

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**

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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

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)

NAME	ADDRESS	CITY	STATE	ZIP	MUNICIPALITY
Diane Hall	Diane Lee Hall	1-19-26	27	Granwood Park rd	Bristol
Diane Hall	Diane Lee Hall	11/9/84	27	Granwood Park rd	Bristol
Diane Hall	Diane Lee Hall	11/9/84	27	Granwood 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]

NAME	ADDRESS	CITY	STATE	ZIP	MUNICIPALITY
Beverly Yates	Beverly Yates	1/20/26	32	Boulder Ave	Paris
Beverly Yates	Beverly Yates	1-21-26	33	Boulder Ave	South Paris
Beverly Yates	Beverly Yates	1-21-26	32	Boulder Ave	South Paris

(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 Marilyn 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 one 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[ot] 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

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 hesitation 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										3/17/26	
FINAL Master List											
patn	town	date	valid	fullname	in	fullname	inval	reaso1	inval	reaso1	total inval
7937	WINTHROP	11/25/2025	29	JEAN-BAPTISTE, FRITZ	3	TALARICO, MARCUS TIAMO	5	REG	11	DUP	15
3709	LEWISTON	11/25/2025	48	JEAN-BAPTISTE, FRITZ	7	TALARICO, MARCUS TIAMO	7	REG	10	DUP	17
6016	SANFORD	11/25/2025	13	JEAN-BAPTISTE, FRITZ	1	TALARICO, MARCUS TIAMO	1	DUP	9	ANO	10
3721	LEWISTON	11/16/2025	37	JEAN-BAPTISTE, FRITZ	7	TALARICO, MARCUS TIAMO	7	REG	8	DUP	15
3715	LEWISTON	11/25/2025	23	JEAN-BAPTISTE, FRITZ	3	TALARICO, MARCUS TIAMO	3	REG	3	DUP	6
3720	LEWISTON	11/16/2025	53	JEAN-BAPTISTE, FRITZ	8	TALARICO, MARCUS TIAMO	8	REG	4	DUP	12
3726	LEWISTON	11/16/2025	49	JEAN-BAPTISTE, FRITZ	10	TALARICO, MARCUS TIAMO	10	REG	4	DUP	14
7793	WANSLOW	11/25/2025	16	JEAN-BAPTISTE, FRITZ	3	TALARICO, MARCUS TIAMO	3	REG	4	DUP	7
3713	LEWISTON	11/25/2025	21	JEAN-BAPTISTE, FRITZ	1	TALARICO, MARCUS TIAMO	1	REG	3	DUP	4
1845	CUMBERLAND	11/25/2025	0	JEAN-BAPTISTE, FRITZ	1	TALARICO, MARCUS TIAMO	1	WD	1	DATE	2
1846	CUMBERLAND	11/25/2025	5	JEAN-BAPTISTE, FRITZ	1	TALARICO, MARCUS TIAMO	1	WD	1	ANO	2
7924	WINTHROP	11/23/2025	18	JEAN-BAPTISTE, FRITZ	6	TALARICO, MARCUS TIAMO	6	REG	1	DUP	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),

✓	<i>Issac Escobar</i>	Issac Escobar	11/13/25	52 Nichols St	Lewiston
✓	<i>Issac Escobar</i>	Gabriel Escobar	11/13/25	52 Nichols St	Lewiston
✓	<i>Gabriel Escobar</i>	Gabriel Escobar	11/23/25	52 Nichols St	Lewiston
✓	<i>Isaac Escobar</i>	Isaac Escobar	11/23/25	52 Nichols St	Lewiston

(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)

✓	<i>Adam Lascelle</i>	Adam Lascelle	11/23/25	143 Oak St Apt 2	Lewiston
✓	<i>Adam Lascelle</i>	Adam Lascelle	11-23-25	143 Oak St Apt 2	Lewiston

(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)

✓	<i>Ella Rice</i>	Ella Rice	11-22-25	288 Carlton Road Rd	Lewiston
✓	<i>Ella Rice</i>	Ella Rice	11-25	228 Carlton Road Rd	Lewiston

