statute. *Caiazzo v. Sec'y of State*, 2021 ME 42, ¶ 17, 256 A.3d 260. Without discounting the importance of the circulator's affidavit, it is certainly reasonable to conclude that the Legislature wished to

impose heightened requirements on the circulator oath, which the Law Court has referred to as "critical to the validation of a petition." *MTAN*, 2002 ME 64, ¶ 13, 795 A.2d 75.

C. The Court should not reconsider its ruling on Challenges 14 and 15, involving incorrect or missing dates.

The Secretary's longstanding approach to missing or incorrect dates on direct initiative petitions is to invalidate the signature only if it cannot be confirmed from context that the signature was made within the required period—i.e., prior to the date of the circulator's oath and within 12 months of the petition filing date. In conducting this analysis, the primary contextual clue is whether there are signatures above and below the signature with the defective date that have dates within the circulation period. Since voters sign the petition forms sequentially, the presence of a valid date above and below the signature confirms the timeliness of the signature beyond reasonable doubt.

Contrary to Gilbert's arguments, the Secretary's approach to dates fully effectuates the purpose of the circulator oath and dating requirements, which are to ensure that (a) the circulator oath applies to all signatures on the petition and (b) signatures were collected within the timeframe specified in the Constitution. *See* Me. Const. art. IV, pt. 3, § 18(2) (requiring signatures to be dated within one year of petition filing). Consistent with these purposes, the Secretary's approach allows for invalidating those signatures actually made outside the permissible period, or where there is genuine doubt as to whether they were made within the permissible period, while also preserving voters' ability to have their voices heard when they make immaterial errors that do not prevent the Secretary from discerning that the signature was timely made.

D. The Court should not reconsider its rejection of Challenge 18.

Gilbert argues that the Secretary is obligated to review the registration status of 59 petition signatories that Gilbert claims were made by unregistered voters. This Court has already confirmed, in accord with the Superior Court decision in *Johnson v. Dunlap*, that the Secretary is under no obligation to review registrars' determination of registration status and cannot commit reversible error by declining to do so. The Court should not revisit its position on this question.

Moreover, even if Gilbert were correct that the Secretary might be required to check registration status of voters if "relevant evidence brought to [the Secretary's] attention during [her] review," Gilbert Br. at 52, no such evidence has been brought to the Secretary's attention here. All Gilbert has provided in these proceedings is a bare list of signatories that Gilbert believes to not be registered based on her analysis of unspecified "publicly available voter lists promulgated by the Secretary." Gilbert Br. at 52; R 033723. Such private analyses of voter lists are typically highly unreliable. In a 2024 candidate challenge, for example, the Secretary was persuaded to review the registration status of 954 signatories that the challengers asserted were unregistered, only to find that only 32 of those voters (i.e. 3%) could not be confirmed as registered voters.[6] In any event, Gilbert's bare list of names is not "prima facie evidence" that the listed persons are unregistered. Gilbert Br. at 52. Thus, even if there were some evidentiary threshold that might trigger an obligation to review names in CVR, Gilbert has not triggered it here.

[6] *See In re: Challenges to the Nomination of Slate of Presidential Electors to Support Dr. Cornel West,* at 32 (Aug. 20, 2024), *available at* https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/FINAL%20-%20West%20Decision.pdf

E. The Court should not reconsider its ruling on Challenges 20 and 21, concerning missing street addresses and municipalities.

Finally, Gilbert argues that the Court should reconsider its decision to defer to the Secretary's longstanding view that the failure of a voter to include a street address or municipality does not require automatic invalidation of the voter's signature. Gilbert Br. at 54. The reason is simple: municipal registrars certify signatures primarily by matching signatures. If the registrar is able to locate the voter's record and match their signature, the lack of an address or municipality has no impact on the integrity of the registrar's determination that the voter is a registered voter in the municipality. Where a voter fails to include this information, they risk invalidation of their signature if the registrar cannot locate their voter registration information but there is no good reason to invalidate their signature if the registrar can certify it without the address information. Moreover, while it is true as Gilbert points out that 21-A M.R.S.A. § 354(4) specifies that the petition signer should include street address and municipality, there is no further provision stating that the invariable penalty for failing to do so must be invalidation of the signature, even if it can be easily certified by the registrar. As already noted, the Law Court has described the Secretary's authority to invalidate signatures in permissive rather than mandatory terms. *MTAN*, 2002 ME 64, ¶ 12, 795 A.2d 75. Invalidating a signature for lack of address information where that information did not in fact prevent a registrar from confirming that the signer was a registered voter would not further the statutory purpose of that provision.

Conclusion

The Court should affirm the Secretary's revised determination of validity.

Dated: June 5, 2026

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STATE OF MAINE
CUMBERLAND COUNTY

DOCKET NO. AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent,

PROTECT GIRLS SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

PETITIONERS' POST-REMAND RESPONSE BRIEF

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

INTRODUCTION 1

ARGUMENT 4

I. The Secretary properly rejected petitions submitted by out-of-state circulators who did not consent to Maine's jurisdiction. 4

A. The Secretary did not clearly err in concluding that four circulators failed to submit to Maine's jurisdiction and accordingly did not properly circulate petitions. 4

B. The Secretary of State has the authority—and legal obligation—to comply with federal consent decrees and determinative rulings of federal law. 8

1. The Secretary is charged with assessing the qualifications of circulators, and must do so in accordance with federal law. 10

2. The federal Consent Order is binding on the Secretary, and Maine courts cannot modify or set aside that federal decree. 13

3. PGS's desired modification of the Consent Order is nonsensical in any event. 15

C. There is no federal constitutional right to submit a petition signature to an unqualified, non-resident circulator who has refused Maine's jurisdiction. 17

II. Maine's commonsense conflict of interest rules for notaries do not violate the First Amendment or constitute viewpoint discrimination. 18

III. The Secretary properly carried out the Legislature's clear prohibition on the use of ditto marks in specific petition fields. 23

IV. While the Secretary provides ample grounds to affirm the Revised Determination, the Court should revisit certain additional decisions of the Secretary as necessary. 25

A. The Secretary should be required, if necessary, to further evaluate specific petition sheets from Jean-Baptiste, Jackson, and Turner that bear unmistakable indicia of fraud (Challenge 19). 25

B. The Court should, as needed, invalidate signatures collected by petition organizations that indisputably failed to comply with Maine law (Challenge 1). 27

C. The Court should, as needed, determine that Maine's notarial conflict of interest rule applies to oaths on circulator affidavits (Challenge 5). 28

D. The Court should, if necessary, invalidate signatures lacking the date required by the Maine Constitution (Challenges 14 and 15). 28

E. The Court should require the Secretary to confirm the registration status of 59 potentially unregistered registers, if necessary (Challenge 18). 29

F. The Court should enforce the Maine Constitution's clear address and municipality requirements, as necessary (Challenges 20 and 21)..... 29

CONCLUSION..... 30

TABLE OF AUTHORITIES

Page(s)

CASES

Alden v. Maine,
527 U.S. 706 (1999) 11

Allen v. Quinn,
459 A.2d 1098 (1983) 18

Am. Party of Tex. v. White,
415 U.S. 767 (1974) 22, 23

Ayotte v. Planned Parenthood of N. New England,
546 U.S. 320 (2006) 13, 16, 17

Bd. of Cnty. Comm'rs of Shelby Cnty., Tenn. v. Burson,
121 F.3d 244 (6th Cir. 1997) 12

Blance v. Alley,
404 A.2d 587 (Me. 1979) 25

Citizens Comm. to Recall Rizzo v. Bd. of Elections of City & Cnty. of Phila.,
470 Pa. 1, 367 A.2d 232 (1976) 22

Civ. Serv. Comm'n v. Nat'l Ass'n of Letter Carriers,
413 U.S. 548 (1973) 6

Coker v. City of Lewiston,
1998 ME 93, 710 A.2d 909 8

Corinth Pellets, LLC v. Arch Specialty Ins. Co.,
2021 ME 10, 246 A.3d 586 8

Cornelius v. NAACP Legal Def. & Educ. Fund,
473 U.S. 788 (1985) 20

Del. Valley Citizens' Council for Clean Air v. Pennsylvania,
755 F.2d 38 (3d Cir. 1985) 15

Firefighters v. Cleveland,
478 U.S. 501 (1986) 13

Frew v. Hawkins,
540 U.S. 431 (2004) 13

Gathercoal v. Purcell,
271 Ga. 26, 517 S.E.2d 780 (1999) 22

Harriman v. Fleet Bank of Maine,
No. CIV.A. RE-02-007, 2003 WL 1623991 (Me. Super. Ct. Jan. 30, 2003) 15

Hart v. Sec'y of State,
1998 ME 189, 715 A.2d 165 ..... 11, 17, 18

Hoffman v. Sec'y of State,
574 F. Supp. 2d 179 (D. Me. 2008) 17

Horne v. Flores,
557 U.S. 433 (2009) 14

Howlette v. City of Richmond,
580 F.2d 704 (4th Cir. 1978) 22

In re Op. of the Justices,
116 Me. 557, 103 A. 761 (1917) 11, 21

Jones v. Sec'y of State,
2020 ME 113, 238 A.3d 982 ..... 11, 18, 22, 30

Klem v. Wash. Mut. Bank,
176 Wash. 2d 771 (2013) 20

Knutson v. Dep't of Sec'y of State,
2008 ME 124, 954 A.2d 1054 ..... 11, 24

Lackey v. Stinnie,
604 U.S. 192 (2025) 13, 14

League of United Latin Am. Citizens, Dist. 19 v. City of Boerne,
659 F.3d 421 (5th Cir. 2011) 15

Lewis v. Webb,
3 Me. 326 (1825) 24

Martin v. Hunter's Lessee,
14 U.S. (1 Wheat.) 304 (1816) 14

McGuire v. Reilly,
386 F.3d 45 (1st Cir. 2004) 20

McIntyre v. Ohio Elections Comm'n,
514 U.S. 334 (1995) 22

Me. Taxpayers Action Network v. Sec'y of State,
2002 ME 64, 795 A.2d 75 ..... 11, 26

Miller v. Thurston,
967 F.3d 727 (8th Cir. 2020) 22

Mutty v. Dep't of Corr.,
2017 ME 7, 153 A.3d 775 27

Nat'l R.R. Passenger Corp. v. Pa. Pub. Util. Comm'n,
342 F.3d 242 (3d Cir. 2003) 15

New York v. United States,
505 U.S. 144 (1992) 14

On Our Terms '97 PAC v. Sec'y of State,
101 F. Supp. 2d 19 (D. Me. 1999) 29

Palesky v. Sec'y of State,
1998 ME 103, 711 A.2d 129 ..... 21, 23

Parks v. McWhorter,
494 N.E.2d 234 (Ill. App. Ct. 1986) 20

Plaut v. Spendthrift Farm, Inc.,
514 U.S. 221 (1995) 13

Reed v. Sec'y of State,
2020 ME 57, 232 A.3d 202 ..... 11, 18, 22, 23

Reynolds v. Sims,
377 U.S. 533 (1964) 12

Rufo v. Inmates of Suffolk Cnty. Jail,
502 U.S. 367 (1992) 13

Sewall v. Spinney Creek Oyster Co.,
421 A.2d 36 (Me. 1980) 27

Spain v. Mountanos,
690 F.2d 742 (9th Cir. 1982) 14

Taylor v. Carryl,
61 U.S. 583 (1857) 11

Thames v. Jackson Prod. Credit Ass'n,
600 So. 2d 208 (Miss. 1992) 20

Thomas v. Thompson,
653 A.2d 417 (Me. 1995) 27

Tinsman v. Town of Falmouth,
2004 ME 2, 840 A.2d 100 5

Tripp v. Scholz,
872 F.3d 857 (7th Cir. 2017) 22

United States v. Peters,
9 U.S. (5 Cranch) 115 (1809) 14

Villanueva v. Brown,
103 F.3d 1128 (3d Cir. 1997) 19

W. Sys., Inc. v. Ulloa,
958 F.2d 864 (9th Cir. 1992) 15

Ward v. Rock Against Racism,
491 U.S. 781 (1989) 20, 21

We the People PAC v. Bellows,
40 F.4th 1 (1st Cir. 2022) ..... *passim*

We the People PAC v. Bellows,
519 F. Supp. 3d 13 (D. Me. 2021) 2, 7, 12, 16

Webb v. Webb,
451 U.S. 493 (1981) 11

STATUTES

1 M.R.S. § 71 17

21-A M.R.S. § 112 30

21-A M.R.S. § 21 ..... 7, 10, 14

21-A M.R.S. § 354 ..... 3, 23, 24, 30

21-A M.R.S. § 902 10

21-A M.R.S. § 903-A 5, 6, 7, 10

21-A M.R.S. § 903-C 10

21-A M.R.S. § 903-E 18

21-A M.R.S. § 904 ..... 8, 10

21-A M.R.S. § 905 7

4 M.R.S. § 1901 19

4 M.R.S. § 1902 19

4 M.R.S. § 1904 ..... 19, 20

5 M.R.S. § 11002 27

5 M.R.S. § 11007 27

Me. Const. art IX, § 1 12

Me. Const. art. IV, pt. 3, § 18 ..... 23, 25, 28

Me. Const. art. IV, pt. 3, § 20 ..... 9, 10, 16

Me. Const. art. IV, pt. 3, § 22 ..... 10, 24, 25

U.S. Const. art. VI 12

RULES

Me. R. Civ. Proc. 80C(g) 27

OTHER AUTHORITIES

Consent Order, *We the People PAC v. Bellows, et al.*, Case No. 1:20-cv-489 (D. Me. Feb. 9, 2023), ECF No. 88 ..... *passim*

Decision of the Sec'y of State, *In re: Challenges to the Nomination of Slate of Presidential Electors to Support Dr. Cornel West* (Me. Aug. 20, 2024), https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/FINAL%20-%20West%20Decision.pdf 23

INTRODUCTION

Protect Girls Sports' (PGS) brief only confirms that the Secretary got things right in her Revised Determination. Among other things, PGS does not dispute that circulators Vasquez and Mays abandoned their petition sheets and that the Secretary was correct to invalidate their petition sheets from the days in question. Nor does PGS dispute that Rokelle Harris's petition sheets were composed entirely of invalid signatures. Indeed, PGS disputes essentially *none* of the Secretary's factual findings, including that four non-resident circulators failed to consent to Maine's jurisdiction *while* circulating petitions in Maine. Accordingly, the Court should accept the Secretary's factual findings which, under Maine law, require concluding that PGS's petition **falls 532 signatures short** of the required number needed to qualify for the ballot.

Unable to find fault with the Secretary's findings or her faithful application of Maine's ballot initiative rules, PGS instead makes the extraordinary ask that the Court disregard Maine law and excuse PGS's noncompliance with its express requirements. In particular, PGS hitches nearly its entire appeal to the novel theory that the Secretary has no authority to invalidate petition sheets from four non-resident circulators who failed to submit to Maine's jurisdiction. PGS's theory on this score is deeply confusing but appears to boil down to the idea that the Secretary cannot regulate out-of-state circulators *at all* because they are not contemplated by the Maine Constitution. But that is a strange contention, not least of all because by its plain text the Maine Constitution categorically *bans* non-resident circulators. They are only permitted to now operate in Maine as the result of a recent federal consent decree, entered into by the Secretary, and only if the circulator submits to Maine's jurisdiction. *See We the People PAC v. Bellows, et al.*, Case No. 1:20-cv-489 (D. Me. Feb. 9, 2023), ECF No. 88 ("Consent Order").

PGS, one might think, would be a fan of the Consent Order. After all, it recruited (and typically paid) *120 non-resident circulators*, who came to Maine and collectively submitted *over*

41,000 signatures on behalf of PGS—close to 60 percent of the signatures initially validated by the Secretary. In other words, absent the Consent Order, PGS's petition would go up in smoke. Yet nearly the entirety of PGS's brief is spent *attacking* the Consent Order and the Secretary's authority to carry out its terms. PGS seems to want the *benefit* of the Consent Order—an exception to Maine's constitutional prohibition on out-of-state circulators—without any of the conditions that a federal court set to obtain that privilege. But federal court orders are not buffets, and PGS cannot simply pick and choose which aspects of the Consent Order it wants to apply.

PGS's theory mangles many basic precepts, any one of which dooms its argument. To start, the Secretary—as the officer charged by the Legislature with enforcing Maine's circulator rules—indisputably has the duty to abide by *both* state and federal law in carrying out her charge. PGS repeatedly claims that the Secretary is restricted to enforcing Maine's Constitution as written—save the portions PGS does not like, such as the residency rule, of course—but ignores that she must *also* do so in a manner consistent with federal law. That duty is relevant here, where two federal court decisions and the federal Consent Order make clear the Secretary *can* enforce the residency rule, as required by Maine law, save as to circulators who "first submit to the jurisdiction of the state of Maine." *We the People PAC v. Bellows*, 40 F.4th 1, 9 (1st Cir. 2022) (quoting *We the People PAC v. Bellows*, 519 F. Supp. 3d 13, 52–53 (D. Me. 2021)). PGS also claims the Secretary is prohibited from carrying out the Consent Order's terms and that the Consent Order itself may be "ultra vires." PGS Post-Remand Br. 22. All of that is wrong. Federal courts routinely issue orders with which state officials must comply, and the Consent Order itself acts as a binding federal judgment. And even if the Consent Order *were* deficient in some way—which, again, would only make things *worse* for PGS—no Maine court can afford relief by modifying or setting

aside a binding *federal* decree. Simply put, the Consent Order is binding and compels the Secretary to enforce *all* its terms—not just those convenient for PGS.

PGS's handful of remaining arguments fare no better. It claims, for example, that upholding the Consent Order violates the constitutional rights of Maine electors. Even assuming PGS has standing to assert such claims on behalf of unidentified electors, it cites no authority for the notion that voters have a constitutional right to submit petition signatures to circulators who violate the laws governing petition circulation. Both federal and state authority refute that notion which, if accepted, would eviscerate all circulator regulations. Next, PGS claims that Maine's common sense notary regulations violate constitutional rights. Not so. Those rules permit notaries in Maine to engage in whatever political activity they wish, including circulating petitions. Once they perform such services on behalf of a ballot measure campaign, however, they cannot then serve as impartial notaries for the campaign's other circulators. That sensible rule regulates their *notarial* conduct, not their *political* conduct, and Maine has ample justification for ensuring registered notaries avoid such obvious conflicts of interest. Lastly, PGS attacks the clear prohibition on the use of ditto marks for certain petition fields in 21-A M.R.S. § 354. But PGS's complaint reflects a bare policy disagreement with the Legislature, not any viable legal theory.

In sum, the Secretary's conclusion—that the Measure failed to obtain enough valid signatures—is firmly rooted in factual findings that are not clearly erroneous, and PGS's attacks on that conclusion largely boil down to a plea to excuse or exempt clear violations of Maine law. The Court can resolve this case by rejecting PGS's last-ditch attacks and upholding the Secretary's Revised Determination. However, to the extent it adversely modifies any finding by the Secretary, the Court must then grapple with a litany of outstanding challenges raised by Petitioners, any

number (or combination) of which also suffice to doom the Measure. Accordingly, whichever approach the Court takes, the end is the same: it must affirm the Revised Determination.

ARGUMENT

I. The Secretary properly rejected petitions submitted by out-of-state circulators who did not consent to Maine's jurisdiction.

A. The Secretary did not clearly err in concluding that four circulators failed to submit to Maine's jurisdiction and accordingly did not properly circulate petitions.

PGS makes little effort to disturb the Secretary's factual finding that four non-resident circulators— Cairo, Kewechi Chukwuma, Jordan Albert, and Ummsalaamah Hakeem—failed to "agree to submit to the personal jurisdiction of Maine," as required to come within the protective scope of the Consent Order. *See* Consent Order ¶ 2; *see also* R.033335–36 ¶¶ 97–100; R.033352–55. Yet PGS only reaches this elemental question after laboring to erase this requirement from the Consent Order. PGS's attempt to avoid the issue is not surprising; the record amply supports the Secretary's determination. In fact, even when it finally reaches the question, PGS does not even bother to contend that Chukwuma, Albert, or Hakeem consented to Maine's jurisdiction, nor is there any evidence in the record that could possibly support such a finding. Indeed, all three of these circulators failed to appear at the post-remand hearing altogether.

PGS does attempt to argue that at least one circulator—Cairo—adequately submitted to jurisdiction after-the-fact, but that argument should be rejected. PGS does not dispute the Secretary's finding that Cairo did not submit to Maine's jurisdiction before she submitted her petitions. *See* R.033335 ¶ 96 (citing R.032665). Cairo's own testimony compels this conclusion, as she repeatedly confirmed that she affirmatively chose to *not* check the box on her circulator affidavit submitting to Maine's jurisdiction during PGS's petition drive, due to never resolved questions she had about the consequences of doing so. *See* R.033405–06; R.033410–11;

R.033415–16. Based on that testimony, the Secretary determined as a factual matter that Cairo had "a substantive lack of agreement" with the relevant portion of the circulator affidavit and therefore was "intentional" in not submitting to Maine's jurisdiction during the circulation period. R.033353–54. The Secretary's factual determination about Cairo's intent is subject to review for clear error, *see Tinsman v. Town of Falmouth*, 2004 ME 2, ¶ 12, 840 A.2d 100, a bar that PGS does not even try to clear. Nor could it, given Cairo's *repeated* and consistent testimony that she purposefully chose not to consent to Maine's jurisdiction while collecting signatures due to concerns that were never addressed, *see, e.g.*, R.033405–06; R.033410–11; R.033415–16.

Instead, PGS contends that it was sufficient under the Consent Order that Cairo submitted a new affidavit *months* after the circulation period ended. *See* PGS Post-Remand Br. 25–29. That too is wrong. In support, PGS asserts that the Consent Order does not explicitly say exactly "*when* an out-of-state circulator must confirm their agreement to submit to the State's jurisdiction." PGS Post-Remand Br. 25. But that too-cute-by-half argument goes nowhere because a different provision of Maine law answers that question. Specifically, § 903-A makes clear that circulators must submit their affidavits—the forms used to determine whether a circulator is qualified—"*at the time the petition is filed*." 21-A M.R.S. § 903-A(4) (emphasis added).

As both Petitioners and the Secretary have explained at length, not only is PGS's position contrary to explicit Maine law, it makes no sense to permit after-the-fact submission of an affidavit, the entire purpose of which is to ensure (1) that circulators follow the law *while circulating petitions* and, (2) that they are subject to Maine's jurisdiction when election officials review the circulator's work. *See* Pets.' Post-Remand Br. 14–16; *see also* SOS Post-Remand Br. 21–22 (describing the "bizarre and unworkable" results of PGS's "deadline-free approach"); R.033353–55 (similar). What's more, the term "petition" in § 903-A—as in § 902—refers specifically to the

sheets that circulators submit to town clerks. Consistent with the law, the Secretary's instructions contemplate these forms being processed *before* municipal clerks review signatures. *See* R.0098 (instructing municipal clerks to "invalidate" signatures by circulators who have not previously submitted an affidavit). Given town registrars' duty to invalidate signatures from non-compliant circulators, it is not even clear *how* registrars or the Secretary could practically review the validity of a petition sheet submitted to them without first confirming that the circulator has consented to Maine's jurisdiction. On PGS's reasoning, non-resident circulators could decline to submit to Maine's jurisdiction when they submit their affidavits—requiring election officials to reject their petition sheets *en masse*—only to then revive their petition sheets months after the Secretary makes a validity determination by suddenly declaring their submission to Maine's jurisdiction. Maine law plainly does not contemplate, much less *require*, such an absurd outcome.[1]

PGS responds that § 903-A cannot answer this timing question because it does not refer specifically to out-of-state circulators. *See* PGS Post-Remand Br. 27. That misses the point. Section 903-A prescribes when *every* circulator must submit their affidavit form. *See* 21-A M.R.S. § 903-A(4) ("A person who circulates a petition *shall* execute an affidavit . . ."). And it further makes clear that the circulator affidavit is the mechanism Maine law employs for establishing a circulator's qualification. *See id.* § 903-A(4)(B)–(D). Indeed, PGS fails to explain how else hundreds of circulators engaged in the petition process even *could* indicate their consent to Maine's

[1] Section 903-A also supplies the answer to PGS's half-hearted due process argument, *see* PGS Post-Remand Br. 26–27, which speculates that circulators have no idea when they must submit their affidavits under the Consent Order. They must do so when Maine law clearly directs they must: "at the time the petition is filed." 21-A M.R.S. § 903-A. Even if § 903-A was not so clear, sheer common sense should tell a circulator that they must submit their affidavit *before* turning in their own work, and at minimum before the Secretary renders her determination of validity on the entire initiative. *See Civ. Serv. Comm'n v. Nat'l Ass'n of Letter Carriers,* 413 U.S. 548, 579 (1973) (explaining due process only requires clarity sufficient for an "ordinary person exercising ordinary common sense" to understand).

jurisdiction beyond use of the circulator affidavit—no other relevant form or oath exists. Simply put, Maine law is clear about *how* circulators confirm their qualifications—through the circulator affidavit—and *when* they must submit it—by the time their petition sheets are filed. And Maine law is equally clear that the Secretary can design and issue all relevant forms, including the circulator affidavit. *See* 21-A M.R.S. § 21.

Even setting aside § 903-A and reading the Consent Order in complete isolation, as PGS urges, requires rejecting PGS's view. To start, that order entered judgment "[f]or the reasons stated" in both the district court's preliminary injunction order and the First Circuit's opinion affirming that order. Consent Order at 1. The reasons given by those courts left no ambiguity that circulators must "*first* submit to the jurisdiction of the state of Maine." *We the People PAC*, 40 F.4th at 9 (quoting *We the People PAC*, 519 F. Supp. 3d at 52–53) (emphasis added). The Consent Order goes on to require non-resident circulators to take various steps "for the duration of the petition drive," reinforcing that timing point. Consent Order at 2. Further still, the Consent Order's command that the residency rule not be "*enforce[d]* . . . against circulators who . . . agree to submit to the personal jurisdiction of Maine," Consent Order ¶ 2 (emphasis added), only makes sense in reference to *when* the Secretary actively enforces that rule—prior to making her determination of validity. Section 905 requires the Secretary to make her determination "within 30 business days from the date of filing" in her office, at which point she no longer has any reason to enforce the residency rule at all as to that particular initiative. 21-A M.R.S. § 905. The mere fact that the Consent Order does not spell out in granularity this rather obvious sequencing requirement is no reason to blow a mile-wide hole into the very rule it creates—a requirement to submit to Maine's jurisdiction in order to preserve "the State's strong interest in protecting its elections." *We the People PAC*, 519 F. Supp. 3d at 46. Indeed, on PGS's logic, a statute that says "a driver must

obtain a license to operate a motor vehicle" would permit a person to obtain the license months after being pulled over by the police. That would be absurd. The Court should not assume that Judge Woodcock, in issuing the Consent Order, or the Secretary, in entering into it, intended for such absurdity either. *Cf. Coker v. City of Lewiston*, 1998 ME 93, ¶ 7, 710 A.2d 909, 910 (explaining Maine courts do not "construe statutory language to effect absurd, illogical, or inconsistent results").[2]

Finally, even if the Consent Order could be contorted to permit belated consent *after* the circulation period in cases of innocent mistake, the Court should not permit such *ex post facto* consent here. As the Secretary found, Cairo gave very specific and consistent testimony that she *knowingly declined to submit to Maine's jurisdiction* while circulating petitions. *See* R.033335 ¶ 97; SOS Post-Remand Br. 23–24. She had questions about submitting to Maine jurisdiction, those questions were not answered, and so she intentionally refrained from checking the box submitting to jurisdiction. *See, e.g.*, R.033405–06; R.033410–11; R.033415–16. The Secretary surely can discount petitions submitted by out-of-state circulators who consciously *refuse* to consent to jurisdiction while operating in Maine. Any other rule would make it all but impossible for Maine to enforce other laws governing circulators. *See, e.g.*, 21-A M.R.S. § 904.

B. The Secretary of State has the authority—and legal obligation—to comply with federal consent decrees and determinative rulings of federal law.

Because PGS cannot seriously say these four circulators complied with the Consent Order, it spends most of its brief searching for a way *around* the Consent Order. But that creates a

[2] The Secretary—as an actual party to the Consent Order and the officer tasked with both carrying out its terms and determining petition validity—should also be entitled to deference in how to construe it. After all, when a law "administered by an agency is ambiguous, a court will uphold the agency's interpretation if in its field of expertise, as long as the interpretation is reasonable[.]" *Corinth Pellets, LLC v. Arch Specialty Ins. Co.*, 2021 ME 10, ¶ 36, 246 A.3d 586, 596 (quotation omitted).

conundrum for PGS because the Consent Order is also the only reason why these four non-resident circulators—among 120 out-of-state circulators recruited by PGS—could collect signatures in Maine in the first place. Absent the Consent Order, every single one of the more than 41,000 signatures submitted by these non-resident circulators would immediately be invalidated under Maine's century-old residency rule. *See* Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. § 903-A(4)(C). So PGS instead offers a host of contorted reasoning to explain why it is *not* bound by the Maine Constitution on some issues—like the residency rule in Article IV—while the Secretary *is* bound by the very same constitutional provision. That makes no sense. Either the Consent Order is valid—and PGS's non-resident circulators can enjoy its benefit subject to its terms—or it is invalid, and PGS's entire petition goes up in smoke under the Maine Constitution's residency rule.

Contortions aside, PGS's lodestar argument is also wrong for a host of reasons. To start, the Secretary is the state officer the Legislature has charged with regulating circulators. Like *any* state officer, she must carry out her duties in compliance with federal law, including consent decrees—an obligation PGS simply ignores. The Consent Order itself is a binding federal decree that compels the Secretary to act in compliance with its terms, upon pain of contempt. That Consent Order—which has the same effect as a federal final judgment—cannot be modified, set aside, or ignored by a state court. Even if this Court theoretically *could* direct the Secretary to disregard and violate a binding federal judgment, it has no reason to—the Consent Order best preserves the original intent and purpose of the Maine Constitution's residency rule while ensuring compliance with the First Amendment. For all its paeans to the Maine Constitution, PGS demands the *exact opposite* of what that charter prescribes—total abolition of the residency rule by judicial fiat, with absolutely no corresponding regulation of out-of-state circulators, even one so modest as submitting to Maine's jurisdiction by checking a clearly-labeled box.

1. The Secretary is charged with assessing the qualifications of circulators, and must do so in accordance with federal law.

While the Maine Constitution sets forth a relatively comprehensive scheme for regulating direct initiatives, it also empowers the Legislature to "enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions." Me. Const. art. IV, pt. 3, § 22. The Legislature has done so by charging the Secretary with "review[ing] all petitions" submitted to her and then "determine[ing] the validity of the petition" through a "written decision stating the reasons for the decision." 21-A M.R.S. § 905(1). Determining the validity of the petition plainly includes assessing the qualifications of circulators because both the Constitution and statutory law prescribe various requirements for circulators. *See, e.g.*, Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. §§ 902, 903-C, 904. This includes the requirement that they "shall execute an affidavit" swearing to abide by Maine's circulator rules and that they "file [that] affidavit with the Secretary of State" before their petition sheets are evaluated. 21-A M.R.S. § 903-A(4). The Legislature has further charged the Secretary with designing and issuing all relevant forms that Title 21-A requires, including the circulator affidavit mandated by § 903-A. *See* 21-A M.R.S. § 21.

PGS appears to quarrel with none of this, even as these provisos make clear that the Legislature—pursuant to clear constitutional authority—has charged the Secretary as "the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process," *Reed v. Sec'y of State*, 2020 ME 57, ¶ 14, 232 A.3d 202, 209. Indeed, the Law Court has "long recognized that the executive officer charged with overseeing the petition process—formerly the Governor, *now the Secretary of State*—has plenary power to investigate and determine the validity of petitions." *Me. Taxpayers Action Network v. Sec'y of State* ("*MTAN*"), 2002 ME 64, ¶ 12 n.8, 795 A.2d 75, 80 (citing *In re Op. of the Justices*, 116 Me.

557, 580–82, 103 A. 761, 771–72 (1917)) (emphasis added). And many Law Court decisions recognize that this "plenary power" includes the authority to determine whether circulators are legally qualified to operate in Maine and to invalidate petitions submitted by circulators who do not follow the rules. *See, e.g.*, *MTAN*, 2002 ME 64, ¶ 12; *Hart v. Sec'y of State*, 1998 ME 189, ¶ 6, 715 A.2d 165, 167; *Jones v. Sec'y of State*, 2020 ME 113, ¶ 35, 238 A.3d 982, 993; *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 16, 954 A.2d 1054, 1060.

PGS's actual quarrel appears to be that the Secretary is enforcing a requirement—that non-resident circulators submit to Maine's jurisdiction—that originates not in the Maine Constitution itself, but in a federal court order and precedential federal opinions that determine how the First Amendment constrains application of the residency rule. But that criticism is a non-sequitur because the Secretary is obliged to carry out her duties pursuant to state *and* federal law: "The States and their officers are bound by obligations imposed by the Constitution and by federal statutes that comport with the constitutional design." *Alden v. Maine*, 527 U.S. 706, 755 (1999). Indeed, "although the States are sovereign entities, they are bound along with their officials . . . by the Constitution and the federal statutory law." *Webb v. Webb*, 451 U.S. 493, 499 (1981). Thus, as the U.S. Supreme Court explained more than a century-and-a-half ago, the "Constitution of the United States is as much a part of the law of [a State] as its own Constitution," which carries with it the obligation "to respect and uphold the acts and process of" federal courts. *Taylor v. Carryl*, 61 U.S. 583, 605 (1857). In keeping with that duty, both the Maine and U.S. Constitutions *expressly* oblige the Secretary to swear an oath to act in accordance with the U.S. Constitution. *See* Me. Const. art IX, § 1; U.S. Const. art. VI.

It is therefore beyond dispute that the Secretary must carry out her supervisory duties over petition circulators in compliance with *both* Maine and federal law. Two federal courts with

jurisdiction over Maine—the First Circuit and a Maine federal district court—have delineated how Maine's circulator residency rule may lawfully be enforced under the First Amendment. *See We the People PAC*, 40 F.4th at 20; *We the People PAC*, 519 F. Supp. 3d at 53. Those courts both agree that, under federal law, Maine's residency rule as written does not comply with the narrow tailoring demanded by the First Amendment, but only "as applied to out-of-state circulators who first submit to the jurisdiction of the state of Maine." *We the People PAC*, 40 F.4th at 9 (quoting *We the People PAC*, 519 F. Supp. 3d at 52–53).

In other words, the Secretary *can* constitutionally enforce the residency rule so long as she does not do so when a non-resident circulator "first submit[s]" to Maine's jurisdiction. *Id.* Even apart from the ensuing Consent Order, *see supra* § I.B.2, there is nothing remarkable or problematic about the Secretary enforcing the residency rule—a duty she is charged with under Maine law—in a manner consistent with this precedential ruling of the First Circuit in a case to which she herself was a party. PGS's only answer is to wrongly insist that the Secretary is rigidly bound to enforce her duties as written in the Maine Constitution, blind to these federal holdings and judgments. *See* PGS Post-Remand Br. 20. That is simply wrong. There is no question that "state constitutions must give way to the requirements of the Supremacy Clause when there is a conflict with the federal Constitution." *Bd. of Cnty. Comm'rs of Shelby Cnty., Tenn. v. Burson*, 121 F.3d 244, 249 (6th Cir. 1997); *accord Reynolds v. Sims*, 377 U.S. 533, 584 (1964) ("When there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls."). PGS wrongly suggests that the Secretary is bound to either enforce the Maine Constitution as written or not at all. But it is commonplace for state officers to continue enforcing state laws subject to application-specific federal limitations. *See generally Ayotte v. Planned Parenthood of N. New England*, 546 U.S. 320, 328–31 (2006) (collecting authority).

2. The federal Consent Order is binding on the Secretary, and Maine courts cannot modify or set aside that federal decree.

Even apart from the general obligation to act in compliance with the U.S. Constitution, the Secretary indisputably is bound to adhere to specific federal court orders directed to her in her official capacity. PGS contends the Consent Order cannot "empower the Secretary to violate or circumvent the Maine Constitution." PGS Post-Remand Br. 20. But nearly every aspect of that assertion is wrong. To start, a federal consent decree is *not* a grant of authority, as PGS misconstrues it, but rather an order that *binds* a party to act a certain way. A consent decree entered by an Article III court acts as "a final judgment," *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 391 (1992), and carries "the force of law." *Lackey v. Stinnie*, 604 U.S. 192, 207 (2025) (citing *Firefighters v. Cleveland*, 478 U.S. 501, 523 (1986)). Like any other final judgment, a consent decree "may grant enduring relief that materially alters the legal relationship between the parties." *Id.* And as the "last word of the [federal] judicial department," *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 221, 227 (1995), such decrees naturally supersede and modify any conflicting state law obligations, *see, e.g.*, *Frew v. Hawkins*, 540 U.S. 431, 440 (2004). This includes a state constitution, which cannot trump such a federal decree. Indeed, as Chief Justice Marshall warned two centuries ago, permitting state legislative enactments to "annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments" would render "the [federal] constitution . . . a solemn mockery." *United States v. Peters*, 9 U.S. (5 Cranch) 115, 136 (1809). The bottom line is that the Secretary *must* act in accordance with the Consent Order, state law notwithstanding.

Shifting tacks, PGS also appears to argue that the Secretary lacked authority to take "affirmative acts" meant to comply with the terms of the Consent Order because state law does not expressly authorize her to do so. *See* PGS Post-Remand Br. 21–22. That argument is misplaced.

The Secretary's duty to act arises *from the Consent Order*, as failure to comply with it would subject her to contempt. *See Lackey*, 604 U.S. at 207. Nor is there anything remarkable about a federal decree requiring state officials to take affirmative compliance steps. After all, "the Supremacy Clause makes federal law paramount over the contrary positions of state officials; the power of federal courts to enforce federal law thus presupposes some authority to order state officials to comply." *New York v. United States*, 505 U.S. 144, 179 (1992); *see also Spain v. Mountanos*, 690 F.2d 742, 746 (9th Cir. 1982) ("Under the Supremacy Clause of the United States Constitution, a court, in enforcing federal law, may order state officials to take actions despite contravening state laws."). Moreover, the affirmative act that appears to most aggrieve PGS—modifying the circulator affidavit to include the non-resident checkbox, *see* PGS Post-Remand Br. 20—is an act the Secretary is permitted to take under *Maine law*. *See* 21-A M.R.S. § 21. PGS cannot complain that the Secretary is carrying out her state law charge—maintaining state election forms—pursuant to a binding consent decree. That is not just her prerogative, but her duty.

Finally, to the extent PGS asks this Court (or any other Maine court) to simply look past the Consent Order, such a request must be squarely rejected. While a federal consent decree can be modified or set aside, *see Horne v. Flores*, 557 U.S. 433, 447–48 (2009), it goes without saying that only a *federal* tribunal can modify such a *federal* decree, *see Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304, 347–48 (1816) (holding state courts are bound by federal judgments); *see also W. Sys., Inc. v. Ulloa*, 958 F.2d 864, 868 (9th Cir. 1992) ("State courts have no power to void federal court decrees."); *Harriman v. Fleet Bank of Maine*, No. CIV.A. RE-02-007, 2003 WL 1623991, at *3 (Me. Super. Ct. Jan. 30, 2003) ("Obviously, this court has no authority to affect orders of a federal court."), *aff'd sub nom. Harriman v. Border Tr. Co.*, 2004 ME 28, 842 A.2d 1266. Nothing about a consent decree—which has the same effect as a final judgment—changes

that basic precept. *See Del. Valley Citizens' Council for Clean Air v. Pennsylvania*, 755 F.2d 38, 45 (3d Cir. 1985) (explaining in a case involving a consent decree that it is "settled law that a final federal court judgment based on federal law cannot be collaterally attacked by a state court"); *Nat'l R.R. Passenger Corp. v. Pa. Pub. Util. Comm'n*, 342 F.3d 242, 259–60 (3d Cir. 2003) (holding state court may not issue order that nullifies federal consent decree); *League of United Latin Am. Citizens, Dist. 19 v. City of Boerne*, 659 F.3d 421, 434 (5th Cir. 2011) (observing that "a state court . . . lack[s] power to vacate [a] federal court's consent decree"). Accordingly, even though PGS mistakenly believes the federal court could not "authorize the Secretary to impose conditions on out-of-state circulators," PGS Post-Remand Br. 19, and "that the Consent Order's conditions on out-of-state circulators [are] *ultra vires*," *id.* at 22, it can obtain no relief on either misguided theory from any Maine court.

3. PGS's desired modification of the Consent Order is nonsensical in any event.

Finally, setting aside that the Consent Order and the First Circuit's precedential decision already resolve this issue, it bears emphasis that PGS's argument is fundamentally illogical. One of two things is true: (1) the Consent Order is valid and binding on the Secretary, in which case non-resident circulators can operate in Maine so long as they properly consent to its jurisdiction; or (2) Judge Woodcock's actions, including his entry of the Consent Order, are somehow void, and Maine's longstanding residency rule is in full effect. PGS loses either way. Recognizing that problem, PGS asks this Court to impose the least sensible combination of rules—permitting non-resident circulators in Maine but *without* any jurisdictional obligations. The Court *cannot* afford that remedy for the reasons above, coupled with the fact that "the Law Court has never overruled

Hart or *Jones*," as PGS admits. PGS Post-Remand Br. 19. But there are also two additional reasons why no court has afforded that relief.

First, the First Circuit's reasoning in *We the People PAC* makes clear that Maine's residency rule is not wholly invalid, but rather only to the extent it is not narrowly tailored to serve Maine's compelling "interest in protecting the integrity of its elections." 40 F.4th at 21. The First Circuit made clear that Maine could achieve that narrow tailoring by permitting out-of-state circulators to participate in Maine's petition process so long as they first submit to its jurisdiction. *Id.* at 20. In other words, when it comes to Maine's residency rule, the First Amendment does not require throwing out the baby with the bathwater. *See Ayotte*, 546 U.S. at 328–29 (explaining courts need "enjoin only the unconstitutional applications of a statute while leaving other applications in force"). Indeed, Judge Woodcock's preliminary injunction expressly did *not* enjoin the residency rule as applied to non-residents who failed or refused to first submit to jurisdiction. *See We the People PAC*, 519 F. Supp. 3d at 47, 53. The First Circuit's analysis likewise supports leaving Maine's residency rule in place to the greatest extent the First Amendment will permit, rather than enjoining it entirely. *See We the People PAC*, 40 F.4th at 20.

Second, even if this court were a policymaking body drafting on a blank slate, there is no question that the drafters of Maine's residency rule would prefer a modified residency rule over no residency rule whatsoever, as the Secretary ably explained. *See* SOS Post-Remand Br. 17; R.033355. For over a century, the Maine Constitution prohibited *any* non-resident circulators from operating in Maine, *see* Me. Const. art. IV, pt. 3, § 20, an approach firmly endorsed by the Law Court, *see Hart*, 1998 ME 189, ¶ 13. While the Consent Order has obliged Maine to crack open the door to circulators from away, it is clear the best way to preserve Maine's default constitutional rule is through a limited exception, rather than tossing out the residency rule entirely. *See Ayotte*,

546 U.S. at 329 (explaining federal courts "try not to nullify more of a legislature's work than is necessary"). Indeed, Maine law itself imposes that principle as a rule of construction, explaining that "if the application" of a statute to a particular "circumstance is invalid, such invalidity does not affect other . . . applications which can be given effect without the invalid . . . application." 1 M.R.S. § 71(8). That is true here, where the Secretary can readily continue to apply the residency rule to out-of-state circulators who do first submit to Maine's jurisdiction. Thus, even if this Court could act on a blank slate, it would still make sense to adopt the balance achieved in the Consent Order and *We the People PAC* decisions.

C. There is no federal constitutional right to submit a petition signature to an unqualified, non-resident circulator who has refused Maine's jurisdiction.

Finally, PGS argues that invalidating petition sheets from non-resident circulators violates the political rights of Maine electors. *See* PGS Post-Remand Br. 24–25, 29–32. Even assuming PGS can assert that theory on behalf of unidentified Maine electors, it cites no authority—state or federal—for the notion that voters have a constitutional right to submit their signatures to unqualified circulators or circulators who violate the law. *See generally id.* Indeed, the most on point federal decision *rejects* that argument. *See Hoffman v. Sec'y of State*, 574 F. Supp. 2d 179, 188 (D. Me. 2008) (rejecting the argument that voiding a petition sheet due to circulator error "unconstitutionally infringes First Amendment rights" of electors). Moreover, as decisions from both the Law Court and First Circuit make clear, Maine is free to enforce reasonable restrictions on circulators without offending either the state or federal constitutions. *See, e.g.*, *We the People PAC*, 40 F.4th at 20–21; *Hart*, 1998 ME 189 ¶ 13; *Jones*, 2020 ME 113, ¶ 17.[3]

[3] PGS argues that Maine courts should liberally construe the Constitution to facilitate voter participation. *See* PGS Post-Remand Br. 25. But that principle, first articulated in *Allen v. Quinn*, applies only when a constitutional provision is ambiguous. *See* 459 A.2d 1098, 1102–03 (1983).

Finally, there is no need to "resolve[]" supposed ambiguity between the federal and state court decisions on the residency rule. PGS Post-Remand Br. 31. This Court is bound by *Hart*, which PGS agrees has not been overruled. *See id.* at 18. And the mere fact that different courts reached different conclusions about federal law is unremarkable—and certainly not an invitation for this Court to rewrite Law Court or First Circuit precedent that PGS dislikes.

II. Maine's commonsense conflict of interest rules for notaries do not violate the First Amendment or constitute viewpoint discrimination.

The Secretary properly invalidated petitions notarized by De Clercq and Harrington, who—prior to performing these notarial acts for PGS—first circulated petitions on behalf of the Measure. Having done such work for PGS, De Clercq and Harrington were no longer "authorized to administer an oath or affirmation" to PGS's other circulators under Maine law. *See* 21-A M.R.S. § 903-E(1) (providing that a "notary public or other person authorized by law to administer oaths" is not "authorized to administer an oath or affirmation to the circulator of a petition under section 902" if they have provided non-notarial services to the measure); *see also Reed*, 2020 ME 57, ¶ 19 (affirming Secretary's invalidation of petition sheets under this provision).

PGS does not dispute that De Clercq and Harrington transgressed a clearly established Maine notary law. Instead, PGS argues that Maine's commonsense conflict-of-interest rule for notaries constitutes impermissible viewpoint discrimination against circulators, or alternatively that they place an undue burden on their petitioning rights. PGS Post-Remand Br. 31–34 (alleging the law "as written" violates the speech and petitioning rights of circulators under the First Amendment and Article I, Sections 4 and 15 of the Maine Constitution).

Moreover, that principle existed at the time the Law Court decided *Hart*, which nonetheless confirmed the Secretary's authority to invalidate petition sheets from unqualified circulators.

This constitutional line of attack is confused from the start because Maine's conflict-of-interest rule for notaries does not regulate speech or petitioning conduct *at all*. There is no question that any notary in Maine can circulate petitions on behalf of an initiative, speak out on that initiative's behalf, and promote such an initiative in any lawful way they see fit. To that end, both De Clercq and Harrington were entitled to circulate as many petitions as they wished on behalf of PGS. They appear to have done so without issue, as the Secretary did not invalidate any petition sheets circulated by De Clercq or Harrington.

What PGS's argument actually asserts is a constitutional right to engage in *notarial acts*, regardless of any reasonable state regulation of notaries. But PGS provides no authority for such a freestanding constitutional right. Nor does such a right make sense when it comes to notarial conduct. Notaries public are state-licensed officers who perform a public function. *See, e.g.*, *Villanueva v. Brown*, 103 F.3d 1128, 1137 (3d Cir. 1997) ("A notary is a public officer and owes a duty to the public to discharge his or her functions with diligence."). Under Maine law they are "commissioned . . . by the Secretary of State," 4 M.R.S. § 1902(7), to perform notarial acts "under the laws of this State," *id.* § 1902(5). Accordingly, licensed notaries in Maine perform a *public* duty pursuant to a comprehensive set of rules and laws they are bound to follow. *See* 4 M.R.S. § 1901, *et seq*.; *see also* PGS Post-Remand Br. 33 (agreeing notaries are "entrusted with a critical public function"). To ensure the integrity of that public function, Maine's notaries "may not perform a notarial act with regard to which the notarial officer has a conflict of interest" as defined by law. 4 M.R.S. § 1904(3). The restriction at issue here—performing notarial acts on behalf of an initiative campaign the notary has already provided other services for—is simply one such conflict rule. *See, e.g.*, *id*. § 1904(3)-(4). These regulations on a notary's performance of their *notarial* work have nothing to do with their speech or petition rights. And in regulating notarial acts, States

plainly have legitimate interest in ensuring that officers engaged in such work are perceived as impartial, disinterested, and trustworthy. *See, e.g.*, *Klem v. Wash. Mut. Bank*, 176 Wash. 2d 771, 793 (2013) ("The proper functioning of the legal system depends on the honesty of notaries who are entrusted to verify the signing of legally significant documents"); *Thames v. Jackson Prod. Credit Ass'n*, 600 So. 2d 208, 210 (Miss. 1992) (describing state law intended to "prevent fraud by maintaining an impartial relationship between the notary and the parties to the document"); *Parks v. McWhorter*, 494 N.E.2d 234, 238 (Ill. App. Ct. 1986) ("It is axiomatic that oaths and affidavits should be taken before officers that are disinterested or unbiased[.]").

Further, PGS fails to show that a claimed right to engage in notarial acts amounts to viewpoint discrimination or a burden on constitutional rights. "The essence of a viewpoint discrimination claim is that the government has preferred the message of one speaker over another." *McGuire v. Reilly,* 386 F.3d 45, 62 (1st Cir. 2004). A government regulation is viewpoint based if it "denies access to a speaker solely to suppress the point of view he espouses." *Cornelius v. NAACP Legal Def. & Educ. Fund,* 473 U.S. 788, 806 (1985). The fact that a law may incidentally burden certain viewpoints does not make it viewpoint discrimination, however. *See, e.g.*, *McGuire,* 386 F.3d at 57–59, 64–65 (explaining that fact that a "buffer zone" statute around abortion clinics might incidentally burden anti-abortion speech more than pro-abortion speech is irrelevant to assessing its viewpoint neutrality). Rather, a "regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others." *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

PGS offers no authority supporting its novel assertion that a notarial conflict-of-interest law constitutes impermissible viewpoint discrimination. PGS argues that the notary statutes are viewpoint discrimination because they "allow a notary to speak out publicly *against* an initiative

while still lawfully notarizing petitions." PGS Post-Remand Br. 34. This makes little sense. The conflict rule applies regardless of the subject matter of a given ballot measure. In other words, a notary circulating for an initiative that seeks the *opposite* of the present Measure would be bound by the same notary rule. And Maine's ballot initiatives in recent years have concerned everything from replacing the Maine flag, to legalizing marijuana, erecting transmission lines, reforming campaign finance laws, and limiting absentee voting. Maine's notary rule plainly does *not* draw distinctions based on the viewpoint of a given notary who circulates petitions for any of these diverse issues. Instead, it narrowly precludes a person from engaging in very specific and highly regulated conduct—notarizing petitions—if they have certain conflicts of interest, no matter the content of a given petition. On its face, such a restriction is "neutral" as to viewpoint and "serves purposes unrelated to the content" of any given initiative. *Ward*, 491 U.S. at 791. Specifically, it ensures that petitions submitted to the Secretary are accompanied by the "indispensable accompaniments of a valid petition," including proper notarization before a conflict-free notary. *In re Op. of the Justices*, 116 Me. at 569; *Palesky v. Sec'y of State*, 1998 ME 103, ¶ 11, 711 A.2d 129, 133. Here, the petition sheets notarized by De Clercq and Harrington lacked this indispensable accompaniment.

PGS also offers no basis to conclude that this conflict-of-interest law places a substantial burden on core political speech. Again, notaries in Maine are free to *circulate* as many petitions as they wish, to *collect* as many valid signatures as they wish, and to *say* anything they wish any which way about any initiative. Nevertheless, PGS simply assumes without elaborating that "strict scrutiny" applies. PGS Post-Remand Br. 32. That theory runs headlong into the Law Court's repeated admonition that the level of scrutiny under the Constitution tracks the extent of the burden that a claimant demonstrates. *See, e.g.*, *Jones*, 2020 ME 113, ¶¶ 23–24 (citing *McIntyre v. Ohio*

Elections Comm'n, 514 U.S. 334, 345 (1995)). And there simply is no basis for applying strict scrutiny in this context, because the general notary law does not prevent anyone from circulating petitions or speaking out in favor of an initiative. Accordingly, courts have upheld similar requirements for notaries in other States. *See Gathercoal v. Purcell*, 271 Ga. 26, 517 S.E.2d 780 (1999) (upholding invalidation of petition pages notarized by disqualified circulator before *or* after notary circulated petitions under Georgia's notary conflict-of-interest law); *Citizens Comm. to Recall Rizzo v. Bd. of Elections of City & Cnty. of Phila.*, 470 Pa. 1, 22, 367 A.2d 232, 242 (1976) (upholding similar requirement given the need "to ensure impartiality on the part of a notary with regard to the matter before him"); *see also Am. Party of Tex. v. White*, 415 U.S. 767, 787 (1974) (upholding enforcement of Texas' notary requirements for valid circulator petitions against First Amendment challenge); *Miller v. Thurston*, 967 F.3d 727 (8th Cir. 2020) (similar in Arkansas); *Tripp v. Scholz*, 872 F.3d 857 (7th Cir. 2017) (similar in Illinois); *Howlette v. City of Richmond*, 580 F.2d 704 (4th Cir. 1978) (similar in Virginia).

Finally, even if strict scrutiny applies (and it clearly does not), the law plainly serves a compelling state interest in ensuring that notaries are disinterested and impartial administrators of oaths and it is narrowly tailored to further that interest. *See, e.g.*, *Am. Party of Tex.*, 415 U.S. at 787 (holding that Texas's petition notarization law served a compelling state interest in guarding against fraud during the circulation process); *Reed*, 2020 ME 57, ¶ 21 (similar). PGS again provides the Court with nothing to support its claim that invalidating a petition that lacks the necessary "verification" is an improper remedy. *See* PGS Post-Remand Br. 31. All PGS says is that Maine could take other measures to "monitor potential conflicts of interest without chilling notaries' speech," *id.*, without offering a single such "alternative," a shortcoming that alone dooms their strict scrutiny argument. *Am. Party of Tex.*, 415 U.S. at 787 (noting failure to offer meaningful

alternatives undermined argument that challenged notary law was not appropriately tailored). The argument is illogical in any event, because there is nothing in the statute that stops a notary who wants to circulate a petition from doing so; they simply must refrain from *also* performing what PGS agrees is a "critical public function" for the same campaign. PGS Post-Remand Br. 33. The Law Court therefore had no trouble recently affirming the Secretary's decision to invalidate petition sheets that failed to comply with the very same notary conflict-of-interest laws at issue here. *Reed*, 2020 ME 57, ¶ 19; *see also Palesky*, 1998 ME 103, ¶ 11. This Court should reject PGS's invitation to defy that sensible conclusion.

III. The Secretary properly carried out the Legislature's clear prohibition on the use of ditto marks in specific petition fields.

The Maine Constitution expressly requires the date for each petition signature to be "written" next to the voter's signature. *See* Me. Const. art. IV, pt. 3, § 18(2). Consistent with that requirement, 21-A M.R.S. § 354—which applies to direct initiatives via incorporating language in § 902—makes clear that "[d]itto marks are permitted for residence address and municipality of registration *only*." 21-A M.R.S. § 354(4) (emphasis added). In view of this clear language, the Secretary has traditionally applied § 354(4) to prohibit the use of ditto marks in other fields, such as the date field. *See* Decision of the Sec'y of State at 23, *In re: Challenges to the Nomination of Slate of Presidential Electors to Support Dr. Cornel West* (Me. Aug. 20, 2024) ("*Cornel West*").[4] As the *Cornel West* decision explained, a prior version of the same statute omitted the term "only" *See* R.S. 1954, ch. 3-A, § 48(IV) ("After his name, the voter must personally add his place of residence and his street address. Ditto marks are permitted."). But the Legislature later added that term to—in the Secretary's words—"sen[d] a clear message that use of ditto marks is to be strictly

[4] *Available at* https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/FINAL%20-%20West%20Decision.pdf.

confined to residence information." *Cornel West*, at 23. And as the Secretary has further explained, this prohibition serves the useful purpose of ensuring that "signers of a petition form circulated over multiple days use the correct date," which is often critical in determining the signature's validity. *See* SOS Rule 80C Br. 34. Accordingly, the Secretary's invalidation of 39 signatures for use of ditto marks in the date field was a straightforwardly correct application of Maine law.