(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)

✓	<i>Kathryn Wrotten</i>	Kathryn Wrotten	11/24	56 Welch Pt Rd	Lewiston
✓	<i>Michael Wrotten</i>	Michael Wrotten	11/24	56 Welch Pt Rd	Lewiston
✓	<i>Kathryn Wrotten</i>	Kathryn Wrotten	11/24/25	56 Welch Pt Rd	Lewiston
✓	<i>Michael Wrotten</i>	Michael Wrotten	11/24	56 Welch Point Rd	Lewiston

(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)

✓	<i>David Burnham</i>	DAVID Burnham	11/13/25	75 Warner St Apt 2	Lewiston
✓	<i>David Burnham</i>	David Burnham	11-13-25	75 Warner St Apt 2	Lewiston

(Duplicative entry for David Burnham, ten days apart, with visibly different signatures)

R.015042 (Pet. 3726, Line 34) & R.015087 (Pet. 3715, Line 23)

✓	<i>Alexander Shaw</i>	Alexander Shaw	11-12-25	35 Nichols	Lewiston
✓	<i>Alex Shaw</i>	Alex Shaw	11-22-25	25 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)

✓	<i>Randall Buckin</i>	Randall Buckin	11-16-25	163 Lisbon St Apt 202	Lewiston
✓	<i>Randall Buck</i>	Randall Buckin	11-16-25	133 Lisbon St	Lewiston

(Duplicative entry for Randall Buckin 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)

✓	<i>Cory McCollett</i>	Cory McCollett	11-17-25	155 Lisbon St Apt 510	Lewiston
✓	<i>Cory McCollett</i>	Cory McCollett	11-20-25	160 Leason Street	Lewiston

(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)

✓	<i>Maria Grenier</i>	Maria Grenier	11-17-25	177 Oak St	Lewiston
✓	<i>Maria Grenier</i>	Maria Grenier	11-22-25	177 Oak St	Lewiston

(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)

✓	<i>Clifton Cummings</i>	Clifton Cummings	11-17-25	31 Main St	Lewiston
✓	<i>Clifton Cummings</i>	Clifton Cummings	11-27-25	31 Main St	Lewiston

(Duplicative entry for Clifton Cummings, ten days apart, with visibly distinct signatures)

R.015066 (Pet. 3720, Lines 34 & 62)

✓	<i>Edgar Roberts</i>	Edgar Roberts	11-17-25	11 Lisbon St Apt 206	Lewiston
✓	<i>Edgar Robert</i>	Edgar Robert	11-20-25	11 Lisbon St	Lewiston

(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]

	Sierra DeJesus	11/17/25	22 Park St Apt 11	Lewiston
	Sierra DeJesus	12/5/25	22 Park St	Lewiston

(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]

	Anderson Council	12-1-25	15 Laurier St Lewiston	Lewiston, Me
	Anderson Council	11-25-25	15 Laurier St	Lewiston

(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 Bortolo
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.