PGS does not dispute this reading of Maine law, nor does it contend that application of this law violates any constitutional right. *See* PGS Post-Remand Br. 35–37. Indeed, PGS's argument on this score amounts to little more than a dislike of current Maine law. But in that case PGS's quarrel is with the *Legislature* that enacted § 354. "It is the province of the legislature to make and establish laws; and it is the province and duty of Judges to expound and apply them." *Lewis v. Webb*, 3 Me. 326, 333 (1825). This Court, like the Secretary, is "bound by the Legislature's choice of language." *Knutson*, 2008 ME 124, ¶ 28.

The one legal argument PGS does appear to venture is the theory that the restriction on ditto marks falls beyond the "self-executing" nature of what it calls the "Initiative Amendments." *See* PGS Post-Remand Br. 36. But the same provision of the Constitution that PGS cites makes clear that the Initiative Amendments were designed to be "self executing" upon enactment and only "[u]ntil the Legislature shall enact further laws not inconsistent with the Constitution for applying" those amendments. Me. Const. art. IV, pt. 3, § 22. PGS cites no authority to suggest the phrase "self executing" in § 22 prohibits the Legislature from enacting basic regulations to carry out the initiative process; to the contrary, the provision makes clear the Legislature is expressly empowered to do just that so long as it does not conflict with the Constitution. *See id.* And nothing in the Constitution prohibits a prophylactic ban on ditto marks for certain fields. If anything, the

Constitution itself already prohibits the use of ditto marks by requiring the date to be "written" next to the voter's signature—not merely indicated by ditto marks. *See id.* § 18(2).

IV. While the Secretary provides ample grounds to affirm the Revised Determination, the Court should revisit certain additional decisions of the Secretary as necessary.

As noted, the Court can set this case to rest simply by affirming the Secretary on the foregoing issues. *See* Pets.' Post-Remand Br. 19, 40. Should the Court disagree with any of the Secretary's determinations, however, Petitioners' preserved challenges, briefly summarized below, necessarily come back into play. *See* SOS Post-Remand Br. 32. If the Court reaches these additional issues, Petitioners reiterate that many more signatures must be invalidated under Challenges 1, 5, 14, 15, 18, 19, 20, and 21.[5]

A. The Secretary should be required, if necessary, to further evaluate specific petition sheets from Jean-Baptiste, Jackson, and Turner that bear unmistakable indicia of fraud (Challenge 19).

Challenge 19 concerns evidence of wrongdoing and likely fraud by three petition circulators—Jean-Baptiste, Jackson, and Turner. Petitioners adduced substantial evidence of wrongdoing by these circulators. Petitioners have already summarized this evidence in painstaking detail—and, as the Secretary's response reveals, nearly all of it is undisputed. *See* Pets.' Post-Remand Br. 20–40; *see also* SOS Post-Remand Br. 32–37. That record is sufficient to invalidate petitions circulated by these three circulators given the flagrancy of their conduct. *See* Pets.' Post-Remand Br. 20. At minimum, if the issue becomes material to the outcome of this case, the Court

[5] The Secretary briefly argues that the law of the case doctrine prevents this Court from correcting any legal errors in its April 24, 2026 decisions regarding Petitioners' remaining challenges. SOS Post-Remand Br. 38 (citing *Blance v. Alley*, 404 A.2d 587, 589 (Me. 1979)). The Law Court recently confirmed, however, that Rule 80C(m) allows this Court to correct legal errors as needed post-remand and prior to final judgment. Pets.' Post-Remand Br. 41 & n.4 (citing authority). Petitioners ask that it do so only if necessary. Petitioners otherwise agree with the Secretary's recognition that their challenges are "fully preserved for appeal." SOS Post-Remand Br. 38 (citing Rule 80C(m)).

must order the Secretary's office to review the specific petitions in the record that Petitioners have identified as likely fraudulent.

The reasons the Secretary offers to avoid this conclusion, respectfully, do not quite add up. First, Petitioners' request for further review is not a request for a "massive" new undertaking. Petitioners do not ask the Court to order the Secretary to re-review "thousands" more signatures. SOS Post-Remand Br. 32 & n.4. They narrowly request a review of the most troubling petition pages—which their briefing clearly identifies—where it is impossible to believe the circulator at issue swore an honest oath. *See* Pets.' Post-Remand Br. 20–40. The record in this matter shows that at least some of the petition pages and signatures that have been counted are likely fraudulent. *See id.* And, as explained in Petitioners' opening brief, the Secretary's office does not have discretion to ignore indications of fraud that have been presented to it. *See id.* at 40, 49.

Additionally, the Secretary suggests further review is unwarranted because all three circulators already had many of their signatures invalidated. SOS Post-Remand Br. 35–37. Respectfully, that supports *Petitioners'* argument. While election officials invalidated *most* of the signatures on these tainted petition sheets, the fact that these circulators managed to slip a few past the goalie, so to speak, is precisely why the Secretary should be required to double check the work of local registrars on particularly problematic forms. Indeed, the Secretary agrees that many of these problematic sheets bear "indication of fraud," but does not explain how the remaining *validated* signatures can then be counted. Double checking these ostensibly valid signatures is therefore critical to "the integrity of the initiative and referendum process." *MTAN*, 2002 ME 64, ¶ 13. For these reasons and those that have been detailed previously, it would be an abuse of discretion not to review at least the most obviously suspicious petition pages and signatures

identified by Petitioners, should those signatures become dispositive. *See generally* Pets.' Post-Remand Br. 20–40.

B. The Court should, as needed, invalidate signatures collected by petition organizations that indisputably failed to comply with Maine law (Challenge 1).

The Secretary maintains that Petitioners waived Challenge 1, concerning petition organizations, for not "specifically" stating in their Petition that the "failure to comply with the registration requirements" provided a basis for rejecting the ballot measure. SOS Post-Remand Br. 38–39. This position is contrary to the general pleading requirement in the Maine Rules and the fact that it is undisputed that "much of the information concerning petition registration was unavailable prior to the filing of the record." *Id.*; *see also* Pets.' Post-Remand Br. 43–44. Rule 80C petitioners have a right to rely on what the *administrative record*—filed after the petition—reveals when pressing their claims, rather than just the public record at the time suit is filed. *See* 5 M.R.S. § 11007; Me. R. Civ. Proc. 80C(g). Holding otherwise would amount to reversible error. *See Sewall v. Spinney Creek Oyster Co.*, 421 A.2d 36, 38 (Me. 1980) (general pleading requirement applies to Rule 80C actions); *Mutty v. Dep't of Corr.*, 2017 ME 7, ¶ 13, 153 A.3d 775 (construing 5 M.R.S. § 11002, reversing dismissal based on purported lack of specific allegation); *Thomas v. Thompson*, 653 A.2d 417, 420 (Me. 1995) (enforcing waiver requires prejudice).

Finally, while the Secretary suggests that it might be unfair as a matter of policy to reject the petitions circulated by invalid circulator organizations, SOS Post-Remand Br. 39, the Legislature made the registration provision *mandatory*. That decision is that body's prerogative. *See* Pets.' Post-Remand Br. 44. Whether it has been subject to prior judicial review or not, *see* SOS Post-Remand Br. 11, the mandatory language of the statute is straightforward and clearly sets forth what is required of petition organizations. These signatures submitted by unregistered circulator organizations are invalid and should be rejected.

C. The Court should, as needed, determine that Maine's notarial conflict of interest rule applies to oaths on circulator affidavits (Challenge 5).

The Court should also rule for Petitioners on Challenge 5 should it become necessary. Here, the Secretary largely reiterates her position that the notary conflict-of-interest law is best read to disqualify conflicted notaries from notarizing petition sheets only, rather than circulator affidavits. SOS Post-Remand Br. 40–41. The text speaks for itself, however, and Petitioners stand on their prior arguments. *See* Pets.' Post-Remand Br. 45–47. The Secretary's suggestion that for "the statute to mean what Gilbert asserts it means, the relevant language would need to be amended to 'oath or affirmation . . . under Title 21-A, sections 902 or 903-A'" also comes up short. SOS Post-Remand Br. 40–41. That argument continues to ignore that § 903-E prohibits administering an oath "*to the circulator* of a petition under section 902"—language for which the Secretary's argument simply cannot account. Indeed, the Secretary's alternative formulation would only make sense if § 903-E prohibited "administering an oath" under either § 903-A or § 902—but it does not. The prohibition is directed towards a person, not a specific category of oath. *See* Pets.' Post-Remand Br. 46. The signatures at issue in Challenge 5 are therefore invalid for the very same reason the signatures at issue in Challenge 6 are invalid.

D. The Court should, if necessary, invalidate signatures lacking the date required by the Maine Constitution (Challenges 14 and 15).

Petitioners are also entitled to judgment on Challenges 14 and 15, which concern signatures that are undisputedly undated or materially misdated. It is undisputed that valid dates are "require[d]" by the Maine Constitution. SOS Post-Remand Br. 42 (citing Me. Const. art. IV, pt. 3, § 18(2)). The Secretary's only argument is that it seeks to "effectuate[] the purpose of the circulator oath and dating requirements" through its review process. But as already explained, the Maine Constitution does not allow that kind of discretion. *See* Pets.' Post-Remand Br. 51.

E. The Court should require the Secretary to confirm the registration status of 59 potentially unregistered registers, if necessary (Challenge 18).

In Challenge 18, Petitioners simply ask the Court to order the Secretary to review the fact that 59 petition signers do not appear on the State's own public voter registration list. This "evidence" is therefore not merely "private analyses." SOS Post-Remand Br. 43. And the *Cornel West* case cited by the Secretary confirms that at least *some* of these individuals identified by Petitioners are likely unregistered, making a second pass on just 59 voters a simple and straightforward remedy. Indeed, federal precedent from within Maine confirms that unregistered persons often have their signatures mistakenly validated by town registrars. *See On Our Terms '97 PAC v. Sec'y of State*, 101 F. Supp. 2d 19, 24 & n.8 (D. Me. 1999). The Secretary's office cannot within the bounds of its discretion ignore evidence indicating that it has accepted invalid signatures. *See* Pets.' Post-Remand Br. 52 (citing cases). Petitioners therefore maintain that they are entitled to this limited form of requested administrative relief.

F. The Court should enforce the Maine Constitution's clear address and municipality requirements, as necessary (Challenges 20 and 21).

Finally, Petitioners demonstrated that the signatures at issue in Challenges 20 and 21 are invalid because they lack mandatory address and municipality information. In arguing otherwise, the Secretary's office again relies only on a policy preference accompanied by a request that the Court defer to the office's "longstanding view," despite the clear and mandatory statutory language enacted by the Legislature. *See* SOS Post-Remand Br. 44; *see also* 21-A M.R.S. § 354(4). The Secretary's policy argument that registrars can identify voters through signatures without the required address and municipality information, *see id.*, overlooks important functions that may be served by *the Legislature*'s judgment in enacting the provision. For one, if there are questions about fraud or other problems during the petition process, the requirement ensures that *current* information is provided by voters to enable the registrar or the Secretary to contact any implicated

voter(s). As the Law Court recognized in *Jones*, people move, and a "*person can have only one residence at any given time*." *Jones*, 2020 ME 113, ¶ 14 (quoting 21-A M.R.S. § 112(2)). For these reasons and those stated previously, *see* Pets.' Post-Remand Br. 53–54, Petitioners maintain that the signatures in these challenges are invalid as a matter of law.

CONCLUSION

The Court should affirm the Secretary's Revised Determination.

Dated: June 8, 2026

Respectfully submitted,

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STATE OF MAINE CUMBERLAND, ss.	SUPERIOR COURT DOCKET NO. AP-26-10

JANE GILBERT, MARK SAYRE, and KAITLIN WEBBER,

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State,

Respondent,

PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

REPLY BRIEF OF INTERVENOR, PROTECT GIRLS SPORTS IN MAINE BALLOT QUESTION COMMITTEE, ON FINAL DECISION OF SECRETARY OF STATE ON REMAND FROM THIS COURT

TABLE OF CONTENTS

I. INTRODUCTION 1

II. ARGUMENT 2

A. THE SECRETARY ERRED IN INVALIDATING PETITIONS CIRCULATED BY OUT-OF-STATE CIRCULATORS WHO DID NOT CHECK THE JURISDICTION BOX ON THE CIRCULATOR AFFIDAVIT 2

1. The Secretary has not Validated her Exercise of Extra-Constitutional Powers 3

a. Article IV, Part Third, Section 20 Imposes an Absolute Ban on Out-State-Circulators 4

b. No Federal Court has Held that the Affirmative Powers in the Consent Order are Consistent with the First Amendment 5

c. The People of Maine Retain the Power to Amend the Maine Constitution and to Approve, themselves, any Conditions for Out-of-State Circulators or to Delegate Power to Devise such Conditions to the Legislature 10

d. The Consent Order has, in Effect, Amended the Maine Constitution 13

e. The Submission to Jurisdiction Requirement does not Guarantee the Secretary's Jurisdiction over Out-of-State Circulators 17

f. Circulator Cairo's Consent to Jurisdiction Complied with the Consent Order 18

B. THE PROTECT GIRLS SPORTS BALLOT QUESTION COMMITTEE HAS STANDING TO DEFEND THE RIGHTS OF ELECTORS TO PETITION THE GOVERNMENT 19

C. THE COURT SHOULD HOLD THAT THE MAINE CONSTITUTION'S RESIDENCY AND VOTER REGISTRATION REQUIREMENTS ARE UNCONSTITUTIONAL 23

D. THE "OTHER SERVICES" PROHIBITION ON NOTARIES VIOLATES THE FIRST AMENDMENT 24

E. THE SECRETARY'S EXCLUSION OF ELECTORS' SIGNATURES WITH DITTO FOR THE DATE OF SIGNATURE VIOLATE THE CONSTITUTIONAL STANDARDS THAT THE SECRETARY IS REQUIRED TO EMPLOY TO FACILITATE THE ELECTORS' EXERCISE OF THEIR SOVEREIGN LAWMAKING POWER 24

III. CONCLUSION 25

TABLE OF AUTHORITIES

Cases

Allen v. Quinn
459 A.2d 1098 (ME. 1983).....5, 11, 23

Anderson v. Celebrezze
460 U.S. 780, 788 (1983).....6

Ayotte v. Planned Parenthood of Northern New England
543 U.S. 320 (2006).....14, 15, 16

Bank of Am., N.A. v. Greenleaf (Greenleaf I)
2014 ME 89, ¶ 7, 96 A.3d 700.....22

Bank of America, N.A. v. Greenleaf (Greenleaf II)
2015 ME 127, ¶ 7, 124 A.3d 1122.....22

Black v. Bureau of Parks and Lands
2022 ME 58 ¶ 26, 288 A.3d 346.....23

Buckley v. American Constitutional Law Foundation, Inc.
525 U.S. 182, 186 (1999).....8, 15

Burdick v. Takushi
504 U.S. 428, 434 (1992).....6

Chandler v. City of Arvada
292 F.3d 1236, 1238-39 (10th Cir. 2002).....8, 9

Conservation L. Found., Inc. v. Town of Lincolnville
No. AP-00-3, 2001 WL 1736584 at *7, 2001 Me. Super. LEXIS 26 at *21
(Feb. 28, 2001).....23

Farris ex rel. Dorsky v. Goss
143 Me. 227, 231, 60 A.2d 908 (1948).....6, 11

Frami v. Ponto
255 F.Supp.2d 962, 970 (W.D. Wisc. 2003).....8, 9

Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.
528 U.S. 167, 181, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000).....23

Hart v. Secretary of State
1998 ME 189, ¶ 13, 715 A.2d 165.....3

Hawley v. Murphy
1999 ME 127, ¶ 8, 736 A.2d 268 22

Initiative & Referendum Institute v. Jaeger
241 F.3d 614 (8th Cir. 2001) 10

Jones v. Secretary of State
2020 ME 113, ¶ 34, 239 A.3d 982 3

Kean v. Clark
56 F.Supp.2d 719 (S.D. Miss. 1999) 8

Krislov v. Rednour
226 F.3d 851, 866, n. 7 (7th Cir. 2000) 8, 9

League of Women Voters v. Secretary of State
683 A.2d 769, 771 (Me. 1996) 23

Lerman v. Bd of Elections in City of New York
232 F.3d 135, 149 (2d Cir. 2000) 9

Libertarian Party of Virginia v. Judd
718 F.3d 308, 317 (4th Cir. 2013) 10

Maine Taxpayers Action Network v Sec'y of State
2002 ME 64, ¶ 23, 795 A.2d 79 12

McGee v. Secretary of State
2006 ME 50 ¶ 21, 896 A.2d 933 ..... 11, 23

Meyer v. Grant
486 U.S. 414, 421 (1988) 9

Nader v. Blackwell
545 F.3d 459, 478 (6th Cir. 2008) 10

Nader v. Brewer
531 F.3d 1028, 1037 (9th Cir. 2008) 7, 8, 9

Pike v. Bruce Church, Inc.
397 U.S. 137, 142 (1970) 10

Pool v. City of Houston
978 F.3d 307, 3090 (5th Cir. 2020) 14, 15

Roop v. City of Belfast
2007 ME 32, ¶ 7, 915 A.2d 966 22

United States v. Council of Keokuk
73 U.S. 514, 517 (1867) 16

Virginia v. American Booksellers Ass'n
484 U.S. 383, 397 (1988) 15

We the People PAC v. Bellows
519 F. Supp.3d 13 (D. Me. 2021) 2, 5, 7, 10

We the People v. Bellows
40 F.4th 1 (1st Cir. 2022) 3

Wells Fargo Bank, N.A. v. Girouard
2015 ME 116, ¶ 8 n. 3, 123 A.3d 216 22

Wesberry v. Sanders
376 U.S. 1, 17-18 (1964) 11

Wilmouth v. Sec'y of New Jersey
731 F. App'x 97, 103 (3d Cir. 2018) 10

Yes on Term Limits, Inc. v. Savage
550 F.3d 1023, 2028 (10th Cir. 2008) 10, 12

Other Authorities

U.S. Const., Art. III, § 2 10

Me. Const., art. IV, Pt. 3d, §§ 17-22 4

Me. Const., art. IV, Pt. 3d, § 20 ..... 3, 4

Me. Const., art. IV, Pt. 3d, § 22 ..... 5, 11

Me. Const. art. X, § 4 10

4 M.R.S. §1904(5) 24

5 M.R.S.A. § 9060 17

21-A M.R.S.A. Chapter 11 20

21-A M.R.S. § 901, *et seq* 6

21-A M.R.S. § 903-A 2, 21

21-A M.R.S. § 903-A(4) 19

21-A M.R.S. § 903-E 24

Rule 80(C), M. R. Civ. P. 21

NOW COMES, Protect Girls Sports in Maine Ballot Question Committee (the "Committee"), by and through its attorneys, Timothy C. Woodcock and Janna Gau, and files its reply brief on the Final Decision of the Secretary of State on remand from this Court as follows:

I. INTRODUCTION

The Committee responds to and opposes those portions of the Secretary's brief that oppose the Commmittee's defense of the out-of-state circulators over whom the Secretary is attempting to exercise powers in excess of her constitutional authority. The Committee also responds to those portions of the Secretary's brief that oppose the validation of petitions circulated by Circulator Cairo. The Committee reconfirms and reasserts its argument that this Court should decide on the merits whether the residency and voter registration requirements of Article IV, Part Third, Section 20 of the Maine Constitution violate the First Amendment to the U.S. Constitution. The Court's decision on these questions is warranted by the ambiguous status of those exclusions, which status has led the Secretary to arrogate to herself and to apply powers that the Maine Constitution denies to her to invalidate scores of otherwise valid petition signatures, disenfranchise those electors, and frustrate the clear desire of more than 67,682 electors who want no more than that the people of Maine should have the opportunity to vote for or against the Ballot Initiative.

The Committee also continues to challenge the constitutionality of the statutory exclusion of petitions witnessed by notaries who, in the exercise of their rights to engage in core political speech, circulated petitions in their own right and later witnessed the signatures of other circulators. The "other services" exclusion violates the notaries' First Amendment rights as set forth in the Committee's original brief.

Finally, the Committee presses its argument that, for all the challenges to the Secretary's Final Decision, that the Committee raised in its initial brief, including the Secretary's exclusion of

elector signatures that used "ditto" marks to indicate the date, the Secretary should demonstrably apply the interpretive principles for the implementation of the Initiative Amendments and the protection of the electors' individual and collective rights under those amendments.

The Committee contends that, as it set forth in more detail below, in several material respects, the Secretary failed to acknowledge or engage with the Committee's arguments and, in some instances, mischaracterized them. For the reasons set forth below, the Committee respectfully asks this Court to reverse the Secretary's Final Decision and reinstate the Ballot Initiative on the November 3, 2026 ballot.[1]

II. ARGUMENT

A. THE SECRETARY ERRED IN INVALIDATING PETITIONS CIRCULATED BY OUT-OF-STATE CIRCULATORS WHO DID NOT CHECK THE JURISDICTION BOX ON THE CIRCULATOR AFFIDAVIT

The Secretary of State has disqualified all the petitions circulated by four out-of-state circulators, Ummsalamaah Hakeem, Kewechi Chukwuma, Jordan Albert, and Cairo, and the otherwise valid elector signatures thereon, based on the Consent Order which the District Court issued in *We the People PAC v. Bellows*, 519 F. Supp.3d 13 ((D. Me. 2021). The plaintiffs in *We the People,* had challenged the unconditional exclusion of out-of-state circulators in Article IV, Part Third, Section 20 of the Maine Constitution as well as complementary statutory provisions, 21-A M.R.S. § 903-A on the grounds that the mandatory residency and voter registration requirements violated the freedom of speech and associated freedoms in the First Amendment to the U.S. Constitution. The District Court ruled that plaintiffs had shown a "likelihood of success" on merits in their constitutional challenge to Section 20's residency and voter registration requirements and issued injunctive relief. *We the People PAC v. Bellows*, 519 F.Supp.3d 13, 53 (D.

[1] The Committee incorporates by reference the briefs it has filed with this Court and with the Secretary pursuant to this Court's remand order as if fully set forth herein.

Me. 2021). On appeal, the District Court's ruling and injunctive relief were upheld. *We the People v. Bellows,* 40 F.4th 1, 27 (1st Cir. 2022).

Following remand from the First Circuit, the Secretary and the plaintiffs terminated the litigation by agreeing to a Consent Order and Judgment ("Consent Order") which, upon submission by the parties, the District Court endorsed.

1. The Secretary has not Validated her Exercise of Extra-Constitutional Powers

By its plain terms, Article IV, Part Third, Section 20 plainly bans the circulation of petitions for initiatives and referenda by persons who are not residents of Maine and are not registered to vote in Maine; that these prohibitions are complete and entire unto themselves and admit of no exceptions. Me. Const. art. IV, pt. 3d, § 20. The Law Court has upheld the constitutionality of each prohibition in the face of challenges that they violated the First Amendment to the U.S. Constitution. *Jones v. Sec'y of State*, 2020 ME 113, ¶ 34, 238 A.3d 982 (upholding registered voter requirement); *Hart v. Sec'y of State*, 1998 ME 189, ¶ 13, 715 A.2d 165 (upholding residency requirement). With both the residency and voter registration conditions fully intact in the Maine Constitution, the Committee argued those aspects of the Consent Order which, beyond simply barring her from enforcing these requirements, purported to authorize her to circumvent them, were invalid because the Consent Order could not infuse the Secretary with the power to violate or circumvent the Maine Constitution. Committee br. at 19-21.[2]

The Secretary protests that the Committee's argument is "remarkable" and constitutes a "dangerous road" that this Court should not travel. Sec'y br. at 15. The Secretary justifies her

[2] The Secretary asserts that, '[t]hough the Committee acknowledges that the Secretary is authorized to impose the requirements on out-of-state circulators by a consent judgment of the United States District Court for the District of Maine." Sec'y Br. at 14-15. The Committee has "acknowledged" no such thing. As was set forth in the Committee's initial brief and is restated below, the Committee contends that the District Court could not "authorize" the Secretary to exercise those powers because the Maine Constitution does not permit it.

position by arguing that she is actually enforcing Section 20's ban on out-of-state circulators by allowing them to circulate petitions pursuant to conditions that the Secretary, herself, devised and for which she obtained the approval of the District Court. *Id.* The Secretary lists several risks that would threaten the integrity of the initiative process; risk so great that the Secretary should not be required to pursue "the difficult process of amending the Constitution." *Id.*[3]

The Committee and the Secretary agree that the Committee's challenge presents this Court with a dangerous road, but it is not the potential risks to petition circulation; it is the far graver risk to the foundational structure of the Maine Constitution posed by judicial approval of the Secretary's exercise of powers that she not only does not possess but which the fundamental law of Maine—twice approved the electors—have denied her.

a. Article IV, Part Third, Section 20 Imposes an Absolute Ban on Out-State-Circulators

In 1909, Maine voters amended the Maine Constitution to invest themselves with the sovereign lawmaking power to enact and repeal legislation. Me. Const. art. IV, pt. 3d, § 17-22 ("the Initiative Amendments"); see, also, Committee br. at 8. Article IV, Part Third, Section 20 sets forth detailed definitions and procedures that govern the initiative process. Among Section 20's terms is the definition of "circulator" which provides in pertinent part as follows:

> "'circulator' means a person who solicits signatures for written petitions, and who **must** be a resident of this State and qualified to vote for Governor."

Me. Const. art. IV, pt. 3d, § 20 (emphasis supplied).

[3] Strangely, in an attempt to prove her need for the affirmative, extra-Constitutional powers in the Consent Order, the Secretary cites to Maine voters recent "overwhelming" rejection of a proposal to amend the Maine Constitution to remove these prohibitions. Sec'y br. at 15. It would appear, then, that the Secretary has concluded that the voters get one chance to amend the Maine Constitution to conform to the First Amendment. If they fail to approve the amendment, the Secretary has recourse to other sources of authority, including federal court consent orders, to exercise powers that Maine voters denied to her. The Secretary cites no authority for this de facto "one bite at the constitutional apple" rule.

By its plain terms, Section 20 bars anyone who fails to meet its residency and registration requirements from circulating petitions for initiatives and referenda in Maine. The Initiative Amendments expressly provides that they would be "self executing." *Id.* at § 22. The Law Court has noted that the Initiative Amendments "laid out in unusual detail the procedure by which they will legislate by direct vote." *Allen v. Quinn*, 459 A.2d 1098, 1103 (1983). Although they provided the Legislature could enact "procedures" for implementing them, the Initiative Amendments expressly provided that the Legislature could not "enact laws inconsistent with the Constitution." art. IV, pt. 3d, § 22.

b. No Federal Court has Held that the Affirmative Powers in the Consent Order are Consistent with the First Amendment.

To understand the invalidity of the Secretary's claim to allow out-of-state circulators to circulate petitions in Maine subject to the affirmative conditions set forth in the Consent Order, a close analysis of what the District Court decided, and what it did not decide, is essential.

Before the District Court was the plaintiffs' claims that the residency and voter registration requirements set forth in Section 20 and further implemented by statute[4] violated the First Amendment. On plaintiffs' motion for summary judgment, the District Court found that they had demonstrated a "likelihood of success" on their challenges to both the residency and voter registration exclusions. *We the People PAC v. Bellows*, 519 F.Supp.3d 13, 48, 51 (D. Me. 2021). The District Court issued injunctive relief. *Id.* at 53.[5] The appellate court affirmed. *We the People v. Bellows PAC v. Bellows*, 40 F. 4th 1, 24-27 (1st Cir. 2022). All this is clear enough.

[4] The plaintiffs also challenged statutes implementing Section 20's residency and voter registration exclusions. *We the People PAC v. Bellows*, 519 F. Supp.3d 13, 20-21 (D. Me. 2021) (reviewing 21-A M.R.S. 901, *et seq*.),

[5] The District Court's injunction was directed at 21-A M.R.S.§ 903-A "to the extent" its provisions limited petition circulators to Maine residents and registered Maine voters. *We the People*, 519 F.Supp.3d at 53.

But given the Secretary's outsized reliance on these decisions for authority she does not possess, it raises the question—what exactly did the District Court decide? Or put another way, what exactly **could** the District Court decide?

To place the Secretary's position in full perspective, it should be clear that the **only** laws whose validity were under challenge were the mandatory residency and voter registration requirements of Section 20 and the implementing provisions of 21-A M.R.S. § 901, *et seq*. *We the People*, 519 F.Supp.3d at 19-21. The District Court was not considering any laws, constitutional or otherwise, qualifying or conditioning these exclusions. That is because, as is true to this day, none existed. Given the clear breadth of these exclusions and the subordinate implementing role to which the Initiative Amendments restricted the Legislature, outside of an amendment to the Maine Constitution, these exclusions could not be qualified, overridden or circumvented by any Maine law.[6]

The plaintiffs' First Amendment challenge to these exclusions triggered the application of longstanding standards of review articulated in a series of Supreme Court decisions. As the District Court explained, one line of analysis required the District Court to subject Section 20's exclusions to "strict scrutiny"; the other "more flexible approach" conditioned "[t]he rigorousness of [] judicial scrutiny…upon the extent to which the challenged regulation burdens First Amendment rights." *Id.* at 39-40.[7]

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[6] The District Court noted the limited authority the Initiative Amendments allowed the Legislature noting: "[T]he Legislature is authorized to enact implementing legislation, but **cannot** do so in a way that is inconsistent with the Constitution or that abridges or directly or indirectly the people's right of initiative." *We the People*, 519 F.Supp.3d at 19, quoting, *Farris ex rel. Dorsky v. Goss*, 143 Me. 227, 231, 60 A.2d 908, 910 (1948) (emphasis supplied).

[7] The latter mode of analysis is termed the "*Anderson-Burdick*" test because it arises from the Supreme Court's decisions in *Anderson v. Celebrezze*, 460 U.S. 780, 788-89)983) and *Burdick v. Takushi*, 504 U.S. 428, 432-33 (1992).

With the benefit of "the substantial factual record" before it, the District Court concluded that the residency and voter registration requirements imposed a "severe burden on [the plaintiffs'] exercise of their First Amendment Rights." *Id.* at 46. The District Court then reviewed the interests the Secretary offered to support the residency and voter registration exclusions and found they were insufficient to sustain them. *Id.* at 50-51.[8]

As it was required to do, the District Court considered whether certain of the State's interests in support of the residency and voter registration exclusions could be served by non-exclusionary means. On this point, the District Court found that "the Defendants have failed to show how a requirement that petition circulators enter into a binding agreement to submit to Maine's jurisdiction and comply with any subpoenas would be inadequate." *Id.* at 47.

The District Court's comparison of the State's interests supporting the residency and voter registration exclusions against the plaintiffs' First Amendment followed a well worn path. Indeed, it was the same path followed by six circuit court decisions it cited, each of which reviewed state residency restrictions for circulators. *Id.* at 40-21. As will be seen below, every one of those decisions involved blanket exclusions and, therefore, the less burdensome means these courts identified were **necessarily** hypothetical because they had not been enacted into law. Moreover, they did not reach the same conclusions as to less burdensome means.

Of these decisions, the Secretary singled out *Nader v. Brewer* for the point that "Federal courts have generally looked with favor on requiring petition circulators to agree to submit to jurisdiction for the purposes of subpoena enforcement and some courts have viewed such a system

[8] Among other things, the District Court found that "[i]t is clear to the Court that one of the purposes of the residency requirement and the 2015 amendment is to keep out-of-state interest groups out of Maine's political process." *We the People*, 519 F. Supp.3d at 47. The Court rejected this rationale because "Maine is also a part of the Union and its Constitution and laws must comport with the United States Supreme Court and, when in conflict with fundamental rights, state interests must bend to the greater national good." *Id.*

to be a more narrowly tailored means than residency to achieve the same result." Sec'y Br. at 25, quoting 531 F.3d 1028, 1037 (9th Cir. 2008). Given the Secretary's reliance on it, *Nader* warrants closer scrutiny.

Nader involved a challenge, *inter alia,* to Arizona's requirement that circulators of candidate nominating petitions be Arizona residents. *Id.* at 1030. In evaluating the constitutionality of the residency requirement, the *Nader* Court was required to consider whether the State interests behind this prohibition could be less burdensome. It was in this context, that the Court noted some courts had favorably viewed consent-to-jurisdiction requirements as more narrowly tailored. In support of this point, *Nader* cited two circuit court decisions and one district court decision. *Id.* at 1036-37. The circuit court decisions were *Chandler v. City of Arvada*, 292 F.3d 1236, 1238-39 (10th Cir. 2002) and *Krislov v. Rednour,* 226 F.3d 851, 866, n. 7 (7th Cir. 2000) and the district court decision was *Frami v. Ponto*, 255 F.Supp.2d 962, 970 (W.D. Wisc. 2003).[9]

Krislov concerned a challenge to unconditional residency and voter registration requirements for candidate petitions. 226 F.3d at 856. Among other findings, *Krislov* determined that these exclusions violated the plaintiffs' First Amendment rights because while severely burdening those rights, they could be "achieved just as easily (and probably more effectively) through other means." *Id* at 867. In a footnote, *Krislov* cautioned that its ruling did not mean that "a State could never regulate non-citizen circulators. Thus, for example, to ensure the integrity of the process, States might require non-citizens to submit to the jurisdiction of Illinois courts. [citing *Buckley v. American Constitutional Law Found*, 525 U.S. 182, 119 S.Ct. 636, 644 (1999)]." *Krislov* added that. "**[i]f** the use of non-citizens were shown to correlate with a high incidence of

[9] The *Nader* Court also cited *Kean v. Clark,* 56 F.Supp.2d 719 (S.D. Miss. 1999) but only *conferre* because *Kean* found the residency requirement was narrowly tailored and, therefore, *Kean* did not consider "the 'consent to jurisdiction' alternative." 531 F.3d at 1037, citing 56 F. Supp.2d at 733,

fraud, a State **might** have a compelling interest in further regulating noncitizen circulators. But the Board does not assert these interests." *Id.*, at 866, n. 7 (emphases supplied).[10]

Chandler concerned a First Amendment challenge to the City of Arvada's residency and voter registration requirements. 292 F.3d at 1239-40. In concluding that these restrictions violated the First Amendment, the Court noted, "[a]s was suggested at oral argument, Arvada could require, **for example,** as a prerequisite to circulating an initiative, referendum, or recall petition in the City, the prospective circulator agree to submit to the jurisdiction of Arvada Municipal Court for the purpose of subpoena enforcement." *Id.* at 1244 (emphasis supplied).

Similarly, *Frami* involved a challenge to a Wisconsin law imposing a rigid residency requirement on circulators of candidate petitions. 255 F. Supp. 2d at 964. In considering Wisconsin's interest in preserving the integrity of the candidate petition process as manifested by the residency requirement, the *Frami* Court observed that initiatives and referenda were different, noting that "courts have recognized that the risk of fraud is more remote at the petition stage of a ballot initiative or candidate election than at the time of voting." *Id.* at 969-70, citing, *Meyer v. Grant*, 486 U.S. 414, 427 (1988), *Lerman v. Bd of Elections in City of New York*, 232 F.3d 135, 149 (2d Cir. 2000), *Krislov,* 226 F.3 at 865. Turning to the residence restriction for candidate petitions, consistent with *Krislov* and *Chandler*, the *Frami* Court cited *Chandler* for the "suggest[ion]" that the City of Arvada "could require circulators to agree to submit to the municipal court's jurisdiction for purposes of subpoena enforcement." *Id.* at 970.

This review of the *Nader v. Brewer* and the decisions it cited shows that, although in one way or another, all these courts identified jurisdiction submission requirements as more narrowly tailored than blanket exclusions, no court vouched for their constitutionality. They were simply

[10] In the body of its opinion, *Krislov* suggested that the petition review process, itself, might be sufficient to satisfy the State's interests in promoting the integrity of the process. 56 F. Supp.2d at 867.

identifying what they concluded were less burdensome means by which the state or municipality in question could protect their initiative and candidate petition processes without entirely banning out-of-state or out-of-jurisdiction circulators.[11] This type of analysis is a staple of federal court review of state constitutions, statutes, and local ordinances when challenged as violative of the U.S. Constitution. *Cf., Pike v. Bruce Church, Inc.* 397 U.S. 137, 142 (1970) (invalidating state law as violative of the dormant commerce clause that imposes "clearly excessive burden on commerce" if local objectives "could be achieved as well with a lesser impact on interstate activities.").

Federal courts identifying more narrowly tailored—less restrictive---means of achieving state or local objectives are not, thereby, vouching for their constitutionality. That is because federal courts do not rule on inchoate laws that have yet to be enacted. Under Article III, Section 2, federal courts may only decide "cases" and "controversies". U.S. Const., Art. III, § 2. Notional legislation does not meet these requirements.

c. The People of Maine Retain the Power to Amend the Maine Constitution and to Approve, themselves, any Conditions for Out-of-State Circulators or to Delegate Power to Devise such Conditions to the Legislature.

Although, as the Secretary noted, Maine voters "overwhelmingly" rejected the proposal to remove the unconstitutional and unenforceable residency and voter registration requirements from the Maine Constitution, notwithstanding the Secretary's apparent "one bite at the apple" rule, they retain the authority to amend these provisions as they see fit. For example, as authorized by Article X, Section 4, the Legislature could issue a proposed constitutional amendment which, while

[11] With the exception of *Initiative & Referendum Institute v. Jaeger,* 241 F.3d 614 (8th Cir. 2001), which upheld a residency requirement, all the other circuit court decisions reviewed in the District Court's decision identified the requirement of submission to jurisdiction as less burdensome that wholly exclusionary bans based on residency, voter registration or both. *We the People*, 519 F. Supp.3d at 40-41 (reviewing, *Wilmouth v. Sec'y of New Jersey*, 731 F. App'x 97, 103 (3d Cir. 2018); *Libertarian Party of Virginia v. Judd*, 718 F.3d 308, 317 (4th Cir. 2013); *Nader v. Blackwell*, 545 F.3d 459, 478 (6th Cir. 2008); *Yes on Term Limits, Inc. v. Savage*, 550 F.3d 1023, 2028 (10th Cir. 2008)).

removing the residency and voting registration requirements, could replace them with detailed and very particular prerequisites that out-of-state circulators would be required to satisfy. This approach would be consistent with the Initiative Amendments' "self executing" powers and the "unusual detail" by which Maine voters set forth the lawmaking powers in the Initiative Amendments. *Allen*, 459 A.2d at 1103; see also, *McGee v. Sec'y of State*, 2006 ME 50, ¶ 24; 896 A.2d 933.

Constitutional amendments and statutes are the means by which policies take on the force of law. As has been seen above, where the Initiative Amendments are concerned, the Legislature is limited to enacting implementing legislation not inconsistent with the Constitution. *Farris*, 143 Me. at 231; see also, Me. Const., art. IV, pt. 3d, § 22. When closely examined, it becomes apparent that the Secretary's list of the many needs for the Consent Order's empowering provisions in reality pose the types of policy choices that only Maine voters or their elected representatives are authorized to make. See, *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1964) ("No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.")

The predicate to this discussion is the District Court's determination that Section 20's residency and voter registration requirements (and related implementing statutes) are constitutionally infirm and the Secretary is enjoined from enforcing them. Without the Consent Order's purported authorization to the Secretary to place particular conditions on out-of-state circulators, the invalidation of these requirements would raise legislative policy issues.

For example, the Secretary contends that, if out-of-state circulators could cure defective petitions after the deadline for submitting the petitions to the Secretary has passed, "the deadlines would become effectively meaningless." Secy's Br. at 20. But, however persuasive this point

might be, it is a policy decision. Maine voters or their elected representatives, not the Secretary interpreting a very general Consent Order, must make such judgment.[12] In their exercise of this power, presumably the Secretary's views would be accorded considerable, even decisive, weight but the people would retain the right to set different timing constraints. Does the Secretary contend that in the wake of the entry of the Consent Order, Maine voters and their elected representatives lost this authority?

The Secretary also argues that if out-of-state circulators could wait to consent to the State's jurisdiction, it would "greatly undermine the State's ability to enforce petition laws." *Id.* at 21. Although the people exercising their lawmaking powers might agree with and adopt the Secretary's view on this point, do they not also hold the power to disagree? Does the Secretary assert that the Consent Order has deprived Maine voters (or their properly authorized elected representatives) of the power to disagree and enact a different standard? For example, where, as here, no one is challenging the validity of any of the elector signatures on Circulator Cairo's petition forms or, for that matter, those of Circulators Hakeem, Chukwuma, and Albert, so couldn't Maine voters provide that the law should either allow the circulators to cure any deficiency or simply require the Secretary to count them anyway? Couldn't Maine voters choose this approach over the Secretary's preferred approach of "disenfranchising" voters. See, *Maine Taxpayer Action Network v. Sec'y of State,* 2002 ME 64, ¶ 23 (petition invalidation causes "disenfranchisement of over three thousand Maine voters").

[12] For example, Maine voters or their properly authorized elected representatives might wish to consider the Tenth Circuit's observation that, "[i]]t was not obvious from the record that the ability to question circulators after the petition is submitted significantly aids in protecting the integrity of the initiative process." *Yes on Term Limits,* 550 F.3d at 1030, n. 3. Although the Committee contends that Cairo's submission to the State's jurisdiction during the review process, including appearing at the May 12 hearing and subjecting herself to direct and cross-examination, served the interests of the initiative process, the Committee also contends that the policy decision on this matter belongs to Maine voters subject, of course, to judicial review.

When considered against Maine voters' right to make their own policy choices that would have the force of law, it becomes apparent that the provisions in Paragraph 2 of the Consent Order which the Secretary claims empower her to disqualify petitions, disenfranchise electors and deny Maine voters the opportunity to vote for or against the Ballot Initiative at the November 3, general election, are based on the Secretary's own policy preferences for protecting the initiative process which, given the opportunity, Maine voters or their properly authorized elected representatives might accept, reject, or revise.

d. The Consent Order has, in Effect, Amended the Maine Constitution.

The Hearing Officer's Recommended Decision described the effect of the Consent Order on Section 20's residence and voter registration requirements in language markedly different from the Secretary's formulation in her brief. The Recommended Decision clearly acknowledged the Consent Order as the source of the Secretary's power to impose conditions on out-of-state circulators. As the Recommended Decision put it:

> "The United States District Court **authorized** Maine to impose [the out-of-state circulator] requirement by limiting its injunction of Maine's ability to enforce the residency requirement to circumstances in which the circulator fails to consent to Maine's jurisdiction."

Rec. Dec. at 35 (emphasis supplied). At another point, the Recommended Decision asserted that the Consent Order "narrows the scope" of [the Maine Constitution's] prohibition on out-of-state circulators." *Id.*[13]

The Secretary chides the Committee for failing to find a "single case holding that an injunction like the one contained in the *We the People* consent judgment is 'ultra vires.'" Sec'y Br. at 16, citing Com. Br. at 20-24. In support of its defense of the affirmative aspects of the

[13] Petitioners were also candid on this point. They acknowledged that the Consent Order had "modified" the residence and voter registration requirements. Petitioners' Post-Hearing Brief at 42. What they do not quite spell out that the law that the injunction had "modified" was Section 20 of the Maine Constitution.

Consent Order—those on which the Secretary relies to allow out-of-state circulators, notwithstanding the express language of Section 20 of the Maine Constitution, to circulate petitions—cites the Secretary insists that the Consent Order fits squarely within the Supreme Court's decision in *Ayotte v. Planned Parenthood of Northern New England*, 546 U.S. 320, 328 (2006). Sec'y Br. at 17. In advancing these positions, the Secretary has failed to acknowledge the Committee's true argument and has entirely misconstrued and misapplied *Ayotte*. Indeed, the Secretary is viewing this question through the wrong end of the telescope. The Secretary is focused on the District Court's remedial powers. The Committee is contending that the Consent Order cannot give the Secretary the power she claims to exercise over out-of-state circulators. The validity of any court injunction depends on the source and breadth of the court's remedial powers and the nature of the restrictions or obligations imposed on the subject of the injunction.

What the Committee tried to make clear is that, although there were serious questions about the District Court's authority to infuse the Secretary with powers outside the Maine Constitution, the Committee was not asking this Court to address those questions. To the contrary, the Committee's challenge was directed at the Secretary, herself; that is, with the residency and voter registration **exclusions** wholly intact in Section 20 of the Maine Constitution could **the Secretary** nonetheless rely on the U.S. District Court's purported "authorization", as the Secretary put it, to allow out-of-state circulators to circulate petitions in Maine in accordance with the conditions in the Consent Order? Or, was the Secretary's exercise of those Consent Order-derived powers outside of her constitutional powers and, therefore, *ultra vires* **as to the Secretary**?

Given the Secretary's mischaracterization of the Committee's argument, the following clarification is required. To begin with, as one court has pointed out, it is "not quite right" to say that the courts "'strike down' laws when ruling them unconstitutional." *Pool v. City of Houston*,

978 F.3d 307, 3090 (5th Cir. 2020). "Courts hold laws **unenforceable**, they do **not** erase them." *Id.* Indeed, "[m]any laws that are plainly unconstitutional remain on the statute books." *Id.*[14] (emphases supplied).

Where a state law is challenged on the grounds that it violates the First Amendment, the Supreme Court has observed that "[i]t has long been a tenet of First Amendment law that in determining a facial challenge to a statute, if it be "readily susceptible" to a narrowing construction that would make it constitutional, it will be upheld. [citations omitted]. The key to application of this principle is that the statute be 'readily susceptible' to the limitation; we will not rewrite a state law to conform it to constitutional requirements." *Virginia v. American Booksellers Ass'n*, 484 U.S. 383, 397 (1988). This brings us to *Ayotte.*

At issue in *Ayotte* was a New Hampshire law requiring physicians to notify parents if the parents' minor child presented for an abortion. The law provided three exceptions to the otherwise mandatory notification. 546 U.S. at 324. The District Court found constitutional infirmities in the notice provisions and permanently enjoined the law in its entirety. *Id.* at 325. The First Circuit affirmed. *Id.* at 326.

In considering the breadth of the injunction effectively invalidating the parental notification law in its entirety, the *Ayotte* Court identified three rules: First, "the 'normal rule' is that 'partial, rather than facial, invalidation is the required course.'" 456 U.S. at 329. Second, "we must restrain ourselves from 'rewrit[ing] state law to conform it to constitutional requirements' even as we try to save it." *Id.,* quoting *American Booksellers*, 484 U.S. at 397. Third, "the touchstone for any decision is legislative intent, for a court **cannot** 'use its remedial powers to **circumvent**

[14] At issue in *Pool* was the City of Houston Charter, which "allows only registered voters to circulate petitions for initiatives and referenda, even though the Supreme Court held a similar law unconstitutional twenty years ago." 978 F.3d at 309, citing, *Buckley v. American Constitutional Law Foundation*, 525 U.S. at 193-197. The *Pool* Court characterized such vestigial laws as "'zombie' laws." *Id.*

the intent of the legislature.'" *Id.* at 330 (emphases supplied).

Having identified these guiding principles, *Ayotte* remanded the case for the District Court to consider whether the parental notification statute should be enjoined or whether certain notification requirements could stand while others should be enjoined. Here it bears emphasis that, because the parental notification sought to impose affirmative notification requirements on physicians, in contrast to the Consent Order, the injunction was entirely prohibitory.

From the foregoing, one might argue that the affirmative, ostensibly empowering provisions of the Consent Order exceed the District Court's remedial powers. But, as the Committee plainly stated in its initial brief, this Court need **not** answer that question. Indeed, it likely lies beyond the purview of this Court. See, *e.g., United States v. Council of Keokuk*, 73 U.S. 514, 517 (1867). So that there is no confusion on this point, the Committee is **not** asking this Court to rule on whether any aspect of the Consent Order exceeded the District Court's remedial powers.

The question the Committee has raised is a matter of **state** law. That is, can the Secretary exercise the powers ostensibly "authorized" by the Consent Order if, in doing so, the Secretary is circumventing Section 20's unambiguous, and **unerased,** exclusion of out-of-state circulators? On this point, the Committee repeats and incorporates by reference its argument that no state official can exercise powers that the Maine Constitution does not grant to that official. Nor can a state official exercise powers that the Maine Constitution expressly denies to that official. Although a federal court can certainly, and should, enjoin a state official from enforcing a state law that violates the U.S. Constitution. That State official may not exercise powers inconsistent with or violative of the Maine Constitution, even if federal court has purported to authorize otherwise.

e. The Submission to Jurisdiction Requirement does not Guarantee the Secretary's Jurisdiction over Out-of-State Circulators.

Although the Secretary predicts dire consequences if this Court does not uphold the "authority" that she claims the Consent Order gave her to require out-of-state circulators to submit to the State's jurisdiction, there is reason to doubt that, even if checked, the jurisdiction authorization provides the Secretary with any real power over the out-of-state circulators.

Shortly before the May 12 hearing the Petitioners asked the Secretary to issue subpoenas to certain of the out-of-state circulators. The Hearing Officer, in consultation with the Attorney General's Office, declined the request for subpoenas. The Attorney General's Office explained to the parties that the Presiding Officer had determined that 5 M.R.S.A. § 9060's restriction on service outside the territorial jurisdiction prevents issuance of formal subpoenas. Therefore, the Presiding Officer could only send letters to the circulators asking that they appear. The letters that the Secretary sent to the three out-of-state witnesses advised them that should they fail to comply with the letter, the Secretary could decide to disqualify the electors' signatures on their petitions. See, *e.g.,* R.0033376 (Letter to Rokelle Harris).

The Hearing Officer's interpretation as to the extremely limited reach of the jurisdiction consent provision undermines the Secretary's current position that invalidation of the Secretary's reliance on the jurisdiction provisions of the Consent Order would have the disastrous effects the Secretary claims. Indeed, when balanced against the Secretary's preferred remedy—the invalidation of the otherwise valid signatures of electors, the risk of harm is decidedly placed on Maine voters—not the circulators.

f. Circulator Cairo's Consent to Jurisdiction Complied with the Consent Order.

The Secretary acknowledges that Circulator Cairo completed her Circulator's Affidavit and appeared at the May 12 hearing. Assuming arguendo that the Consent Order's delegation of unconstitutional powers to the Secretary was somehow valid, the Committee argued that Circulator Cairo complied with the Consent Order. Because, unlike the preliminary injunction, which required that out-of-state circulators "first" comply with submission to jurisdiction requirements, the Consent Order contained **no** timing requirements.

The Secretary, who assisted in drafting the Consent Order and whose consent was essential to the District Court's endorsement of it, calls the absence of the omission of the preliminary injunction's timing requirement from the Consent Order "a purported discrepancy." Secy's Br. 22. This is simply disingenuous. The absence of the preliminary injunction's timing requirement from the Consent Order is not "purported"; it is demonstrable. As a drafter of the Consent Order, the Secretary should be well positioned to explain the omission of the word "first" from the submission to jurisdiction provisions of the Consent Order. But the Secretary offers no such explanation. Her response is to pretend that the "purported discrepancy" does not exist. This tack is unworthy of a state official much less a constitutional officer charged with overseeing the fulfilment of the Initiative Amendment's letter and spirit.

Unlike the preliminary injunction, the Secretary drafted and consented to the Consent Order. She must know why the preliminary injunction's timing element was not carried over to the Consent Order, but she refuses to offer any explanation. Even as she fails to explain why she agreed to omit the timing element from the Consent Order, she also fails to engage with the Committee's argument that, based on the plain wording of the Consent Order, the timing of Circulator Cairo's consent to jurisdiction, not to mention her actual appearance at the May 12

hearing, Circulator Cairo complied with the Consent Order. The Secretary fails to engage with this argument because she has no good answer to it. The Consent Order did not require Circulator Cairo to submit to the Secretary's jurisdiction at a given point in time. When her willingness to submit to the Secretary's jurisdiction was called to her attention, she completed the Circulator's Affidavit and appeared before the Secretary and allowed herself to be questioned and cross-examined by the parties.[15]

The Secretary continues to cling to the argument she cobbled together in which she united to entirely dissimilar sources of authority—the ineffective "authorization" from the Consent Order and the timing requirement in the circulator statute, 21-A M.R.S. § 903-A(4). But, of course, neither Section 903-A(4) nor any part of Title 21-A can be a source of timing requirement governing or supplementing the provisions of the Consent Order that circumvent the Maine Constitution because, as has been discussed above, the Legislature is barred from enacting laws inconsistent with the Maine Constitution and the residency and voting registration requirements remain fully intact in Section 20 of Article IV, Part Third. No **statute**, including Section 903-A(4) can serve as a source of authority to circumvent the exclusion of out-of-state circulators Section 20 requires.

B. THE PROTECT GIRLS SPORTS BALLOT QUESTION COMMITTEE HAS STANDING TO DEFEND THE RIGHTS OF ELECTORS TO PETITION THE GOVERNMENT.

In passing, the Secretary has questioned the Committee's standing to defend the interests of electors whom the Secretary's Final Decision has disenfranchised. In particular, from the outset,

[15] The Secretary argues long and hard that no exception can be made for Circulator Cairo (an exception which the Consent Order does not even impose) because the Secretary must protect the integrity of the initiative process. Yet, no party to this proceeding, ,including the Secretary, has challenged the validity of any of the signatures Circulator Cairo gathered. And for all those electors who signed Circulator Cairo's petitions in good faith and, in accordance with the law, did not knowingly sign another, the Secretary answer is disenfranchisement.

the Committee has defended the rights of electors whose signatures the Secretary has invalidated through no fault of their own, including the Secretary's frustration of their right to petition the government as protected by the First Amendment and Article I, Section 15 of the Maine Constitution and their correlative rights of freedom of speech, freedom of assembly, and rights of association inherent therein as also protected by the First Amendment and Article I, Sections 4 and 15 of the Maine Constitution.

Although it is not clear that the Secretary is pressing this point, out of an abundance of caution, the Committee responds as follows. Protect Girls Sports in Maine ("the Committee") is a registered Ballot Question Committee in the State of Maine. The Committee is comprised of voters in the state of Maine who invoked the citizen initiative procedure at issue here. Specifically, on September 12, 2025, a Maine voter, Leyland Streiff[16], invoked the citizen initiative procedure provided for in the Constitution of Maine, art. IV, Part Third and governed by Title 21-A M.R.S.A. Chapter 11. [R 0003]. As required by the Maine Constitution and Title 21-A, the application for Citizen Initiative lists the names, addresses, and signatures of five additional Maine voters[17] who desired to invoke the citizen initiative procedure provided in the Constitution of Maine.

The Committee was organized for the purpose of promoting the Initiative, including securing sufficient valid signatures to ensure its placement on the general election ballot. The Initiative arose out of efforts by a grassroots group, "Maine Girl Dads"[18] who advocated for the adoption of policies by the legislature that would protect the participation of Maine girls in sports and sports-related activities based on their sex as determined at birth. When their efforts with the

[16] Leyland Streiff is the Principal Officer of the Committee. Other Maine voters listed as officers, fundraisers and decision makers for the Committee are: Michelle Brown, Heidi Sampson, Joshua Tabor, and Allen Sarvinas.
[17] In addition to Leyland Streiff, the Maine voters who invoked the citizen initiative process are: Joshua Matthew Tabor, James E. Orr, Kristina Clair Parker, Robert N. Cross and Brian M. Ouellette. [R 0003].
[18] Maine Girls Dads has not registered as a Ballot Question Committee.

legislature were unsuccessful, Maine Girl Dads and others sought to institute these policy changes through citizen initiative.

On or about September 19, 2025, the initial language for the Initiative was submitted to the Maine Secretary of State. On October 7, 2025, the Committee registered as a Ballot Question Committee. On October 9, 2025, the Secretary approved Protect Girls Sports in Maine as a Ballot Question Committee. After the Secretary approved the wording of the Initiative, the Committee assumed the responsibility for organizing the circulation of petitions to gain sufficient valid signatures to place the Initiative on the ballot for the 2026 general election. These organizing efforts included recruiting volunteers, hiring circulators to obtain the requisite number of valid signatures on petitions, and ensuring the timely submission of the petitions to the Secretary. The Committee sought the assistance of several petition circulation organizations which were registered pursuant to 21-A M.R.S. § 903-A. [R 0028-0051]. On February 2, 2026, the Committee submitted the petitions it had gathered to the Secretary for the Secretary's review. [R 0096].

After the Secretary's determination that the Committee's Ballot Initiative had the requisite valid signatures to be placed on the November 2026 Ballot, the Petitioner's challenged the Secretary's determination by filing the Rule 80(C) Complaint in the above-captioned action. The Committee sought to intervene. Neither the Petitioners nor the Secretary opposed the Committee's Motion to Intervene.

The Committee's participation in this matter has been essential to maintaining adversity on certain issues. One prominent example, concerns the out-of-state circulators who did not check the jurisdiction box in the Circulator's Affidavit at all or who, in the case of Circulator Cairo, checked the box later than the Secretary deemed was required. From the outset, the Secretary accepted the Petitioners objection on this point and stood prepared to disqualify the otherwise valid

signatures of more than 1,500 voters. Indeed, so closely aligned were the Secretary's and Petitioners' views on this question that the Secretary largely adopted the Petitioners' arguments—arguments which the Secretary had not advanced in her initial April 17, 2026 brief—even though the Secretary, not the Petitioners, participated in drafting the agreement that became the Consent Order.[19]

Under Maine law, "[a]lthough standing 'relates to the court's subject matter jurisdiction,' it is an issue theoretically distinct and 'conceptually antecedent' to the issue of whether the court has subject matter jurisdiction. *Bank of America, N.A. v. Greenleaf (Greenleaf II)*, 2015 ME 127, ¶ 7, 124 A.3d 1122 (internal citations omitted). Subject matter jurisdiction is a principle of adjudicatory authority that "refers to the power of a particular court to hear the type of case that is then before it." *Id*. Citing *Hawley v. Murphy,* 1999 ME 127, ¶ 8, 736 A.2d 268 (quotation marks omitted). Standing is a condition of justiciability that a plaintiff must satisfy in order to invoke the court's subject matter jurisdiction in the first place. *Id*. citing *Wells Fargo Bank, N.A. v. Girouard,* 2015 ME 116, ¶ 8 n. 3, 123 A.3d 216.

In Maine, standing is prudential, not constitutional. *Id*. at ¶27, citing *Roop v. City of Belfast*, 2007 ME 32, ¶ 7, 915 A.2d 966. Thus, this Court may "limit access to the courts to those best suited to assert a particular claim." *Id*. (quotation marks omitted). "Just what particular interest or injury is required for standing purposes and the source of that requirement—whether statutory- or common law-based—varies based on the type of claims being alleged." *Greenleaf*, 2014 ME 89, ¶ 7, 96 A.3d 700.

[19] Petitioners claimed that all the petitions circulated by Cairo, Kewechi Chukwuma, Ummsalaamah Hakeem, and Jordan Albert should be invalidated due to the failure to check the box indicating that the circulator would submit to the jurisdiction of the state of Maine for any investigation or judicial review resulting from their circulation of such petitions. Thus, the invalidation of these petitions would invalidate each Maine voters right to petition the government simply because a box went unchecked and not as a result of any fraud or defect in the gathering of such signatures.

"An association has standing to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization's purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Black v. Bureau of Parks and Lands*, at ¶ 29, citing *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc*., 528 U.S. 167, 181, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000); see also *Conservation L. Found*., 2001 WL 1736584, at *6, 2001 Me. Super. LEXIS 26, at *18-19.

Moreover, in pressing the rights of disenfranchised electors, including the right to petition, the Committee is seeking to require the Secretary to properly apply the constitutionally mandated principles that the Secretary continues to fail to acknowledge or demonstrably apply but which, nonetheless, are binding on her. The principles include but are not limited to her obligation to apply the Initiative Amendments and statutory laws implementing them so as to encourage direct democracy and to facilitate, rather than handicap, their exercise by the voters. *League of Women Voters v. Secretary of State*, 683 A.2d 769, 771 (Me. 1996); see also, *McGee,* 2006 ME 50, ¶ 25, quoting, *Allen,* 459 A.2d at 1102-03

For these reasons, to the extent the Secretary is pressing this issue, this Court should find that the Committee has standing to represent the interests of electors whose rights to petition the government and to exercise their rights of freedom of speech, freedom of assembly, and rights of association inherent therein.

C. THE COURT SHOULD HOLD THAT THE MAINE CONSTITUTION'S RESIDENCY AND VOTER REGISTRATION REQUIREMENTS ARE UNCONSTITUTIONAL.

The Secretary opposes the Committee's request that this Court rule on whether Section 20's residence and voter registration requirements violate the Maine Constitution. The Secretary

contends that the Committee's request is "hypothetical." Sec'y Br. at 25. The Secretary prefers the current ambiguity arising from the continued presence of the residency and voter registration requirement in the Constitution, coupled with the vague and malleable "authorization" to manage out-of-state circulators untrammeled by the Maine Constitution or any other clearly ascertainable authority outside the Consent Order. The Secretary prefers the nearly boundless power she exercises to veto petitions and invalidate signatures without being accountable to any clear standards.

The Committee respectfully urges that a clear decision issue from the state courts on the constitutionality *vel non* of Section 20's residency and voter registration requirements vis a vis the First Amendment.

D. THE "OTHER SERVICES" PROHIBITION ON NOTARIES VIOLATES THE FIRST AMENDMENT.

The Committee rests on the arguments it has already advanced that the "other services" provisions in 21-A M.R.S. § 903-E and the related exclusion in 4 M.R.S. §1904(5) violate the First Amendment to the U.S. Constitution.

E. THE SECRETARY'S EXCLUSION OF ELECTORS' SIGNATURES WITH DITTO FOR THE DATE OF SIGNATURE VIOLATE THE CONSTITUTIONAL STANDARDS THAT THE SECRETARY IS REQUIRED TO EMPLOY TO FACILITATE THE ELECTORS' EXERCISE OF THEIR SOVEREIGN LAWMAKING POWER.

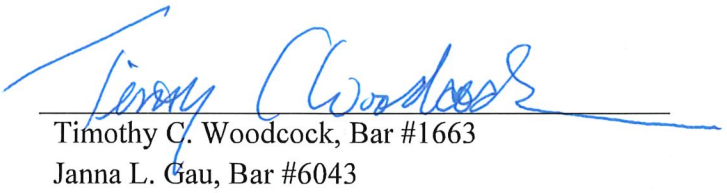
The Committee rests on the arguments it has already advanced that the Secretary's invalidation of electors' signatures on the grounds that they entered "ditto" marks instead of handwriting the date violates the constitutional standards the Secretary is required to apply to facilitate and not to handicap the voters' exercise of their sovereign lawmaking powers.

III. CONCLUSION

For the reasons stated above, the Committee respectfully asks this Court to reverse the Secretary's Final Decision and to restore the Ballot Initiative to the November 3, 2026 general election ballot.

Date: June 8, 2026

Respectfully submitted,



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STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
NO. PORSC-AP-2026-10

JANE GILBERT; MARK SAYRE; and KAITLIN WEBBER

Petitioners,

v.

SHENNA BELLOWS, in her official capacity as Maine Secretary of State

Respondent,

PROTECT GIRLS' SPORTS IN MAINE, a registered Ballot Question Committee,

Intervenor.

DECISION AND ORDER

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INTRODUCTION

Intervenor Protect Girls' Sports in Maine, a Ballot Question Committee (the "Committee"), has appealed the Secretary of State Shenna Bellows' Revised Determination of the Validity of a Petition for Initiated Legislation dated May 26, 2026. In her decision, the Secretary of State (the "Secretary") adopted in full the Recommended Decision issued by the Presiding Officer, which recommended the invalidation of an additional 3,883 signatures and resulted in the Petition falling below the required minimum of signatures needed. The Secretary found that the Petition at issue—known as "An Act to Designate School Sports Participation and Facilities by Sex"—was invalid as it was supported by an insufficient number of valid signatures. Specifically, the Secretary found that the proponents of the Petition submitted 67,150 valid signatures,

which is 532 signatures below the 67,682 threshold required for placement on the November 2026 ballot.

On appeal, the Committee challenges the Secretary's invalidation of signatures affected by circulator affidavits missing consent to Maine jurisdiction and the use of ditto marks in the date field, as well as constitutional challenges concerning out-of-state circulators and the statutory restrictions regarding notarial conflict-of-interest. The court has reviewed the record as well as briefing submitted by the Committee, Petitioners, and the Secretary. This matter is in order for decision.

BACKGROUND

On March 17, 2026, the Secretary issued her original Determination of Validity of the Petition for Initiated Legislation in which the Secretary found the Committee submitted 71,300 valid signatures, a total that exceeded the constitutional threshold by 3,351. *See* Me. Const. art. IV, pt.3, § 18(2). On March 27, 2026, Petitioners appealed the Secretary's decision pursuant to 21-A M.R.S.A. § 905 and M.R. Civ. P. 80C. The Committee was granted intervenor status. This initial action was briefed and decided pursuant to the expedited schedule set forth in 21-A M.R.S.A. § 905(2). On April 24, 2026, this court remanded the case to the Secretary for further proceedings, including incorporating the Secretary's identified concessions and taking new evidence, and ordered the Secretary to issue a new Determination of Validity within 30 days.

On April 28, 2026, counsel for the Secretary issued formal Notice of Hearing to the parties and listed four topics on which evidence and argument would be heard:

- Whether the circulators described in Gilbert's Challenge No. 2 engaged in conduct contrary to their circulator's oath and, if so, the effect of such failure on the validity of signatures collected;
- Whether the 31 individual signatures identified as "suspicious" in Gilbert's Challenge Table 19a should be invalidated;
- Whether the two circulators identified in Gilbert's Challenge 19 engaged in misconduct implicating the validity of signatures that they collected and, if so, the effect of such misconduct on the validity of

signatures collected;

- Whether the Secretary should, consistent with the Court's legal rulings, correct any of the concessions contained in her Rule 80C brief, including but not limited to whether the Secretary should or should not accept corrected forms from circulators regarding their consent to personal jurisdiction in Maine after the petition's filing (pursuant to Challenge 3) and whether specific signatures identified in Challenges 12, 14, 15, and 16 should be treated as valid or invalid.

R. 033364. Chief Deputy Secretary of State Katherine McBrien served as Presiding Officer during the adjudicatory hearing held on May 12 and 13, 2026. The parties presented evidence and testimony regarding the alleged misconduct during the circulation of petitions, alleged fraud by circulators, and the failure by Circulator Cairo to check the box on her circulator affidavit consenting to the jurisdiction of the State of Maine. Following the hearing process, the parties submitted post-hearing briefs and on May 21, 2026, the Presiding Officer issued her Recommended Decision.

The Recommended Decision included 101 findings of fact followed by legal analysis, and relevant to the Committee's present appeal, the Presiding Officer recommended (1) the invalidation of signatures collected by circulators who failed to consent to jurisdiction by the statutory deadline, (2) that such invalidation does not violate the Maine Constitution and is not "ultra vires," (3) that Maine law concerning notarial conflict of interest is not unconstitutional and necessitated invalidation of impacted signatures, and (3) the invalidation of signatures due to the use of ditto marks in the date field as expressly required by statute. R. 033351-57. Both parties filed objections to the recommendations pursuant to 5 M.R.S.A. § 9062(4).

On May 26, 2026, the Secretary issued a Revised Determination of Validity which adopted in full the Recommended Decision of the Presiding Officer and accordingly added the newly invalidated signatures to the prior invalidations. The Revised Determination of Validity concluded the Petition was 532 signatures short of the required number of 67,682 signatures and therefore the Petition was invalid. R. 033317.

On May 28, 2026, this court held a status conference with the parties and the court subsequently approved an expedited briefing schedule. All parties submitted their briefs in accordance with that schedule, and the matter is now ready for review.

LEGAL FRAMEWORK

The court's discussion must begin with recognizing the various constitutional rights and principles implicated in this case. The Maine Constitution grants Maine people the right to legislate by direct initiative. Me. Const. art IV, pt. 3, § 18. The Law Court has stressed the importance of such a right, declaring "the right of the people to initiate and seek to enact legislation [to be] an absolute right." *McGee v. Sec'y of State*, 2006 ME 50, ¶ 21, 896 A.2d 933. "[A]lthough the Legislature has the authority to enact laws providing for the implementation of the initiative right, any legislative implementation must respect the substance of the constitutional right." *Id.* ¶ 20; Me. Const. art IV, pt. 3, § 22. The right cannot be abridged either directly or indirectly by governmental action. *McGee*, 2006 ME 50, ¶ 21, 896 A.2d 933. Accordingly, laws governing the direct initiative process "must be liberally construed to facilitate, rather than handicap, the people's exercise of their sovereign power to legislate." *Allen v. Quinn*, 459 A.2d 1098, 1102-03 (Me. 1983).

The Law Court has also recognized that "[t]he circulation of direct initiative petitions is 'core political speech,' and any state regulation of the initiative process must be 'narrowly tailored' to carry out a compelling state purpose." *Me. Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶ 8, 795 A.2d 75. Laws governing the initiative process should therefore be construed in a way that avoids imposing an impermissible burden on protected speech. *See id.*; *see also State v. Cropley*, 544 A.2d 302, 304 (Me. 1988).

Moreover, under the Maine Constitution, "[t]he Secretary of State is the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process." *Reed v. Sec'y of State*, 2020 ME 57, ¶ 18, 232 A.3d 202. The Secretary has been granted plenary power to investigate and determine the validity of petitions. *Me. Taxpayers Action Network*, 2002 ME 64, ¶ 12 n.8, 795 A.2d 75. When assessing the Secretary's determination of initiative petitions, the Court's review must be deferential and limited, keeping in mind the Secretary's "broad[] authority" in the context of evaluating referendum petitions. *Knutson v. Dep't of Sec'y of State*, 2008 ME 124, ¶ 20 n.7, 954 A.2d 1054; *Passadumkeag Mountain Friends v. Bd. of Envtl. Prot.*, 2014 ME 116, ¶ 12, 102 A.3d 1181.

By statute, an action seeking review of the Secretary's decision on a direct initiative petition "must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section." 21-A M.R.S. § 905(2). In *Palesky v. Sec'y of State*, the Law Court held that "[t]he provisions of section 905 that could be deemed 'modifications' of Rule 80C relate to the expedited timing of the appeal." 1998 ME 103, ¶ 5, 711 A.2d 129. The *Palesky* court further concluded that 21-A M.R.S. § 905 does not require "a full de novo trial"; rather, the procedural framework for a Section 905 appeal is set forth in Rule 80C. *Id.* ¶¶ 5-6, 8. Under Rule 80C, the court is not permitted to overturn an agency's decision "unless it: violates the Constitution or statutes; exceeds the agency's authority; is procedurally unlawful; is arbitrary or capricious; constitutes an abuse of discretion; is affected by bias or error of law; or is unsupported by the evidence in the record." *Kroger v. Dep't of Envtl. Prot.*, 2005 ME 50, ¶ 7, 870 A.2d 566; 5 M.R.S. § 11007(4). The party seeking to vacate a state

agency decision has the burden of persuasion on appeal. *Anderson v. Me. Pub. Emp. Ret. Sys.*, 2009 ME 134, ¶ 3, 985 A.2d 501.

When reviewing agency decisions, the court must examine "'the entire record to determine whether, on the basis of all the testimony and exhibits before it, the agency could fairly and reasonably find the facts as it did.'" *Friends of Lincoln Lake v. Bd. of Envtl. Prot.*, 2010 ME 18, ¶ 13, 989 A. 2d 1128. The court may not substitute its judgment for that of the agency on questions of fact. 5 M.R.S. § 11007(3). The issue is not whether the court would have reached the same result the agency did, but whether the "'record contains competent and substantial evidence that supports the result reached'" by the agency. *Seider v. Bd. of Examiners of Psychologists,* 2000 ME 206, ¶ 8, 762 A.2d 551.

To the extent this case requires statutory interpretation, the court "interpret[s] every statute de novo as a matter of law to give effect to the intent of the Legislature, first by examining its plain language." *Reed*, 2020 ME 57, ¶ 14, 232 A.3d 202 (quotation marks omitted). If the plain language is unambiguous, the court interprets the statute according to its unambiguous meaning. *Id.* "If, however, a statute is ambiguous—i.e., it is reasonably susceptible to different interpretations—[the court] defer[s] to the agency's reasonable construction when the agency is tasked with administering the statute and it falls within the agency's expertise." *Id.* (quotation marks omitted). As the Secretary is the constitutional officer with plenary power to determine the validity of petitions, the court will defer to the Secretary's "reasonable interpretation of [an] ambiguous statute[]." *Id.* ¶ 18.

DISCUSSION

The Committee raises four challenges to the Secretary's Revised Determination of Validity. The Committee argues (1) the Secretary erred in invalidating petitions

circulated by out-of-state circulators who did not check the jurisdiction box on their circulator affidavits, (2) the initiative amendment's residency and registration requirements are unconstitutional, (3) the statutory ban on notaries circulating petitions and later witnessing the signatures of other circulators is unconstitutional, and (4) the Secretary erred in invalidating signatures for the use of ditto marks, rather than the written date, in specific petition fields. The court addresses each challenge in turn.

I. The Secretary did not err in invalidating signatures for out-of-state circulators' failure to consent to Maine's jurisdiction

The Committee challenges the Secretary's decision, in accordance with her concession from the initial appeal, to invalidate 1,520 signatures collected by out-of-state circulators who failed to submit to the personal jurisdiction of Maine. Comm. Br. 15-29; *see also* R. 034073. First, the Committee challenges the requirement that out-of-state circulators consent to Maine's jurisdiction as inconsistent with the Maine Constitution, and further, that the Secretary acted "ultra vires" when adhering to the Consent Order issued by the U.S. District Court. *We the People PAC v. Bellows*, 519 F. Supp. 3d 13 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022). Second, the Committee challenges the Secretary's invalidation of signatures collected by Circulator Cairo.

In *We the People PAC v. Bellows*, the U.S. District Court for the District of Maine issued a Consent Order authorizing Maine to impose the residency and registration restrictions set forth in article IV, part 3, § 20 of the Maine Constitution only in circumstances in which the circulator fails to consent to Maine's jurisdiction. 519 F. Supp. 3d 13 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022). Rather than contradict the Maine Constitution's prohibition against out-of-state circulators, the Consent Order narrows the scope of such prohibition to allow application of the constitutional provision solely to circulators who fail to consent. *See Hart v. Secretary of State*, 1998 ME 189, ¶

13, 715 A.2d 165 (holding the residency requirement constitutional as it "enhances the integrity of the initiative process by ensuring that citizen initiatives are brought by citizens of Maine"); *Jones v. Secretary of State*, 2020 ME 113, ¶ 34, 238 A.3d 982 (holding the residency requirement constitutional). As the Secretary describes, "the federal court simply tailored the scope of its injunction to those out-of-state circulators whose conduct can be properly regulated by the State: those who fail or refuse to consent to Maine's jurisdiction." SOS Br. 16. Thus, when the Secretary invalidates signatures collected by circulators who failed to consent to Maine's jurisdiction, the Secretary is "applying the Maine Constitution's existing ban on out-of-state circulators to the one subcategory of those circulators whom the federal court's injunction still permits her to regulate." *Id.*

Accordingly, the court declines to find the Secretary erred in invalidating signatures collected by out-of-state circulators who failed to consent to Maine's jurisdiction by failing to check the appropriate box on their circulator affidavits. It is undisputed that three of the circulators at issue—Kewechi Chukwuma, Albert Jordan, and Hakeem Ummsalaamah—have never consented to the jurisdiction of Maine nor did they appear at the post-remand hearing, and the court finds the record sufficiently supports the Secretary's determination that signatures collected by those named circulators should be invalidated. R. 033335-36.

Further, the court upholds the Secretary's determination that signatures collected by Cairo should be invalidated regardless of her corrected affidavit dated May 6, 2026 in which she after-the-fact consented to Maine's jurisdiction. R. 033335 ¶ 96 (citing R. 032665). The record demonstrates Cairo affirmatively decided to leave the jurisdiction box blank on her circulator affidavit due to unresolved questions about the implications of such consent. R. 033405-06; R. 033410-11; R. 033415-16. Applying the

required deference to the Secretary, the court finds no error in the Secretary's factual determination that Cairo's failure to check the jurisdictional box was a "substantive lack of agreement to those terms" based on her testimony during the hearing. R. 033352-53. Likewise, the court finds no error in the Secretary's finding that Cairo's submission to Maine's jurisdiction three months after the Petition was filed with the Secretary failed to cure the defect on her circulator affidavit. R. 033353. Though the Consent Order contains no time restriction, the Secretary relied on the statutory requirement that a circulator's affidavit be filed "with the Secretary of State at the time the petition is filed" and therefore consent to Maine's jurisdiction must occur at the time the Petition is filed. 21-A M.R.S.A. § 903-A(4).

Therefore, the court declines to find the Secretary erred in invalidating signatures collected by out-of-state circulators who failed to consent to Maine's jurisdiction and the court upholds the Secretary's Revised Determination of Validity.

II. The Secretary did not err in abiding by the Consent Order

The Committee next challenges the original circulator residency and registration requirements found in article III, part 3, § 20 of the Maine Constitution—now narrowed by the Consent Order stemming from the decisions of the U.S. District Court and the First Circuit in *We the People PAC v. Bellows*—and asks this court to find, distinct from the Consent Order, that "the Initiative Amendments' residency and voter registration requirements impose a severe burden on the First Amendment rights of out-of-state circulators and those in Maine, including Maine electors, who wish to use their services." Comm. Br. at 31; *see* Me. Const. art. IV, pt. 3, § 20; *We the People PAC v. Bellows*, 519 F. Supp. 3d 13 (D. Me. 2021), *aff'd*, 40 F.4th 1 (1st Cir. 2022).

Pursuant to the Consent Order, as discussed *supra*, the Secretary is enjoined from enforcing the original scope of residency and registration requirements found in

article III, part 3, § 20 of the Maine Constitution against any out-of-state circulator who consents to Maine's jurisdiction. *See* Me. Const. art. IV, pt. 3, § 20; 519 F. Supp. 3d 13, 53 (D. Me. 2021), *aff'd*, 40 F.4th 1, 20 (1st Cir. 2022). Further, as the injunction comes by order of federal court, it is undisputed that the Secretary is bound by the permanent injunction and must act in accordance with the Consent Order. *Alden v.* Maine, 527 U.S. 493, 499 (1981); *Lackey v. Stinnie*, 604 U.S. 192, 207 (2025). The court therefore declines to reach the merits of the Committee's constitutional challenge to the original scope of requirements set forth in § 20 as the Committee neither alleges, nor does the record demonstrate, that the Secretary relied on the original scope of requirements in reaching her Revised Determination of Validity nor violated the permanent injunction she is bound to follow.

III. The Secretary did not err in invalidating signatures for failure to comply with statutory conflict of interest laws

The Committee challenges the Secretary's invalidation of "all petitions witnessed by notaries, Robert DeClercq and Patrick Harrington, on the grounds that, before witnessing the signatures of other circulators of petitions for the Ballot Initiative, they had, themselves, circulated petitions for the Ballot Initiative." Comm. Br. 32. In compliance with her concession to this court during initial briefing, the Secretary invalidated 224 signatures for failure to comply with this statutory conflict-of-interest prohibition. R. 034073. The Committee argues that Maine statutes, 21-A M.R.S.A. § 903-E and 4 M.R.S.A. § 1904(5), prohibiting notaries public from notarizing circulator oaths after they have provided services to promote the campaign unconstitutionally burden First Amendment rights of circulators and petition signers.

First, pursuant to 21-A M.R.S.A. § 903-E(1), notaries and other notarial officers are prohibited from "administer[ing] an oath or affirmation to the circulator of a petition under section 902" if that notary is providing any other services to initiate or promote

"the direct initiative or people's vote referendum for which the petition is being circulated." In *Reed*, the Court upheld the Secretary's interpretation of § 903-E(1) as allowing for petition forms to be voided if the notary who notarized the circulator's oath on the petition had previously acted as a circulator. *Reed*, 2020 ME 57, ¶ 19, 232 A.3d 202. Here, the court finds the record supports the Secretary's determination that the 224 signatures must be invalidated on the basis that two circulators violated the conflict-of-interest requirements by performing notarial acts for the Committee after circulating petitions on behalf of the Committee. As "the Secretary of State is the constitutional officer entrusted with administering—and having expertise in—the laws pertaining to the direct initiative process," the court must defer to the Secretary's reasonable interpretation of statutes and findings of fact supported by competent record evidence. *Reed v. Sec'y of State*, 2020 ME 57, ¶ 18, 232 A.3d 202.

Second, the Committee's constitutional challenges to the conflict-of-interest statutory rule governing notarial acts are unavailing. While the court understands petition circulation involves core political speech, "states are accorded considerable leeway in the regulation of the initiative process in order to promote their legitimate state purpose" and in turn protect the integrity of the ballot initiative process. *Jones v. Sec'y of State*, 2020 ME 113, ¶ 20, 238 A.3d 982. Accordingly, petition circulation laws governing the mechanics of the electoral process do not always require application of the strict scrutiny standard, but rather, as is the case here, "when a state election law provision imposes only reasonable, nondiscriminatory restrictions on First Amendment rights, the State's important regulatory interests are generally sufficient to justify the restrictions." *Id.* ¶ 24; *see also Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983); *Burdick v. Takushi*, 504 U.S. 428, 433-34 (1992). The court finds the notarial conflict-of-interest restriction sufficiently justified by Maine's regulatory interest in maintaining

a fair and honest petition circulation process. *Goggin v. State Tax Assessor*, 2018 ME 111, ¶ 20, 191 A.3d 341 (burden of overcoming the presumption of constitutionality rests on the challenger).

Likewise, the court rejects the Committee's claim that the notary statutes constitute impermissible viewpoint discrimination. Offering no authority to demonstrate that notarial conflict-of-interest laws favor one speaker over another, the court finds the Committee failed to meet its burden of persuasion on appeal concerning any constitutional or statutory error by the Secretary. *Anderson v. Me. Pub. Emp. Ret. Sys.*, 2009 ME 134, ¶ 3, 985 A.2d 501. Therefore, the court upholds the Secretary's Revised Determination of Validity relating to invalidation of signatures that failed to comply with conflict-of interest-requirements.

IV. The Secretary did not err in invalidating petition signatures for failure to comply with the permissible use of ditto marks

Finally, the Committee argues the Secretary erred in invalidating 39 signatures based on the voter's use of ditto marks in the date field on the petition rather than writing out the date in full. Comm. Br. 36. The Committee largely grounds its argument in the assertion that the Secretary should have followed the constitutional directives which govern the exercise of the voters' rights and which should not be "smothered in an ever-growing cascade of procedure and technicality." *Id.* at 37. In response, the Secretary argues 21-A M.R.S.A. § 902 expressly requires that initiative petitions be signed "in the same manner as are [candidate petitions] under section 354, subsections 3 and 4." SOS Br. 30-31. The Secretary explains, "that candidate petition provision, in turn, forbids the use of ditto marks for anything other than the residence address and municipality." *Id.* at 31.

Given the statutory prohibition of ditto marks beyond specific, permissible fields, the court declines to find the Secretary committed any error of law when she—upon

conceding such issue during the initial challenge—invalidated 39 signatures containing ditto marks in the date field. R. 033356-57. The court finds the Secretary correctly applied 21-A M.R.S.A. § 902 and 21-A M.R.S.A. § 354(4) to the submitted petitions, which together preclude a voter's use of ditto marks in the date field on initiative petitions. *Id.* Accordingly, the court upholds the Secretary's decision to invalidate signatures containing ditto marks in the date field.

V. Petitioners' Remaining Challenges

Though Petitioners agree the Secretary ultimately reached the correct conclusion on remand, Petitioners nonetheless filed objections to the Secretary's Revised Determination and similarly raise numerous other challenges in this present appeal to the extent that the Secretary did not invalidate additional signatures. Pet'rs.' Br. 19-53. Petitioners state, "it bears emphasis that the record below contains *substantially* more evidence of circulator wrongdoing than what the Secretary ultimately chose to rely on upon in making her Revised Determination." *Id.* at 19 (emphasis in original). Because the court upholds the Secretary's Revised Determination of Validity, the court declines to reach the merits of Petitioners' remaining challenges and notes that Petitioners' challenges are fully preserved for appeal. M.R. Civ. P. 80C(m); *see* Pet'rs.' Reply Br. 25.

CONCLUSION

For the foregoing reasons, the entry is:

The Committee's appeal is DENIED.

The Secretary's Revised Determination of Validity is AFFIRMED.

The clerk is directed to incorporate this order into the docket by reference. M.R. Civ. P. 79(a).

Dated: June 11, 2026

Deborah P. Cashman
Justice, Maine Superior Court

Entered on the Docket: 06/11/2026

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

Determination of the Validity of a Petition for Initiated Legislation Entitled:

"An Act to Designate School Sports Participation and Facilities by Sex"

1. On February 2, 2026, 8,067 petition forms containing 79,692 signatures were submitted to the Secretary of State pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 on behalf of the above-entitled initiated legislation.[1]

2. Following a review of these 8,067 petition forms, I find the following signatures to be invalid for the following reasons:

   A. 5,066 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)

   B. 1,651 signatures are invalid because they are duplicates of signatures already counted. (DUP)

   C. 504 signatures are invalid because they were dated after the date that the circulator's oath was completed in the presence of the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (DATE)

   D. 478 signatures are invalid because the circulator did not file a circulator's affidavit at the time the petitions were filed with the Secretary of State. (AFF)

   E. 278 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)

   F. 233 signatures are invalid because the voter failed to provide a signature. (SIG)

   G. 152 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)

   H. 101 signatures are invalid because the registered voter's signature was made by another. (ANO)

   I. 90 signatures are invalid because the circulator's oath was not complete or not administered properly. (OATH)

   J. 64 signatures are invalid because of material alterations to the petition. (ALT)

   K. 29 signatures are invalid because the certification of the registrar was not completed. (CERT)

[1] An additional 3 petition forms were submitted that contained only signatures that were certified as invalid by municipal registrars or included no municipal certification. The Secretary of State did not complete a full review of signatures included on these 3 petition forms and these signatures were not included in the final tally of signatures that culminated in this Determination of Validity.

L. 9 signatures are invalid because the petition was not on the approved form. (FORM)

M. 4 signatures are invalid because the petition forms were received by the municipal office after the municipal filing deadline. (AMD)

3. For the reasons set forth above, on the 8,067 petition forms filed with the Secretary of State, I find that 71,033 signatures are valid and 8,659 signatures are invalid. The number of signatures required to determine the petition to be valid is 67,682. Because the number of valid signatures exceeds the required number by 3,351 signatures, I find the petition to be valid.

Dated: March 17, 2026

Shenna Bellows
Secretary of State

An Act to Designate School Sports Participation and Facilities by Sex

Date of Issuance: November 3, 2025
Filing Deadline for the November 2026 Ballot: February 2, 2026
18 month petition expiration date: May 3, 2027

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

Summary of Proposed Initiative

This initiated bill requires public schools and entities that govern interscholastic or competitive sports by public schools to designate athletic teams as for males, for females or coeducational. Athletic teams designated for females must be restricted to students whose sex is female and athletic teams designated for males must be restricted to students whose sex is male. Athletic teams designated as coeducational must be open to all eligible females and males. A female student may participate on a team designated for males if no team designated for females is available in that sport. "Sex" is defined as a person's biological status as male or female recorded at birth on the person's original birth certificate.

The initiated bill requires public schools to maintain separate restrooms, locker rooms, shower rooms and other private spaces for each sex. A member of one sex may not be permitted to use a facility designated for members of the opposite sex.

The initiated bill provides that an individual born with a biologically verifiable disorder or difference in sex development must receive all legal protections and accommodations afforded under federal law, including the federal Americans with Disabilities Act of 1990.

The initiated bill provides a private right of action for a student who is deprived of an athletic opportunity or suffers direct injury because of a violation of a provision of the initiated bill.

The initiated bill provides that separation of athletic teams and private spaces by sex under the initiated bill does not constitute unlawful discrimination under the Maine Human Rights Act and that the Maine Human Rights Act may not be construed to conflict with the provisions of the initiated bill.

Estimate of Fiscal Impact

This citizen-initiated bill requires public schools and entities that govern interscholastic or competitive sports by public schools to designate athletic teams as for males, for females or coeducational. Athletic teams designated for females must be restricted to students whose sex is female and athletic teams designated for males must be restricted to students whose sex is male. Athletic teams designated as coeducational must be open to all eligible females and males. A female student may participate on a team designated for males if no team designated for females is available in that sport. "Sex" is defined as a person's biological status as male or female recorded at birth on the person's original birth certificate. The initiated bill also requires public schools to maintain separate restrooms, locker rooms, shower rooms and other private spaces for each sex. A member of one sex may not be permitted to use a facility designated for members of the opposite sex. The initiated bill provides that an individual born with a biologically verifiable disorder or difference in sex development must receive all legal protections and accommodations afforded under federal law, including the federal Americans with Disabilities Act of 1990. The initiated bill also provides a private right of action for a student who is deprived of an athletic opportunity or suffers direct injury because of a violation of a provision of the initiated bill. The initiated bill provides that separation of athletic teams and private spaces by sex under the initiated bill does not constitute unlawful discrimination under the Maine Human Rights Act and that the Maine Human Rights Act may not be construed to conflict with the provisions of the initiated bill.

The Maine Human Rights Commission has indicated they will require annual General Fund appropriations of $410,000 for 1 Attorney position , 1 Paralegal position and 1 Secretary Associate Legal position and to transfer funding from Federal Expenditures Fund to the General Fund for two ME Human Rights Investigators positions to handle the increase in litigation, either brought by the Commission, brought against the Commission, or in which Commission staff will be primary witnesses, in addition to an influx of general questions and intakes. This funding also includes a minor amount to update all outreach material and website information.

School administrative units may incur significant costs to verify, monitor and enforce the requirement that a member of one sex, defined as a person's biological status as a male or female recorded at birth on the person's original birth certificate, not be permitted to use a facility, such as a restroom, locker room, shower room or other private space, designated for members of the opposite sex. School administrative units may also see an increase in insurance premiums due to an increase in liability related to potential civil action. To the extent that this initiated bill, if approved by the voters, leads to an increase in legal challenges, school administrative units may experience additional litigation costs.

The Judicial Department has indicated that this citizen-initiated bill may increase the number of civil suits filed in the court system. The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional filing fees will increase General Fund revenue by minor amounts.

See page 2 for legislation and instructions and pages 3 and 4 for signature lines and certifications

To the Legislature of the State of Maine:

In accordance with Section 18 of Article IV, Part Third of the Constitution of the State of Maine, the electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified on this petition, hereby respectfully propose to the Legislature for its consideration the following entitled legislation: "An Act to Designate School Sports Participation and Facilities by Sex".

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4602, sub-§5, as enacted by PL 2021, c. 366, §19, is amended to read:

5. Application. Nothing in this section:

A. Requires an educational institution to provide separate athletic or other extracurricular programs to serve a person with a physical or mental disability;

B. May be construed to affect the rights of a person with a physical or mental disability to special education programs under state or federal law;

C. Requires a religious corporation, association or society that does not receive public funding to comply with this section as it relates to sexual orientation or gender identity; ~~or~~

D. Requires an educational institution to participate in or endorse any religious beliefs or practices; to the extent that an educational institution permits religious expression, it cannot discriminate between religions in so doing.~~;~~ or

E. May be construed to conflict with the provisions of Title 20-A, section 4017.

Sec. 2. 20-A MRSA §4017 is enacted to read:

§4017. Participation in interscholastic and competitive sports; privacy in facilities

1. Short title. This section may be known and cited as "the Protect Girls' Sports in Maine Act."

2. Definition. For the purposes of this section, "sex" means a person's biological status as male or female recorded at birth on the person's original birth certificate.

3. Designation of athletic teams. A public school subject to this Title, or an entity that governs interscholastic or competitive sports by public schools in the State, shall expressly designate athletic teams as one of the following:

A. "Males," "boys" or "men";

B. "Females," "girls" or "women"; or

C. "Coeducational" or "mixed."

4. Eligibility. The following provisions govern eligibility.

A. Athletic teams designated for females, girls or women must be restricted to students whose sex is female.

B. Athletic teams designated for males, boys or men must be restricted to students whose sex is male.

C. Athletic teams designated as coeducational or mixed must be open to all eligible females and males.

D. A female student may participate on an athletic team designated for males, boys or men if no athletic team designated for females, girls or women is available in that sport.

5. Privacy in facilities. A public school shall maintain separate restrooms, locker rooms, shower rooms and other private spaces for each sex. A member of one sex may not be permitted to use a facility designated for members of the opposite sex.

6. Construction with Maine Human Rights Act. Separation of athletic teams and private spaces by sex under this section does not constitute unlawful discrimination under Title 5, chapter 337.

7. Americans with Disabilities Act protections. Notwithstanding any other provision of this section to the contrary, an individual born with a biologically verifiable disorder or difference in sex development must receive all legal protections and accommodations afforded under federal law, including the federal Americans with Disabilities Act of 1990, 42 United States Code, Section 12101 et seq.

8. Civil enforcement. A student who is deprived of an athletic opportunity or suffers direct injury because of a violation of this section may bring a civil action for injunctive relief, damages and attorney's fees against a school or entity.

Sec. 3. Effective date. This Act takes effect January 1, 2027.

<table>
<tr><th colspan="2">Instructions for Circulation</th><th>Certification Code for Valid Signatures</th></tr>
<tr><td><u>Petitioner – must:</u></td><td><u>Petition Circulator – must:</u></td><td>✓ Individual signing petition is a registered voter</td></tr>
<tr><td>• Be a Maine registered voter</td><td rowspan="2">• Complete a Circulator Affidavit by taking the oath printed on the Affidavit before a Notary Public or other person authorized by law to administer oaths or affirmations</td><td rowspan="2">The most common reasons for rejection of signatures or petitions (with applicable codes) are as follows:</td></tr>
<tr><td>• Sign name as it appears on the voting list</td></tr>
<tr><td>• Sign only once</td><td rowspan="2">• Complete the Circulator's Oath on each petition form circulated by taking the Oath before a Notary Public <u>prior to</u> submission of petitions to Registrar</td><td></td></tr>
<tr><td>• <u>NOT</u> sign another's name</td><td rowspan="2"><u>Of Individual Signatures</u>
DUP Individual previously signed the petition (duplicate name)
NR Individual is not a registered voter
DATE Individual signed after the date of Circulator's verification
ANO Individual's signature made by another person
SIG Individual did not sign the Petition (printed name only)
Note: use only when voter's printed name cannot be matched to printing on the voter registration application

<u>Of Entire Petitions</u>
CERT Registrar's certification is not completed or is not signed
ALT Information written on the petition has been altered in a material way
OATH Circulator's verification is not completed or is not signed
OATH Circulator did not take the oath before a valid Notary Public
OATH Notary did not complete or sign the notarization
OWN Notary is an immediate family member of the Circulator
FORM Petition is not in the form approved by the Secretary of State (e.g. pages missing, damaged or out of order, etc.)</td></tr>
<tr><td>• Print name; date of signing; street address and municipality of residence (unless printed by Circulator)</td><td>• <u>NOT</u> collect signatures after taking the Circulator's Oath</td></tr>
<tr><td><u>Registrar – must:</u></td><td rowspan="4">WARNING: Making a false statement by the Circulator, signing a petition with the name of another, or signing a name more than once on these petitions is a Class E crime.</td></tr>
<tr><td>• Date and time stamp petition indicating when it is received</td></tr>
<tr><td>• Complete the "Registrar Use Only" space using the codes described in the box to the right</td></tr>
<tr><td>• Complete and sign the certification by indicating which names on the petition appear on that municipality's voting list</td></tr>
</table>

See page 1 for summary and fiscal impact statement and pages 3 and 4 for signature lines and certifications

Printed Name of Circulator

Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

- Every voter must sign the petition in the Circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26.					
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28.					
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- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
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Registrar use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
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Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator _____ *Printed Name* _____

Signature of Notary _____ *Printed Name* _____

Subscribed to and sworn before me on this date: _____ **(Date must be completed by Notary)**

Date my Notary Commission expires: _____

Registrar's Certification

Municipality_____ Total Valid _____ Total Invalid _____

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.

Date & Time Petition Received:

Signature of Registrar: _____

Date petition certified: _____

Petition Log
For Secretary of State Use Only

Petition #: _____Valid: _____Invalid: _____

# Invalid	Reason	Signature Lines
_____	_____	_____
_____	_____	_____
_____	_____	_____

SOS Staff: _____ Comments:

App. 0656

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines R 0017

INSTRUCTIONS TO PETITION ORGANIZERS
FOR INITIATIVE PETITIONS
Revised by the Office of the Secretary of State, July 2023

Pursuant to Title 21-A, Maine Law on Elections, §903-A, sub-§3, the Secretary of State is required to provide a copy of the laws and rules governing the circulation of petitions for a direct initiative. These instructions will provide guidance regarding what those laws require in order for the petitions to be deemed valid.

Requirements for Circulators:

- Circulators are not required to be Maine residents in order to collect signatures for citizen initiative petitions. Circulators who are not Maine residents must agree to submit to the jurisdiction of the State of Maine, to keep current their contact information, and to respond to any information requests from the Secretary of State, in the Circulator Affidavit described below.

- Maine law requires that each circulator fill out a Circulator Affidavit. The circulator must take the oath printed on that certificate before a Notary Public or other person authorized by law to administer oaths or affirmations (such as an attorney). The affidavit states that the circulator has read and understands the instructions provided by the Secretary of State regarding laws and rules governing the circulation of petitions; that the circulator is a Maine resident or, if not, agrees to submit to the jurisdiction of the State of Maine, to keep their contact information current, and to respond to any information requests from the Secretary of State; and that the circulator may be prosecuted for violating any laws governing petition circulation.

- Circulation of a petition means that the circulator solicits signatures for the petition by presenting the petition to the voter, asking the voter to sign the petition and personally witnessing the voter affixing the voter's signature to the petition.

- The circulator's name and a unique identifying number must be printed in the space provided on each page of the petition that contains space intended for voter signatures. Although the law does not specify what the unique identifying number must consist of, the Secretary of State recommends that you assign a sequential number to each petition circulated by that circulator.

- When the circulator presents the petition to an individual voter to sign, they must first give the voter an opportunity to read the summary on the front of the petition and to read the full text of the legislation that is printed on the petition.

Signature Requirements:

- Individual voters must sign their own names to the petition. No one (not even a spouse or child of an elderly parent) may sign for another person.

- The Maine Constitution and Title 21-A §153-A provide a procedure to allow a voter with a disability who is unable to sign his or her name to authorize another person to sign on the voter's behalf after submitting an *Alternative Registration Signature Statement* to the municipal registrar in the municipality where the voter is registered to vote. The law defines a signature to include a signature stamp, a signature written by another voter under the alternative registration procedure, and a mark.

- The voter's authorized signer **may not be** the circulator of the petition, the voter's employer or an agent of that employer or an officer or agent of the voter's union. The authorized signer must sign at the voter's direction

and in the voter's presence. The signer may use the voter's signature stamp or sign for the voter. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form.

- The voter must sign the petition in the circulator's presence, which means that the circulator must personally witness each voter sign the petition. Circulators may not leave the petitions unattended at a location, or attended by someone else. The circulator must be able to take the oath that is written on the petition and state truthfully that they personally witnessed each person sign the petition.

- A voter may only sign a particular initiative or referendum petition once. If a voter tells the circulator that they have already signed a petition for this same initiative or referendum and asks if the voter can sign again, the circulator should inform the voter that duplicate signatures will not be valid and that signing a petition more than once is a Class E crime.

- Each voter must sign their name in the far left column of the petition, using the voter's cursive signature, and using the name under which they are registered to vote. The use of initials, nicknames or other variations in the name (e.g. Mrs. John Doe instead of Jane Doe) will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine if the signer is a registered voter.

- The circulator or the voter should print the voter's name in the column after the voter's signature. Absence of a printed name will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine who the voter is based on the signature alone.

- The circulator or the voter should print the voter's physical address on the petition. The address should be the address where the voter resides and is registered to vote. This address should *not* be a P.O. Box. Absence of an address or use of a mailing address will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine who the voter is based on the signature alone.

- The date of each voter's signature must be printed in the date column.

- No one except the Registrar should mark anything in the first column of the petition labeled "(For Registrar's Use Only)". This space is reserved for the registrar of voters to indicate if the signature is valid.

- No one except the Registrar should mark anything in the area labeled "Registrar's Certification". This space is reserved for the registrar of voters to indicate the total number of valid and invalid signatures.

- No one except Secretary of State staff should mark anything in the area labeled "Petition Log – For Secretary of State Use Only". This area is reserved for use by the Secretary of State staff in the final certification process.

Circulator's Oath:

- When the circulator has finished collecting signatures on a petition form, they must take the petition form (or forms) to a Notary Public or other person authorized by law to administer oaths or affirmations (such as an attorney). The Notary Public or other authorized person must administer the Circulator's Oath that is printed on the petition. This means they must read the oath aloud to the circulator or ask the circulator to read it. After the Notary Public or other authorized person administers the oath to the circulator, the circulator must sign their name in the signature space in the Circulator's Oath block on the petition and print their name in the space beside the signature and the Notary Public or other authorized person must sign and date the notarial certificate on the petition *while in the presence of the circulator*. By signing their name before the Notary, the circulator is

taking an oath that they personally witnessed each voter whose name is listed above on that petition sign the petition and that to the best of the circulator's knowledge and belief these individuals are who they claim to be. Once the circulator has taken an oath on a petition, they cannot gather any more signatures on that petition form. If the circulator wants to gather additional signatures, they must use a new petition form.

- The Circulator cannot be an immediate family member of the Notary Public who administers their oath or notarizes their petition. This means the circulator should not have a Notary Public administer their oath and notarize their signature if that Notary is the circulator's spouse, domestic partner, parent, sibling, child, or your in-law or a step or half relative.

- The circulator must appear before the Notary to complete the circulator's oath **prior** to submitting the petition form (or forms) to the registrar of the municipality where the petition was circulated for purposes of verifying which signatures were made by registered voters from that municipality. The registrar may not certify any petitions submitted without the circulator's oath being completed, and must instead return the petitions.

- The Notary Public or other authorized person must keep a log of all the petitions for which they administered the circulator's oath, listing the title of the petition, the name of the circulator taking the oath, the date of the oath and the number of petition forms that were signed and verified by the circulator that day in the notary's presence.

- The signature of the Notary Public **must** match the name and signature that is on file with the Secretary of State and must be originally signed. The use of a rubber stamped signature is not permitted under Maine law. The Secretary of State's office often must certify the action of a Notary Public, and if the name and signature on the document does not match the name and signature in the commission file, the document for certification may be rejected by the Secretary of State. The Notary Public must ensure the name on file is current at all times. If a name change occurs, the Notary Public must submit a change form to the Secretary of State. However, until the Secretary of State has received and recorded the name change, the Notary Public must continue to use the name and signature in the commission file. The form necessary to change the official signature of a Notary Public may be obtained by calling the Secretary of State Notary Public section at 624-7752 or online at:

  http://www.maine.gov/sos/cec/notary/notaries.html

- The Secretary of State may invalidate a petition if unable to verify the notarization of that petition.

- A Notary Public or other person authorized by law to administer oaths or affirmations may not administer an oath or affirmation to a circulator of a petition if the Notary Public or other authorized person is providing any other services, regardless of compensation, to initiate or promote the initiative for which the petition is being circulated. "Initiate" includes the collection of signatures and related activities to qualify an initiative for the ballot. This means that a person who serves as a paid or volunteer circulator of petitions for an initiative may not also administer the oath to other circulators of the petition.

Certification of Petitions by Municipal Registrars:

- In addition to the Circulator's Oath, the Registrar's Certification must also be completed on each petition. The registrar of voters in the municipality where the petition was circulated must complete this certification verifying which signatures were made by registered voters from that municipality.

- Petitions should be delivered to the appropriate municipal registrar for certification as soon as possible after circulation. This will provide the municipal election officials ample time to certify the petitions to determine

which signatures were made by registered voters of the official's municipality. Pursuant to the Maine Constitution, Article IV, Part Third, Section 20, the deadline for submitting petitions to the registrar for certification is 5:00 p.m. on the 10th day before the Constitutional deadline for filing with the Secretary of State. **Local officials are not authorized to certify any petitions that they receive after this deadline.** The registrar must certify petitions that have been filed on the deadline day within 5 business days after receipt.

- Our office will be advising local election officials to date stamp all petitions received for certification so that it can be determined whether they were submitted on time. Signatures on late filed petitions will be deemed invalid.

Alterations on the Petition:

It is illegal for a circulator (or anyone else) to make changes or alterations to petitions (e.g., changing the date of signatures or date of notarization for the circulator's oath).

The only change that a circulator may make to a petition is to strike through the signature of any voter that the circulator did not personally witness sign the petition. If an election official determines that unauthorized persons have made material alterations to a petition, it is possible that all signatures on that petition will be determined invalid. Thus, circulators should make sure that the correct date is written beside each signature on the petition. If a circulator determines that the Notary has made a mistake in dating the circulator's oath, they must take the petition back to the Notary to correct it – they must not simply change the date themselves. The Notary should initial the correction and make a notation of the basis for the correction.

Payment of Petition Circulators

If you pay petition circulators, other than reimbursing travel expenses, you must provide a list of any circulators who were paid to the Secretary of State at the time your petitions are filed with our office. The list must include the method by which the circulators were paid (i.e. per signature, hourly or other method).

Requirement to Register a Petition Organization:

If you are hiring or intend to hire a private company or other type of business entity to organize, supervise, or manage the petition drive for you, that "petition organization" will need to file a registration form with our office prior to organizing, supervising or managing the circulation of petitions. This requirement is set forth in Title 21-A of Maine Law on Elections, § 903-C, sub-§1. "Petition organization" is defined in this statute as "a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum." If your own organization is hiring additional workers or using existing staff to collect signatures or manage the circulation of petitions, that alone would not trigger the obligation to register. Your organization must register if it is being hired by someone else to perform those services.

The registration application must include the name and signature of a designated agent for the "petition organization" as well as contact information for the organization (including name, street address or post office box, telephone number and email address), plus a list of all individuals hired by the petition organization to assist in circulating petitions or in organizing, supervising or managing the circulation of petitions. This list must be updated and resubmitted when your petitions are filed with our office. The list must include a statement indicating the method by which the circulators were compensated (i.e. per signature, hourly or other method). If you do not intend to hire a petition organization but change your mind at a later date, you will need to file the registration form at that time – i.e., before the entity you hire starts work.

Timeframe for Petition Circulation:

Signed petitions for a direct initiative must be filed with the Secretary of State's office within 18 months after the date the petition is approved by the Secretary for circulation. Signatures on initiative petitions may not be older than one year at the time the petitions are filed with the Secretary of State. Therefore, although a petition is approved to circulate for 18 months, the one-year period runs from the date the petition is filed with the Secretary of State. Any signature that is dated more than one year prior to the date the petition is filed with the Secretary of State will be rejected as invalid.

Number of Valid Signatures Needed for a Citizen Initiative Petition:

Article IV, Part Third, Section 18, Subsection 2 of the Maine Constitution provides that the number of signatures necessary to refer any initiated measure to the Legislature shall not be less than 10% of the total vote for Governor, cast in the last gubernatorial election preceding the filing of the petition. The total number of votes cast for Governor in the November 8, 2022 General Election was 676,819. Therefore, the required number of signatures for any citizen initiative petition filed with the Secretary of State is currently **67,682**.

If you have any questions about laws or procedures regarding citizen initiative or people's veto petitions, call the Division of Elections at 624-7650.

INSTRUCTIONS TO PETITION CIRCULATORS
FOR INITIATIVE PETITIONS
Revised by the Office of the Secretary of State, July 2023

Pursuant to Title 21-A, Maine Law on Elections, §903-A, sub-§3, the Secretary of State is required to provide a copy of the laws and rules governing the circulation of petitions for a direct initiative. These instructions will provide guidance to individual circulators regarding what those laws require you to do.

Requirements for Circulators:

- Circulators are not required to be Maine residents in order to collect signatures for citizen initiative petitions. Circulators who are not Maine residents must agree to submit to the jurisdiction of the State of Maine, to keep current their contact information, and to respond to any information requests from the Secretary of State, in the Circulator Affidavit described below.

- Maine law requires that each circulator fill out a Circulator Affidavit. You must take the oath printed on that certificate before a Notary Public or other person authorized by law to administer oaths or affirmations (such as an attorney). The affidavit states that the circulator has read and understands the instructions provided by the Secretary of State regarding laws and rules governing the circulation of petitions; that the circulator is a Maine resident or, if not, agrees to submit to the jurisdiction of the State of Maine, to keep their contact information current, and to respond to any information requests from the Secretary of State; and that the circulator may be prosecuted for violating any laws governing petition circulation.

- As the circulator of a petition, you solicit signatures for the petition by presenting the petition to the voter, asking the voter to sign the petition and personally witnessing the voter affixing the voter's signature to the petition.

- You must print your name and a unique identifying number in the space provided on each page of the petition that contains space intended for voter signatures. Although the law does not specify what the unique identifying number must consist of, the Secretary of State recommends the circulator assign a sequential number to each petition circulated by that circulator.

- When you present the petition to individual voters to sign, you must first give them an opportunity to read the summary on the front of the petition and to read the full text of the legislation that is printed on the petition.

Signature Requirements:

- Individual voters must sign their own names to the petition. No one (not even a spouse or child of an elderly parent) may sign for another person.

- The Maine Constitution and Title 21-A §153-A provide a procedure to allow a voter with a disability who is unable to sign their name to authorize another person to sign on the voter's behalf after submitting an *Alternative Registration Signature Statement* to the municipal registrar in the municipality where the voter is registered to vote. The law defines a signature to include a signature stamp, a signature written by another voter under the alternative registration procedure, and a mark.

- The voter's authorized signer **may not be** the circulator of the petition, the voter's employer or an agent of that employer or an officer or agent of the voter's union. The authorized signer must sign at the voter's direction and in the voter's presence. The signer may use the voter's signature stamp or sign for the voter.

In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form.

- The voter must sign the petition in your presence, which means that you must personally witness each voter sign the petition. You may not leave the petitions unattended at a location, or attended by someone other than yourself. You must be able to take the oath that is written on the petition and state truthfully that you personally witnessed each person sign the petition.

- A voter may only sign a particular initiative or referendum petition once. If a voter tells you that they have already signed a petition for this same initiative or referendum and asks if the voter can sign again, you should inform the voter that duplicate signatures will not be valid and that signing a petition more than once is a Class E crime.

- Each voter must sign their name in the far left column of the petition, using the voter's cursive signature, and using the name under which they are registered to vote. The use of initials, nicknames or other variations in the name (e.g. Mrs. John Doe instead of Jane Doe) will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine if the signer is a registered voter.

- You or the voter should print the voter's name in the column after the voter's signature. Absence of a printed name will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine who the voter is based on the signature alone.

- You or the voter should print the voter's physical address on the petition. The address should be the address where the voter resides and is registered to vote. This address should *not* be a P.O. Box. Absence of an address or use of a mailing address will not automatically invalidate the signature, but may invalidate it if the registrar cannot determine who the voter is based on the signature alone.

- The date of each voter's signature must be printed in the date column.

- Do not mark anything in the first column of the petition labeled "(For Registrar's Use Only)". This space is reserved for the registrar of voters to indicate if the signature is valid.

- Do not mark anything in the area labeled "Registrar's Certification". This space is reserved for the registrar of voters to indicate the total number of valid and invalid signatures.

- Do not mark anything in the area labeled "Petition Log – For Secretary of State Use Only". This area is reserved for use by the Secretary of State staff in the final certification process.

Circulator's Oath:

- When you have finished collecting signatures on a petition form, you must take the petition form (or forms) to a Notary Public or other person authorized by law to administer oaths or affirmations (such as an attorney). The Notary Public or other authorized person must administer the Circulator's Oath that is printed on the petition. This means they must read the oath aloud to you or ask you to read it. After the Notary Public administers the oath to you, you must sign your name in the signature space in the Circulator's Oath block on the petition and print your name in the space beside the signature and the Notary Public or other authorized person must sign and date the notarial certificate on the petition *while in your presence*. By signing your name before the Notary, you are taking an oath that you personally witnessed each voter whose name is listed above on that petition sign the petition and that to the best of your knowledge and belief these individuals are who they claim to be. Once you have taken an oath on a petition, you cannot gather any more signatures on that petition form. If you want to gather additional signatures, you must use a new petition form.

- You cannot be an immediate family member of the Notary Public who administers your oath or notarizes your petition. This means you should not have a Notary Public administer your oath and notarize your signature if that Notary is your spouse, domestic partner, parent, sibling, child, or your in-law or a step or half relative.

- You must appear before the Notary to complete the circulator's oath **prior** to submitting the petition form (or forms) to the registrar of the municipality where the petition was circulated for purposes of verifying which signatures were made by registered voters from that municipality. The registrar may not certify any petitions submitted without the circulator's oath being completed, and must instead return the petitions.

- The Notary Public or other authorized person who administers your oath must keep a log of all the petitions for which they administered your oath, listing the title of the petition, your name, the date of the oath and the number of petition forms that you signed and verified that day in the notary's presence.

Certification of Petitions by Municipal Registrars:

- In addition to the Circulator's Oath, the Registrar's Certification must also be completed on each petition. The registrar of voters in the municipality where the petition was circulated must complete this certification verifying which signatures were made by registered voters from that municipality.

- As a circulator, you should check with the organizers of the petition effort to determine if you should take the signed petitions to the registrar or if the organizers will do this.

- Petitions should be delivered to the appropriate municipal registrar for certification as soon as possible after circulation. This will provide the municipal election officials ample time to certify the petitions to determine which signatures were made by registered voters of the official's municipality. Pursuant to the Maine Constitution, Article IV, Part Third, Section 20, the deadline for submitting petitions to the registrar for certification is 5:00 p.m. on the 10th day before the Constitutional deadline for filing with the Secretary of State. **Local officials are not authorized to certify any petitions that they receive after this deadline.** The registrar must certify petitions that have been filed on the deadline day within 5 business days after receipt.

- Our office will be advising local election officials to date stamp all petitions received for certification so that it can be determined whether they were submitted on time. Signatures on late filed petitions will be deemed invalid.

Alterations on the Petition:

It is illegal for a circulator (or anyone else) to make changes or alterations to petitions (e.g., changing the date of signatures or date of notarization for the circulator's oath).

The only change that you as a circulator may make to a petition is to strike through the signature of any voter that you did not personally witness sign the petition. If an election official determines that unauthorized persons have made material alterations to a petition, it is possible that all signatures on that petition will be determined invalid. Thus, you should make sure that the correct date is written beside each signature on the petition. If you determine that the Notary has made a mistake in dating your circulator's oath, you must take the petition back to the Notary to correct it – do not simply change the date yourself. The Notary should initial the correction and make a notation of the basis for the correction.

If you or the organizers of your petitioning campaign have any questions about laws or procedures regarding citizen initiative or people's veto petitions, call the Division of Elections at 624-7650.

State of Maine Circulator Affidavit

For Citizen's Initiative and People's Veto Petitions

I, _____, currently reside at the following address:
Printed Name of Circulator

_____ _____
Street Number and Name City, State and Zip Code

My current contact information is as follows:

Daytime phone number: _____ Email address: _____

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check <u>one</u> box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:

- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: _____ **Date:** _____

STATE of: _____

COUNTY of: _____ Date: _____

Personally appeared before me the above-named circulator and made oath that the foregoing statements made by the circulator are true and correct to their own personal knowledge.

Signature of Notary Public: _____

Printed Name: _____

My Commission expires: _____ Commission number (if not Maine): _____

Petition Organization Registration Application

Prepared by the Division of Elections pursuant to Title 21-A M.R.S., §903-C

Title 21-A, Maine Law on Elections, § 903-C, sub-§1 requires a petition organization to register with the Secretary of State prior to organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum. This registration application must include a list of all individuals hired by the petition organization for the purpose of circulating petitions or organizing, supervising or managing the circulation process. Petition organization means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum.

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:

Protect Women's Sports in Maine ProtectGirls Sports in MAINE

An Act to Designate School Sports Participation by Sex

Contact information for petition organization:

Name of Petition Organization: 1st Amendment Pros LLC

Mailing address: 30 N Gould ST Ste R Sheridan, WY 82801

Telephone number: 512-784-0128

Email address: trey@1apros.com

Signature of designated agent for petition organization:

Printed name and title of designated agent:

Joe Pool CEO

(Continued on Reverse)

List of individuals hired by the petition organization (please type or print legibly):

David Owen, Joe Pool, Jenn Horal, Raymond Stocking, Sanford Pankin,
Byron Pargo, Ken Folwell, Ryan Caverly, Steven O'Neil, Justin Bagarella,
Stephen MacDougall, Shreya Thakur, Marc Caverly, Ashley Wonson, Brianna Flood,
Josh Groves, Melissa Burnham, Ezra Hickey, Sandra Langois, Lucas Donnelly,
Franklyn Gonzalez, Hailey Frick, Gerald Bundy, David Melnikov, Tyler Wells,
Landon Farrell, Jeff Argrave, Alex Girard, Daniel Cannavina, Kevin Tessier, David Poyer
Kevin Tessier, Nick Osgood, Tim Pinkham, Anthony Lotane, Daniel Niles, Dave Slessinger,
Elias Vasquez, Hope Angel, Jeremiah Rose, Matt Holnholt, John Megie, Makalani Glpson,
Travis Napier, Karen Burch, Steven Reed, Shane Black, Will Weffer, Melissa Berthel
Michael Fournier, Lavaniel Hicks, Ulysees Archie, George Ibourugu, Brian Lyra, Josef Bautista
Justin DiPietro, Zyven Sobkowski, Ivy Castaneda, Gideon Nagel, Vlad Litvin,
Christopher Johnson, Avery Washington, Patrick Johnny-Boston, Georgan Iborugu
Peter Przybycien Colleen Goode, Susan Waserman, James Hill

Peckham, Heidi

From: Tim Mooney <tmooneyaz@gmail.com>
Sent: Monday, February 2, 2026 3:37 PM
To: Peckham, Heidi
Subject: Paid Petitioner list from Canyon State Marketing

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your help Heidi.

Attached is the list of paid petitioners for Canyon State Marketing.

All paid petitioners were paid my the signature.

Thank you!

Tim Mooney
Morning in America
480-518-6168

--
Timothy F. Mooney

Petition Organization Registration Application

Prepared by the Division of Elections pursuant to Title 21-A M.R.S., §903-C

Title 21-A, Maine Law on Elections, § 903-C, sub-§1 requires a petition organization to register with the Secretary of State prior to organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum. This registration application must include a list of all individuals hired by the petition organization for the purpose of circulating petitions or organizing, supervising or managing the circulation process. Petition organization means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum.

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:

An act to designate School Sports participation and facilities by sex.

Contact information for petition organization:

Name of Petition Organization: Canyon State Marketing

Mailing address: ~~Canyonstatemarketing000@gmail.com~~

2000 W. Pacific Ave B, West Covina CA 91790

Telephone number: (626) 232-1396

Email address: canyonstatemarketing000@gmail.com

Signature of designated agent for petition organization:

N. Leos

Printed name and title of designated agent:

Nicolasa Leos

(Continued on Reverse)

Canyon State Marketing

List of individuals hired by the petition organization (please type or print legibly):

Lloyd Hayes
Dwayne Jean Francois
Cheryl Franklin
Kathleen Rickman
Tavion Long
Mario Lopez
Robert Davenport
Pierre Stephen' s
Bilal Shabazz
Julie Jean Louis
Jennifer lemons
Chakkim Israel
Mary Hall
Tiana Ivey
Yadoni Brooks
Leonard Flores
James Sullivan
Junius Bervine
Joyce Tyosombo
Bryan Evans
Byron Mullen
Noah Gonzalez
Nelson Ortiz
Mario Perez
Alacious Whitman
Mary Frazier
Naim Muhammad
Jamil Ridgenal

Kevin Bretford

Brandy Hall
Jordan Albert
Brittany Bolton
Kolton Taylor
Ramy Shehata
Forrest Harlow
Anthony McGhee
Rose Lehrkamp
Nathaniel Biles
Divante Goodsby
Michael Howell
Elizabeth Ullman

Petition Organization Registration Application

Prepared by the Division of Elections pursuant to Title 21-A M.R.S., §903-C

Title 21-A, Maine Law on Elections, § 903-C, sub-§1 requires a petition organization to register with the Secretary of State prior to organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum. This registration application must include a list of all individuals hired by the petition organization for the purpose of circulating petitions or organizing, supervising or managing the circulation process. Petition organization means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:

Title: "An Act to Designate School Sports Participation and Facilities by Sex"
BQC: Protect Girls Sports in Maine

Contact information for petition organization:

Name of Petition Organization: Mainely Strategies - Philip Hendricks

Mailing address: 80 Sewall St

Augusta, ME

Telephone number: 207 349 0498

Email address: mainelystrategies@gmail.com

Signature of designated agent for petition organization:

Printed name and title of designated agent:

Philip Hendricks - Manager

(Continued on Reverse)

List of individuals hired by the petition organization (please type or print legibly):

List of individuals hired by the petition organization (please type or print legibly):

Adam Turner

Alan Potter

Alexander Colden

Allen Servinas

Angie Anderson

Austin Meers

Beth Bennett

Bobbie Nichols

Braeden Davis

Brian Leavitt

Brittany Panton

Cairo

Caleb Ripton

Caleb Shrader

Carlton Bowley

Charlton Bascomb

Chris Avis

Christian Fowler

Clovens Appollon

Daniel Morris

Darrel King

David Wessels

Dennis Graise

Derrel king

Diane Loranger

Donna Aikens

Elizabeth George

Elizabeth Ullman

Ellis Perry

Emanuel Rose

Erica reed

Ethan McKitrick

Eva Calliores

Ezra Hickey

Francisco Ayala

Fritz Jean Baptiste

Garfield Hutchinson

Gregory Trust

Guy Labida

HeidI Dunn

Herbert Burton

Hillary Titcomb

Ian Ripton

Jake Graham

James LaLicata

Jamie Lyon

Jason Antis

Jason Beidinger

Jay Abramson

Jay Allen

Jeremy Bubier

Jim LaLicata

Jim Tracey

Joanna R. Said

Johnathan Giles

Joshua Visga

Joyce Purington

Julian Leonard

Justus Schrafer

Kathleen Landry

Kathleen Szostek

Kelly Danielson

Kendrick Jackson

Laura Lossie

Lindsey Crawford

Lisa Gagne

Lisa Gagne-Sengendo

Madeline Duch

Marcayla Amadei

Margaret Mathews

Marilyn Lowe

Mark Greenstein

Matthew Wiley

Mellisa Jullig

Michael Howell

Michael Pallazola

Michael Whitney

Mirah Marcubanes

Mitchell Rounds

Nicholas Osgood

Nick Hamlin

Nick Serappa

Olivia Ground

Paul Davoren

Payton Warren

Richard Lowe

Russell Copp

Seb Soto

Shamar Wicker

Shari Perkins

Sheryll Abbott

Silas Schrader

Susan Mays

Sybilla Pettengil

Tammy Schmersal-Burgess

Tommy Cason III

Tony Stokes

Tramon Cross

Valerie Philbrook

Vol Group

Wendi Clarke

William Faulkingham

Zachary Mallon

Zachary Rouda

Petition Organization Registration Application

Prepared by the Division of Elections pursuant to Title 21-A M.R.S., §903-C

Title 21-A, Maine Law on Elections, § 903-C, sub-§1 requires a petition organization to register with the Secretary of State prior to organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum. This registration application must include a list of all individuals hired by the petition organization for the purpose of circulating petitions or organizing, supervising or managing the circulation process. Petition organization means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum.

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:

Protect Girls Sports in Maine

An Act to Designate School Sports Participation by Sex

Contact information for petition organization:

Name of Petition Organization: Morning in America II

Mailing address: 40345 North 51st Street

Cave Creek, AZ 85331

Telephone number: 480-518-6168

Email address: tmooneyAZ@gmail.com

Signature of designated agent for petition organization:

Printed name and title of designated agent:

Timothy F. Mooney / President

(Continued on Reverse)

List of individuals hired by the petition organization (please type or print legibly):

Tim Mooney, Oliver Kivinen, Ryan McMann, Davey Wessels, Marky Armadei Peyton Warren, Sofia Pride, Steven Scharf Matt Boucher, Paul Mills, Trey Pool, Phil Hendricks

Petition Organization Registration Application

Prepared by the Division of Elections pursuant to Title 21-A M.R.S., §903-C

Title 21-A, Maine Law on Elections, § 903-C, sub-§1 requires a petition organization to register with the Secretary of State prior to organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum. This registration application must include a list of all individuals hired by the petition organization for the purpose of circulating petitions or organizing, supervising or managing the circulation process. Petition organization means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative or a people's veto referendum.

Ballot question or title of each direct initiative or people's veto referendum for which the organization will receive compensation:

Protect Girls Sports in Maine

An Act to Designate School Sports Participation and Facilities by Sex

Contact information for petition organization:

Name of Petition Organization: Phil Hendricks (DBA Mainely Strategies)

Mailing address: 14 Melody Ln, St Albans, ME 04971

Telephone number: 207 349 0488

Email address: mainelystrategies@gmail.com

Signature of designated agent for petition organization:

Printed name and title of designated agent:

Philip Hendricks

(Continued on Reverse)

List of individuals hired by the petition organization (please type or print legibly):

Diane Loranger, Jason Antis, Herbert Burton, Jim Tracey,

Tanner Barker, Herbert Burton, Dennis Graise, Chris Avis, \
Chris Sylva, Jeremy Bubier, Sarah R, Shari perkins, Ralph

Hutchinson, Shamar Wicker, Joe Harris, Tramon Cross,
Kendrick Johnson, Greg Trust, Wendi Clark, Robert Dylan
Craven, Fritz jean Baptiste, Bobbie Nichols, Beth Bennett,
Tanner Barker, Larry Laws, Nick osgood, Susan Mays, Micah

Marchbanks, Vincent Ivory, Donna Aikens, Julian Leonard,
Angie Anderson, Marilyn Lowe, Vincent Devany, lauren
Pearse, Christen McClees, Hillary Titcomb, Ellis Perry, Guy
Labida, Lindsey Crawford, Brian Leavitt, Phil Hendricks, Caleb

Ripton, Jay Abrahmson, Ian Ripton, Nick Serappa, Braeden
Davis,Olivia Grounds, Eva Calliores, Mitchel
Rounds,Sebastian Soto, Nicholas Hamlin, Nicholas White ,
Joseph Muzio, Reid,

Guillemette, Zachary Rouda, Elizabeth George (Libby), Paul

Davoren , Nicholas Reed , Jeffery Blair, Alexander Porteli,Mark

Hoffman, Michael Howell, Zachary Mallon, Jake Graham ,

Mellisa Jullig, Jonathan Giles , Peggy Mathews, Sybilla
Pettengil, Josh Visga , Jason Biedinger

Maine Protect Girl Sports
Petitioners

Abbott, Sheryll

Abramson-Thompson, Jay

Aikins, Donna

Albert, Jordan

Allen, Jasmine

Allen, Jay

Allmayer-Beck, Charlotte

Aloes, Elaine

Alvarez, Edgar

Amadei, Marcayla

Ames, Brian

Anderson, Angie

Andrews, Janice

Angel, Hope

Antis, Jason

Appolon, Clovens

Austin, William

Avis, Chris

Ayala, Francisco

Bagarella, Justin

Bailey, Lillian

Baker, Daniel

Baker, Debra

Bascomb, Charlton

Bates, Ray

Baumann, Coreene

Beane, Marie

Beaulieu, Cynthia

Beaulieu, Jeffery

Benda, Jean

Bennett, Beth

Bennett, Kelly

Berlin, Suzanne

Bernard, Jessica

Bernier, Susan

Bervine, Junus

Biedinger, Jason

Biles, Nathaniel

Binger, Diane

Black, Shane

Blanchette, Sandra

Blanton, Carole

Bledsoe, Demontre

Boisse, Marc

Boisvert, Debra

Bolton, Brittany

Bowley, Carleton

Brefford, Kevin

Brinkman, David

Brooks, Marcus

Brooks, Yadoni

Brown, Silas

Bubier, Jeremy

Buck, Denise

Bucklin, Victoria

Bundy, Gerald

Burch, Karen

Burnell, Tricia

Burton, Herbert

Caffrey, Craig

Cairo

Callioras, Eva

Cannavina, Daniel

Carbone, Stephen

Caruso, Elizabeth

Cason, Tommy

Cavelly, Ryan

Cavo, Joseph

Chateauvert, Glenn

Chukwuma, Kewechi

Clarke, Wendolyn

Coffin, Deborah

Colbert, Tieyan

Colden, Alexander

Conte, Ryan

Cope, Roberta

Copp, Russell

Cornwall, Allen

Correa, Marie

Coulombe, Valerie

Craig, Deborah

Crawford, Lindsey

Cross, Tramon

Curtis, Molly

Cusick, Thomas

Danielson, Kelly

Dash, Madeline

Davenport, Robert

Davoren, Paul

Daxland, Karl

Daxland, Mary

De La Cruz, Kendra

DeClercq, Robert

Deitrick, Andria

Delaney, Todd

Delo, Dennis

Devery, Maria

Devine, Connor

Dill, Cynthia

Dionna, Emily

Duch, Madeline

Dunn, Heidi

Dykes, Ama

Edwards, David

Evans, Bryan

Everett, Claudia

Fagley, Bruce

Farrin,Virginia

Faulkingham, William

Faulkner, Delany

Fearon, Paul

Fleurimond, Lesly

Flores, Leonard

Flynn, Janice

Folwell, Kenneth

Ford, Nancy

Foss, Valerie

Fowler, Christina

Franklin, Cheryl

Frazier, Mary

Frick, Hailey

Fritz, Norma

Fuller, Susan

Gagne-Sengendo, Lisa

Gagne, Michael

Gagne, Nicholas

Gale, Eileen

Gallagher, Karen

Gardner, Raelene

George, Elizabeth

Gibson, Nancie

Giles, David

Giles, Jonathon

Girard, Alexander

Gonzalez, Franklyn

Gonzalez, Noah

Goodell, Timothy

Goodsby, Divante

Graham, Jake

Grant, Joseph

Grazie, Dennis

Green, Phyllis

Greenstein, Mark

Ground, Olivia

Hall, Brandy

Hall, Joanne

Hall, Mary

Hamilton, Wilfred

Hamlin, Nicholas

Handy, Diane

Hang, Stacey

Harlow, Forrest

Harlow, Thomas

Harrington, Patrick

Harris, Jamila

Harris, Rokelle

Hayes III, Llyod

Hayes-Morrisey, J

Healey, Celeste

Healey, Glenn

Henaire, Marie

Hickey, Ezra

Hill, Leo

Hohnholt, Matthew

Horal, Jennifer

Howard, Theresa

Howell, Michael

Hutchinson, Garfield

Israel, Chakkim

Ivey, Tiana

Jackson, Kendrick

Jean Louis, Julie

Jean-Baptiste, Fritz

Jean-Francois, Dewayne

Johnson, Christina

Jones, D'Shone

Jones, Ebony

Jullig, Melissa

Jung, Carla

Junkins, Joanna

King, Derrel

Kremser, Bonnie

La Licata, James

Landeen, Rosa

Landmann, David

Landry, Kathleen

Leavant, Brian

Lebida, Guy

Lehrkamp, Rose

Lemons, Jennifer

Leonard, Julian

Libbey, Danielle

Livingston, Alan

Long, Taivion

Loranger, Diane

Lossie, Laura

Lotane, Anthony

Lowe, Marilyn

Lowe, Richard

Lyons, Jamie

Mallon, Zachary

Marchbanks, Michah

Matthews, Margaret

Mays, Susan

Mazzeo, Charlene

McCormick, Kati

McGhee, Anthony

McKitrick, Ethan

McMann, Ryan

Meers, Austin

Mercer, Constance

Mills, Paul

Minerich, Thomas

Morrell, Penelope

Morris, Daniel

Morris, Holly

Morris, Laura

Muhammad, Naim

Mullen, Byron

Murphy, Terrell

Nagel, Gideon

Naile, John

Napier, Travis

Nichols, Bobbie

Nickerson, Anne

Norris, Jesse

O'Neil, Steven

Olson, Roberta

Ortiz, Nelson

Osgood, Nicholas

Owen, David

Pallazola, Michael

Panton, Brittany

Pargo, Bryan

Parker, Kristina

Parker, Laminnie

Parkman, Kathleen

Pease, Erin

Perez, Edgar

Perez, Mario

Perkins, Shari

Perry, Ellis

Petersen, Joan

Petrowich, Peter

Pettingill, Sybilla

Philbrick, Valerie

Pomerleau, Kimberly

Post, Linda

Potter, Alan

Prater, Gary

Provost, Alois

Przybycien, Peter

Pulk, Nancy

Purington, Joyce

Ray, Rosemanry

Reagan, Jean

Reed, Erica

Rentz-Champagne, Barbara

Rickman, Kathleen

Ridgenal, Jamel

Ripton, Caleb

Ripton, Ian

Robitaille, Raymond

Rose, Jeremiah

Rouda, Zachary

Rounds, Mitchell

Roy, Brian

Russo, Julie

Said, Joanna

Sampson, Heidi

Sarvinas, Allen

Scharf, Steven

Schmersal-Burgess, Tom

Schrader, Silas

Schroeder, Justus

Serapa, Nick

Shabazz, Bilal

Shabazz, Ibrahim

Shehata, Ramy

Sidell, Harold

Slesinger, David

Sobkowski, Zyven

Soto, Sebastian

Sparkowich, Rodney

Sprague, Heather

Stalmaker, Barbara

Stan, Autumn

Stephens, Pierre

Stevens, Walter

Stocking, Raymond

Stokes, Anthony

Streiff, Leyland

Stubbs, Edmund

Sullivan, James

Sunshine, Amandalyn

Swartz, Holly

Szostek, Kathleen

Tabor, Joshua

Taylor, Kolton

Thakur, Shreya

Thelander, Liliana

Thibodeau, Autumn

Thompson, Catheryn

Thorne, James

Titcomb, Hilary

Tracey, James

Trainer, Rachel

Tranfaglia, Roger

Trust, Gregory

Turner, Adam

Tyosombo, Joyce

Ullman, Elizabeth

Ummsalaamah, Hakeem

Underwood, Joseph

Vaillancourt, Kevin

Vasquez, Elias

Ventry, Richard

Viga, Josh

Walker, George

Warren, Payton

Wasserman, Suzanne

Weffer, William

Wellman, Karen

Wessels, David

Wessels, Robert

Whiteman, Alacious

Whitney, Michael

Wicker, Shamar

Wiley, Matthew

Wolejko, Steven

Wright, Wendy

Young, Brittany

Feb 2, 2026

Any
~~All~~ paid petitioners
were paid by signature.

Leyland Streiff

Petition Certification Instructions – February 2026
An Act to Designate School Sports Participation and Facilities by Sex

Review and record -- as outlined below – all signatures already marked invalid.

- These signatures will remain invalid for that reason, even if the rest of the petition is invalidated for another reason.
- After recording the signatures that are already deemed invalid, review the entire petition to determine the validity of all other signatures.

Reasons that should be recorded prior to commencing the SOS certification process are:

REG

- Registrars should indicate which signatures are invalid because the signer is not a registered voter by writing "**NR**" beside the name. Registrars often use incorrect codes to indicate the status of a signature. If you cannot determine which signatures are valid or invalid and the reason, call the registrar for clarification.
- If you are able to determine valid and invalid signatures by talking to the registrar, mark the correct code for valid/invalid signatures in the margin to the left of the column marked "For Registrar Use Only".
- In the Petition Log, record the signature lines for all signatures invalid for reason **REG**. Record as the first invalid reason.

DUP

- Only signatures marked as DUP by SOS staff will be invalid for DUP – a signature marked DUP by town is not considered a DUP unless the SOS staff has also marked it.
- Duplicate signatures (and "also signed" signatures) will be noted in Comments section of Petition Log.
- Do not invalidate the "also signed" – this is only for cross reference.
- **Even if the rest of a petition is invalid for another reason – as explained in Part 2 of these instructions, signatures recorded as ALSO SIGNED will remain valid.**
- If there are signatures on the petition marked invalid for REG, then any signatures that you invalidate for DUP must be listed as the second invalid reason; otherwise record DUP as the first invalid reason.

ANO

- If a registrar has invalidated a signature for ANO, note that signature line in the log before you begin the complete review; SOS staff can also invalidate signatures for ANO during our review as described below.
- Check each line for signatures that look alike – e.g. where one spouse may have signed for the other. Check with the supervisor or obtain the voter registration applications from CVR for comparison if there is a question about one person possibly signing both names.
- If you determine the signatures were completed by the same person, the signature actually made by the voter will be valid and the other signature will be rejected for **ANO.** If there are signatures that are invalid for REG or DUP on the petition, any signatures that are invalid for ANO must be listed after these reasons; otherwise record ANO as the first invalid reason.
- If multiple signatures on the same petition are invalidated for **ANO** by the registrar, or you find signatures that are certified by the registrar but appear to be made by the same person, bring this to the attention of the supervisor.

Next, review petitions for reasons that will invalidate all (or multiple) signatures on a petition <u>that are not already marked as invalid for another reason</u>.

<u>FORM</u>

- Petitions must be submitted on the form approved by the Secretary of State. The petition form approved for this effort was 4 pages, but only pages 3 and 4 had lines for signatures.
- Original submission cannot be a photocopy. If photocopy, discount for **FORM.**
- Check for comments – see supervisor if found; town name, tracking number or stray mark is acceptable.
- Box for circulator name/identifying number is printed on each side with signature lines. Compare to confirm that the circulator name in the box is the same as the circulator name in the Circulator's Oath – if not, bring to the supervisor. Do not disqualify if no circulator name or number is marked in the box.
- **NOTE:** For any signature listed as an "also signed" signature that has a DUP on another petition – leave the "also signed" signature as valid.

<u>Circulator's Oath</u>

<u>PRIOR</u>

- Circulator's Oath must be notarized **<u>prior</u>** to submitting petition to Registrar for certification (i.e., date of notarization is before or same day as date of Registrar's Certification).
- If notary date is after Registrar certification date (the date the Registrar certified the signatures not the date it was received), invalidate the remaining valid signatures for **PRIOR.** (Except for "also signed" signatures – see note above.)
- If dates are the same, do <u>not</u> discount for **PRIOR**.

<u>OATH</u>

- Circulator's oath must include the circulator's signature, notary's signature and date. If any of these are missing, invalidate the remaining valid signatures for **OATH.** (Except for "also signed" signatures – see note above.)
- Notary **<u>does not</u>** need to use a seal.
- A stamped signature of circulator or notary is not allowed. If circulator or notary did use signature stamp, invalidate the remaining valid signatures for **OATH.** (Except for "also signed" signatures – see note above.)
- Notarial law requires all notaries to maintain an official signature to be used for all notarizations -- if you encounter a notary whose signature varies drastically between petitions, certify the petitions but bring the Notary to the attention of the supervisor to investigate at the end of the certification process.

<u>AFF</u>

- Each circulator must complete and submit a "State of Maine Circulator Affidavit" when the petitions are filed with the Secretary of State.
- Circulators with an affidavit on file have been data-entered and will appear on the circulator list.
- If the circulator of the petition does not appear on the list, invalidate the remaining valid signatures for **AFF.** (Except for "also signed" signatures – see note above.)

<u>OWN</u>

- Check if notary and circulator are the same person or are related (i.e., have the same last name).
- Check with the supervisor if you find possible immediate family members.
- If the notary and circulator are the same person or immediate family members, invalidate the remaining valid signatures for **OWN.** (Except for "also signed" signatures – see note above.)

DATE

- Date notarized must be **the same date or a date later than the date of all the signatures**. If any signatures are dated after the notary date, invalidate the later signatures for **DATE.**
- Petition was issued **November 3, 2025** and filed with the SOS on **February 2, 2026**. All valid signatures must have been signed between **11/3/25 – 1/23/26** (the municipal filing deadline date)**.**
- Although a year is not required because the petition circulated for less than a year, if a date does not include a year and you cannot determine what the date of signing was or it is not within the circulation window identified above, invalidate for **DATE.** (Except for "also signed" signatures – see note above.)

See chart below for how to handle missing/odd dates.

Description	Certification Procedure
No date beside any signature on the petition	Discount all valid sigs for **DATE** – can't determine when signed
Date missing beside signature(s) at end of petition	Discount for **DATE** only valid signatures that are not dated. Signatures with a date are valid
Date missing beside signature(s) at beginning of petitions, but signatures later on petition are dated	Undated signatures at beginning of petition are valid since petition has been circulating less than 1 year
Signature in a series are missing dates (i.e., signatures before and after are dated)	All signatures valid (unless invalidated for another reason) – assume signatures without dates were in sequence

REGISTRAR'S CERTIFICATE

CERT

- Registrar's Certification must be completed with the date, municipality and registrar's signature.
- If the name of the municipality is missing but you can determine it, write town name in using **green** pen.
- If registrar did not sign or date the certification, contact the registrar to determine if he/she/they kept copies or can determine when the petitions were certified. If the registrar did not keep copies or is unable to determine when the petitions were certified, invalidate the remaining valid signatures for **CERT**. (Except for "also signed" signatures – see note above.)
- If registrar used a signature stamp rather than their own name, check with registrar to determine if they personally used the signature stamp. If you confirm the registrar did apply the stamp, the petition can be accepted but you must make a note that you spoke with the registrar and confirmed and then faxed a copy of the petition to the registrar to make correction and fax back. Advise registrar not to use the stamp again.

SIG

- A signature is required for each voter. If the signature space is blank invalidate the signature for **SIG**, even if the rest of the information is completed.
- It is okay for signature to be in the space for printed name. (i.e., signature and printed name are swapped).
- The Maine Constitution requires each voter to personally sign the petition, except that Maine law allows a voter with a disability to authorize another person to sign for the voter. If this occurs, there must be a signature for the voter as well as the name of the person who has signed for them. The voter may also authorize another person to stamp the voter's signature, but the 2nd person would still need to indicate they did so at the voter's direction. If you see this situation, bring the petition to a supervisor to determine if this signature should be counted as valid.
- If you find a stamped signature, bring it to your immediate supervisor.
- If a registrar discounts every signature that is printed, the registrar may be improperly discounting every signature that is not cursive. If you find a petition with multiple signatures invalidated for **SIG,** look in CVR or contact the municipality to get a copy of the voter's registration application. If the voter has a "printed" signature on the application, accept the signature. If the voter has a cursive signature on the application, compare the printing to the signature (and even the other printing on the application). If you believe the voter has signed the petition, see your immediate supervisor to determine if the signatures should be accepted.

BLANK LINES/CROSS OUTS

Refer to the chart below to determine how to treat blank lines or signatures that have been crossed out on the petition.

Description	Certification Procedure
Voters have left blank lines between signatures.	Do not include blank lines in count. Count only lines with signature even if Registrar included lines in town count.
A voter has started to print his name in the area for the signature – voter crossed out that line and signed properly on the line below.	Treat line where voter started to sign name as a blank line and do not include in count. Only properly completed line is included
A signature has been crossed out but it appears that at one time a voter had completely signed his name and filled out the additional information.	Signature designated as **WD** – signature has been withdrawn. It is not necessary to distinguish who withdrew the signature (voter or circulator).
A signature has been crossed out but the Registrar has certified it as valid.	Signature should be designated as **WD**.
A partial signature has been crossed out – it appears that voter never completed his signature.	Treat as blank line – there was never full signature. Do not include line in final count.
Voter has taken up two lines – e.g., elderly voter has large signature which fills 2 signature boxes or voter has signed on one signature line and printed address information or name on line below.	Treat second line as blank signature. Only line with signature is included in certification (counted as valid or invalid as determined by registrar).

ALT

- If a petition has been altered in any way, bring to the supervisor – this includes alterations to notarizations, signatures and/or signature dates, etc. If it is determined that a material alteration was made to a petition, the remaining valid signatures on the petition are invalidated for **ALT.** (Except for "also signed" signatures – see note above.)
- If a change/alteration has been initialed by authorized person (i.e., notary or municipal registrar), do not invalidate for **ALT.**

Other things to keep in mind:

- **You cannot invalidate signatures for more than 3 reasons – if you have a petition with more than 3 reasons, see your immediate supervisor.**
- **Finish certifying all petitions for a municipality before contacting the registrar so that all questions can be asked at the same time.**
- ALL WRITING MUST BE DONE IN **GREEN PEN ONLY**.
- Registrar indicates which signatures are valid by placing a check mark in the column next to signature – total number of checkmarks should agree with number indicated as valid in the registrar's certification.
- **If you encounter anything not described in these directions, bring it to the attention of the supervisor.**

Sports Participation Petition Certification Checklist

<table>
<tr><td>Step 1</td><td>Review & record all signatures already marked invalid</td></tr>
<tr><td>REG</td><td>Signer is not a registered voter. Record all N/R as REG.
Record in 1st position.</td></tr>
<tr><td>DUP</td><td>Only a DUP if marked by SOS. Record in 2nd position after REG.</td></tr>
<tr><td>ANO</td><td>Signed by another person. Often signed by spouse. Do multiple sigs looks like they were signed by the same person? Record in 3rd position after REG and DUP.</td></tr>
<tr><td>Step 2</td><td>Review for reasons that will invalidate entire petition</td></tr>
<tr><td>FORM</td><td>Check overall petition form:
1. 2 double-sided pages
2. No photocopies
3. Circulator name in box should match oath
4. Town name, tracking # or stray marks ok</td></tr>
<tr><td>Step 3</td><td>Circulator's Oath</td></tr>
<tr><td>PRIOR</td><td>Date of notarization must be before or same day as date of Registrar's certification. If notary date is after Registrar cert date, invalide for PRIOR</td></tr>
<tr><td>OATH</td><td>1. Must include Circulator signature, notary signature, and date.
2. Notary seal not required
3. Stamped Circulator signatures not allowed
4. Look out for notary sigs that vary drastically between petitions</td></tr>
<tr><td>AFF</td><td>If circulator's name is not on the circulator list, invalidate for AFF</td></tr>
<tr><td>OWN</td><td>Are circulator and notary the same person or have the same last name?
If so, see your supervisor.</td></tr>
<tr><td>DATE</td><td>Notarized date must be same date or later date than petition signatures.
<table>
<tr><th>Description</th><th>Certification Procedure</th></tr>
<tr><td>No date beside any signature on the petition</td><td>Discount all valid sigs for DATE – can't determine when signed</td></tr>
<tr><td>Date missing beside signature(s) at end of petition</td><td>Discount for DATE only valid signatures that are not dated. Signatures with a date are valid</td></tr>
<tr><td>Date missing beside signature(s) at beginning of petitions, but signatures later on petition are dated</td><td>Undated signatures at beginning of petition are valid since petition has been circulating less than 1 year</td></tr>
<tr><td>Signature in a series are missing dates (i.e., signatures before and after are dated)</td><td>All signatures valid (unless invalidated for another reason) – assume signatures without dates were in sequence</td></tr>
</table></td></tr>
<tr><td>Step 4</td><td>Registrar's Certificate</td></tr>
<tr><td>CERT</td><td>1. Date, municipality & registrar signature required
2. If muni is missing, but you can determine it, write it in with your green pen
3. If not signed or dated, contact registar to verify if certified</td></tr>
<tr><td>SIG</td><td>1. Voter signature required - non-cursive acceptable
2. If signature is stamped - see your supervisor
3. Multiple SIGs - Clerk may be discounting if not cursive. Look up in CVR.</td></tr>
<tr><td>BLANK LINES & CROSS OUTS</td><td>
<table>
<tr><th>Description</th><th>Certification Procedure</th></tr>
<tr><td>Voters have left blank lines between signatures.</td><td>Do not include blank lines in count. Count only lines with signature even if Registrar included lines in town count.</td></tr>
<tr><td>A voter has started to print his name in the area for the signature – voter crossed out that line and signed properly on the line below.</td><td>Treat line where voter started to sign name as a blank line and do not include in count. Only properly completed line is included</td></tr>
<tr><td>A signature has been crossed out but it appears that at one time a voter had completely signed his name and filled out the additional information.</td><td>Signature designated as WD – signature has been withdrawn. It is not necessary to distinguish who withdrew the signature (voter or circulator).</td></tr>
<tr><td>A signature has been crossed out but the Registrar has certified it as valid.</td><td>Signature should be designated as WD.</td></tr>
<tr><td>A partial signature has been crossed out – it appears that voter never completed his signature.</td><td>Treat as blank line – there was never full signature. Do not include line in final count.</td></tr>
<tr><td>Voter has taken up two lines – e.g., elderly voter has large signature which fills 2 signature boxes or voter has signed on one signature line and printed address information or name on line below.</td><td>Treat second line as blank signature. Only line with signature is included in certification (counted as valid or invalid as determined by registrar).</td></tr>
</table></td></tr>
<tr><td>ALT</td><td>1. Material alterations not allowed, unless properly initialed by authorized person
2. Common ALTs = notarizations, signatures, and/or signature dates</td></tr>
</table>

State of Maine Circulator Affidavit

For Citizen's Initiative and People's Veto Petitions

I, Jordan Albert, currently reside at the following address:

Printed Name of Circulator

1519 Kaufman Street — Baton Rouge Louisiana 70807

Street Number and Name — City, State and Zip Code

My current contact information is as follows:

Daytime phone number: 225-571-8045 Email address: _____

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check <u>one</u> box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:

- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: J. D. Albert **Date:** 1/30/26

STATE of: Utah

COUNTY of: Salt Lake Date: 1/30/26

Personally appeared before me the above-named circulator and made oath that the foregoing statements made by the circulator are true and correct to their own personal knowledge.

Signature of Notary Public: Nemanja

NEMANJA SARAN
Notary Public - State of Utah
Commission Number: 734761
My Commission Expires on
December 20, 2027

Printed Name: Nemanja Saran

My Commission expires: 12/20/26 Commission number (if not Maine): 734761

State of Maine Circulator Affidavit

For Citizen's Initiative and People's Veto Petitions

I, Carr, currently reside at the following address:

Printed Name of Circulator

8780 E. McKellips Road #86 Scottsdale AZ 85257

Street Number and Name | City, State and Zip Code

My current contact information is as follows:

Daytime phone number: 562 264 9082 Email address: Reddoorinc@gmail.com

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check <u>one</u> box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:

- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: [signature] **Date:** 4 NOV. 2025

STATE of: Maine

COUNTY of: Androscoggin Date: NOV 04 2025

Personally appeared before me the above-named circulator and made oath that the foregoing statements made by the circulator are true and correct to their own personal knowledge.

Signature of Notary Public: [signature]

Marcus Tiamo Talarico
Notary Public - Maine
My Commission Expires
5/12/2029

Printed Name:

My Commission expires: Commission number (if not Maine):

Kewechi Chukwuma
~~Kenneth~~ ~~Kewechi~~

State of Maine Circulator Affidavit

For Citizen's Initiative and People's Veto Petitions

I, KENECHI CHUKWUMA, currently reside at the following address:
Printed Name of Circulator

6953 WILLOW CREEK DR LAKE WORTH FL 33463
Street Number and Name City, State and Zip Code

My current contact information is as follows:

Daytime phone number: 561 381 9967 Email address: KENECHIWORKSPACE@GMAIL.COM

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check <u>one</u> box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☑ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:

- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: _____ **Date:** 01/21/26

STATE of: MAINE

COUNTY of: Cumberland

Date: JAN 21 2026

Personally appeared before me the above-named circulator and made oath that the foregoing statements made by the circulator are true and correct to their own personal knowledge.

Signature of Notary Public: _____

Marcus Tiamo Talarico
~~Notary Public~~ - Maine
~~My Commission Expires~~
05/12/2029

Printed Name: _____

My Commission expires: _____ Commission number (if not Maine): _____

State of Maine Circulator Affidavit

For Citizen's Initiative and People's Veto Petitions

I, Ummsalaamah Hakeem, currently reside at the following address:

Printed Name of Circulator

14000 Woodrow Wilson | detroit. michigan 48238

Street Number and Name | City, State and Zip Code

My current contact information is as follows:

Daytime phone number: 313-701-7271 Email address: ummsalaamahhakeem@gmail.com

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

I understand that this Affidavit must be filed with the Secretary of State at the time the signed petitions are filed.

RESIDENCY (you must check <u>one</u> box):

☐ I was a resident of the State of Maine at all times when I circulated the petition.

☐ I was not a resident of the State of Maine during part or all of the time I circulated the petition and, as a condition of circulating a petition in the State of Maine, I agree to the following:

- I agree to submit myself to the jurisdiction of the State of Maine for any investigation or prosecution of any alleged violation of Maine law with respect to initiative or people's veto petitions;
- I agree to maintain up-to-date contact information with the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office;
- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: [signature] **Date:** 01-21-2026

STATE of: Maine

COUNTY of: Cumberland Date: JAN 21 2026

Personally appeared before me the above-named circulator and made oath that the foregoing statements made by the circulator are true and correct to their own personal knowledge.

Signature of Notary Public: [signature]

Printed Name:

Marcus Tiamo Talarico
Notary Public - Maine
My Commission Expires
05/12/2029

My Commission expires: _____ Commission number (if not Maine): _____

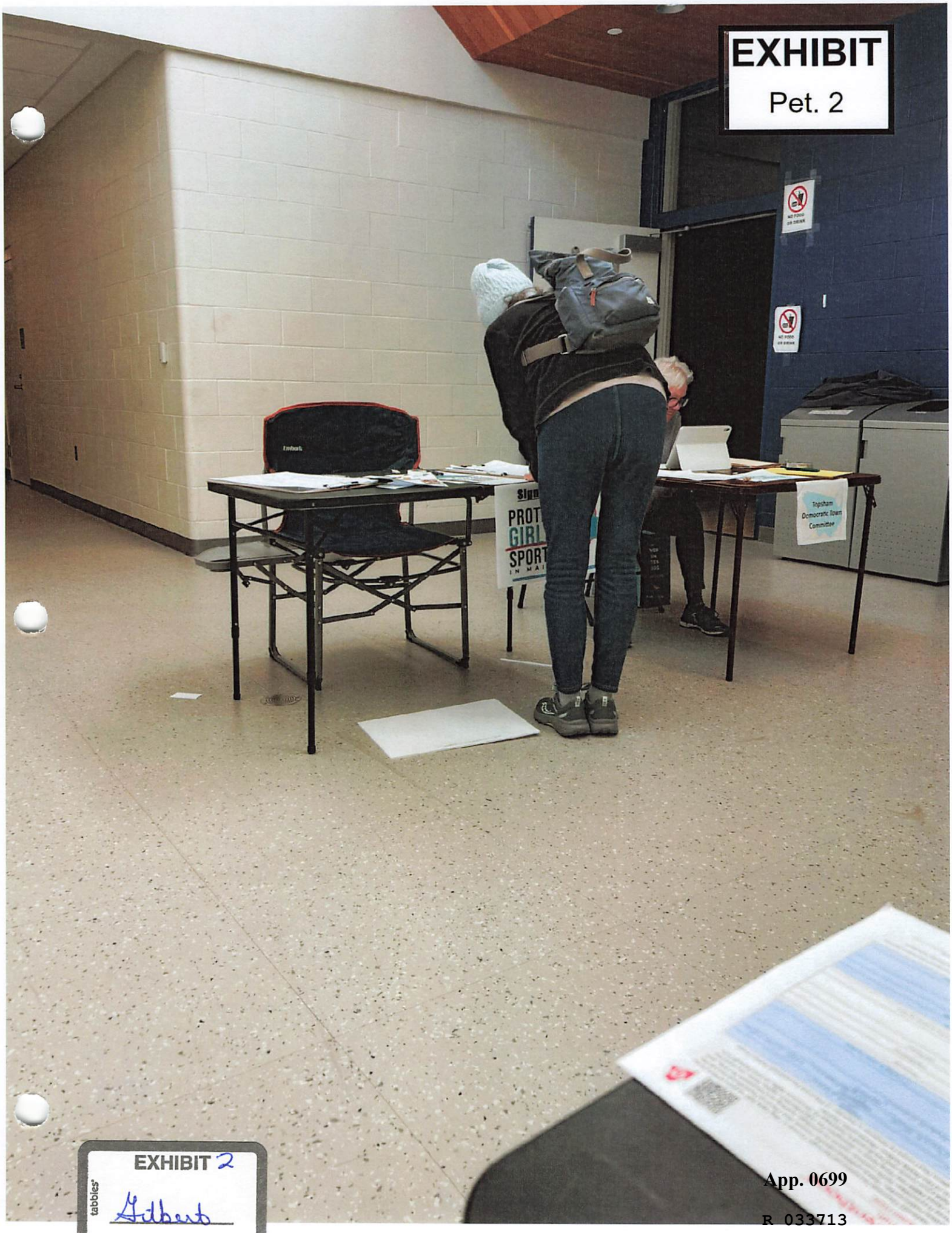


EXHIBIT 2
tabbies
Gilbert

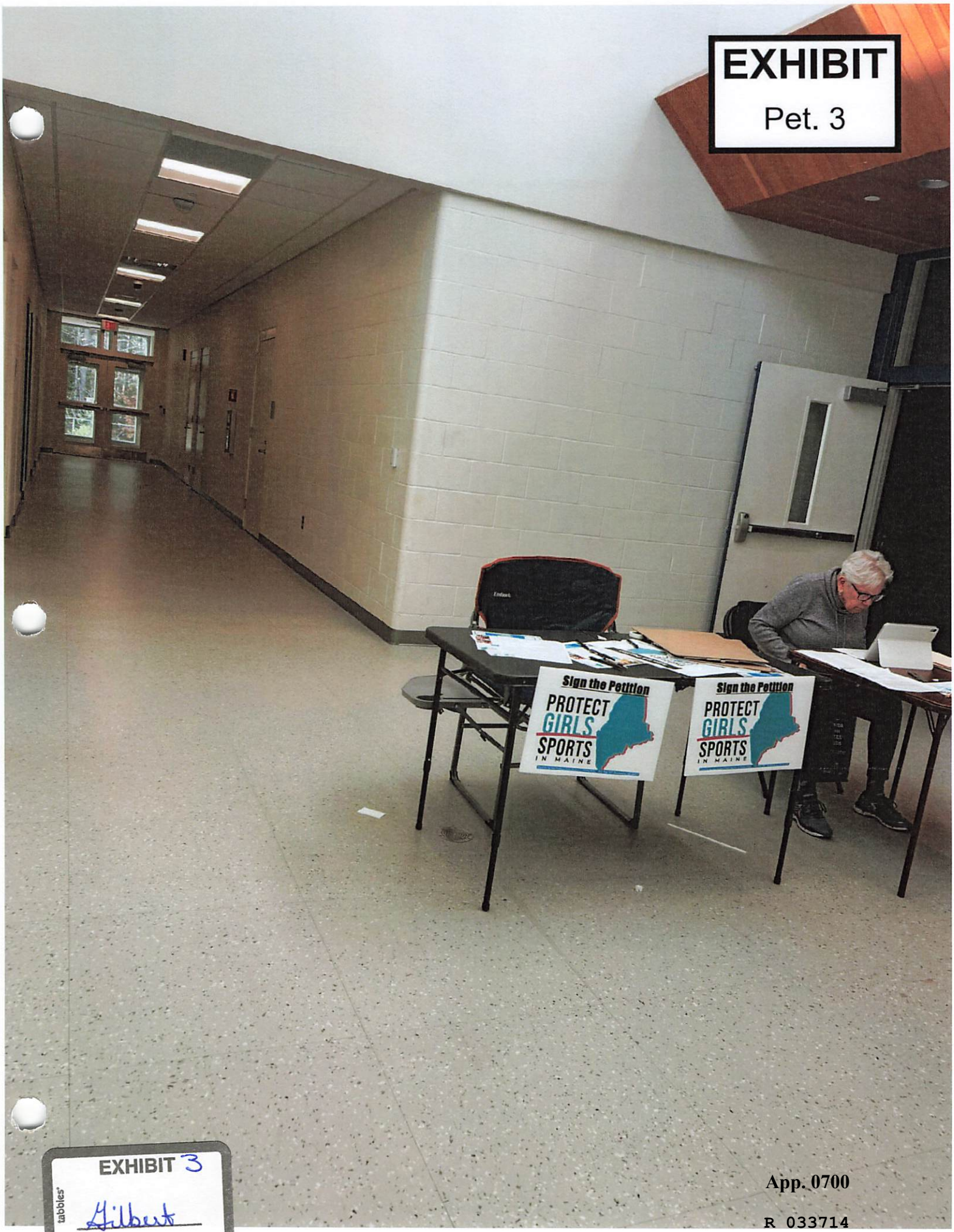
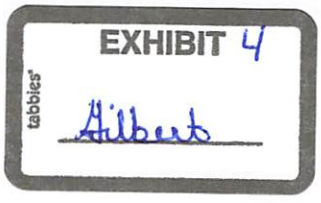


EXHIBIT
Pet. 3
Sign the Petition
PROTECT GIRLS SPORTS IN MAINE
Sign the Petition
PROTECT GIRLS SPORTS IN MAINE
EXHIBIT 3
tabbies
Gilbert

Placeholder

Pet. 04

Topsham Video 1.mov



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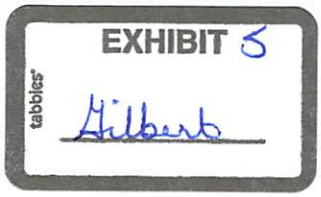

EXHIBIT 9
tabbies
Gilbert

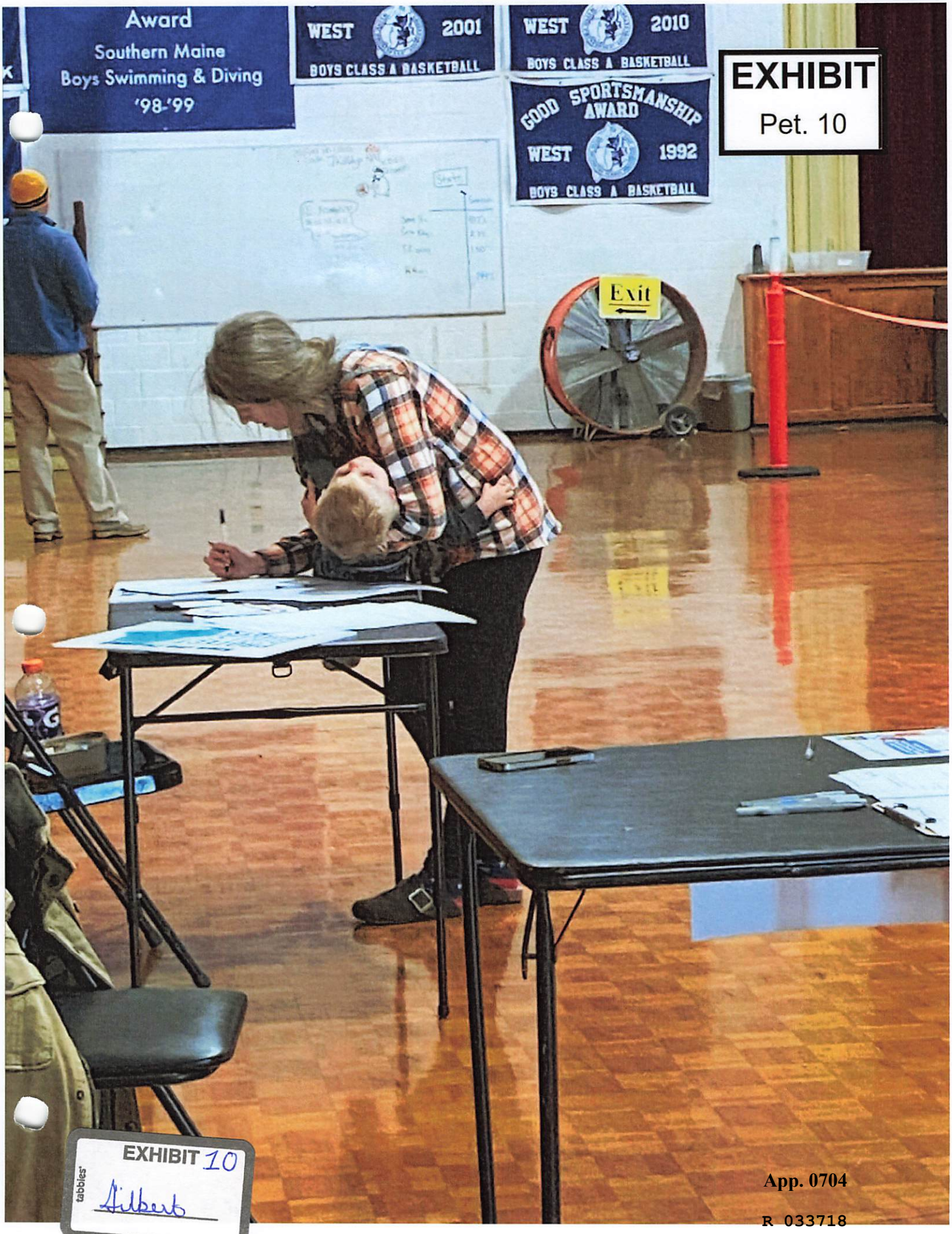
Award
Southern Maine
Boys Swimming & Diving
'98-'99
WEST 2001
BOYS CLASS A BASKETBALL
WEST 2010
BOYS CLASS A BASKETBALL
GOOD SPORTSMANSHIP AWARD
WEST 1992
BOYS CLASS A BASKETBALL
Exit
EXHIBIT
Pet. 10
EXHIBIT 10
Gilbert

EXHIBIT
Pet. 11
MAINE PRINCIPALS' ASSOCIATION
SPORTSMANSHIP AWARD
GOOD SPORTSMANSHIP AWARD
WEST
2001
BOYS CLASS A BASKETBALL
GOOD SPORTSMANSHIP AWARD
WEST
2010
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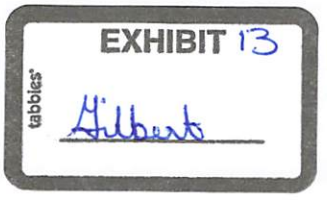
EXHIBIT 11
tabbies
Gilbert

Placeholder

Pet. 13

Saco Video 1.mov



State of Maine Circulator Affidavit

For Citizen's Initiative and People's Veto Petitions

I, Caird, currently reside at the following address:

Printed Name of Circulator

5519 Bonita Dr. San Diego Ca 92114

Street Number and Name | City, State and Zip Code

My current contact information is as follows:

Daytime phone number: 6025589601 Email address: reddoorinc@gmail.com

and being duly sworn, hereby affirm the following:

I have read and understand the information provided by the Secretary of State's Office to the applicant, pursuant to Title-21-A §903-A, sub-§3, including the laws and rules governing the circulation of petitions;

I understand that I can be prosecuted under Title 21-A §904 if I violate the laws governing the circulation of petitions, including the requirement that I execute this Circulator's Affidavit truthfully;

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- I agree to respond to information requests from the Maine Secretary of State's office for the duration of any petition drive for which I am circulating petitions, including while signatures are being collected and through the review of those signatures by the Secretary of State's office.

Signature of Circulator: _____ **Date:** 5 May 2026

STATE of: _____

COUNTY of: _____ Date: _____

Personally appeared before me the above-named circulator and made oath that the foregoing statements made by the circulator are true and correct to their own personal knowledge.

Signature of Notary Public: _____

Printed Name: _____

My Commission expires: _____ Commission number (if not Maine): _____

EXHIBIT

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