Register use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
	<i>[Signature]</i>	David Carleton	11/2/25	27 H. Carleton Lane	Sanford
	<i>[Signature]</i>	Michelle Faur	11/2/25	1 Long Forest St	Sanford
	<i>[Signature]</i>	Justin Ull	11/2/25	162 High St	Sanford
	<i>[Signature]</i>	Justin Elliott	11/2/25	197 High St	Sanford
AK	<i>[Signature]</i>	Michelle Frederic	11/2/25	2 Elm St	Sanford
	<i>[Signature]</i>	Martin Eiders	11/2/25	84 Dutton St	Sanford
	<i>[Signature]</i>	Alison Kelley	11/2/25	81 Baderon St	Sanford
AK	<i>[Signature]</i>	Anna Eiders	11/2/25	24 Galtmore St	Sanford
	<i>[Signature]</i>	Anna Eiders	11/2/25	63 Dutton St	Sanford
	<i>[Signature]</i>	Anna Eiders	11/2/25	15 Wilson St	Sanford
	<i>[Signature]</i>	Patrick Pennington	11/2/25	7 Union St	Sanford
	<i>[Signature]</i>	Pierre Sullivan	11/2/25	8 Union St	Sanford
	<i>[Signature]</i>	Anna Eiders	11/2/25	7 Union St	Sanford
	<i>[Signature]</i>	Spencer Wilkinson	11/2/25	2 Calhoun Way	Sanford
	<i>[Signature]</i>	Linda Eiders	11/2/25	19 Union St	Sanford
	<i>[Signature]</i>	William Eiders	11/2/25	30 State Apt C	Sanford
	<i>[Signature]</i>	Ken Hill	11/2/25	4 Union St	Sanford
	<i>[Signature]</i>	Therion Eiders	11/2/25	6 Henry Ave	Sanford
	<i>[Signature]</i>	William Eiders	11/2/25	26 Union St	Sanford
	<i>[Signature]</i>	Cecilia Veith	11/2/25	6 Bond St	Sanford
	<i>[Signature]</i>	William Eiders	11/2/25	7 Union St	Sanford
	<i>[Signature]</i>	Corey Eiders	11/2/25	29 Riverside Ave	Sanford
	<i>[Signature]</i>	Erin Eiders	11/2/25	63 Riverside Ave	Sanford

<p>Circulator's Oath</p> <p>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.</p> <p>Signature of Circulator: <i>[Signature]</i> Printed Name: <u>Fritz Bortolo</u></p> <p>Signature of Notary: <i>[Signature]</i> Printed Name: <u>Notary Public - Maine</u></p> <p>Submitted to Secretary before the deadline: <u>NOV 25 2025</u> (Date must be completed by Notary)</p> <p>Date my Notary Commission expires: _____</p>		<p>Petition Log</p> <p>For Secretary of State Use Only</p> <p>Roll No: <u>6028</u> Date: <u>13</u> Nov <u>10</u></p> <p>Number of Signatures: <u>1</u> Reason: <u>DUP</u> Signature List: <u>2</u></p> <p>Number of Copies: <u>9</u> AND: <u>5, 6, 11, 12, 21, 24</u></p> <p>Roll No: <u>AP</u> Copies: <u>2 Dup 5 9 15 18 21</u></p>
<p>Registrar's Certification</p> <p>Municipality: <u>Sanford</u> Total Valid: <u>14</u> Total Invalid: <u>9</u></p> <p>I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor. <u>Lines 10 & 11 were marked out prior to election</u></p> <p>Date & Time Petition Received: <u>12/11/25</u> Signature of Registrar: <u>Muchelle Smith</u></p> <p>Date petition certified: <u>12-10-25</u></p> <p><u>Lines 10 & 11 crossed out and received</u></p>		

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.

petno	town	date	valid	c. fullname	n. fullname	inval	reaso	inval	reaso	inval	reaso	totalinval
329	AUBURN	11/25/2025	49	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	AMO	0		22
330	AUBURN	11/25/2025	45	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	17	DUP	0		19
284	AUBURN	11/18/2025	47	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	4	REG	13	DUP	1	WD	16
3725	LEWISTON	11/18/2025	59	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	15	JACKSON, KENDRICK	TALARICO, MARCUS TIAMO	2	REG	3	DUP	1	WD	6
386	HEBON	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
2738	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.

petno	town	date	valid	c. fullname	n. fullname	inval	reaso	inval	reaso	inval	reaso	totalinval
323	AUBURN	11/25/2025	49	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
284	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)

✓	<i>[Signature]</i>	William Tanous	11/25	32 Beacon Ave	Auburn
✓	<i>[Signature]</i>	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)

✓	<i>[Signature]</i>	William Soper	11/25	30 Birch rd	Auburn
✓	<i>[Signature]</i>	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)

✓		Sarah Jordan	11/25	1/2 Davis Ave	Auburn
✓		Sarah Jordan	11/25	1/2 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)

✓		Michael Houlihan	11/22	900 N River Rd	Auburn
✓		Michael Houlihan	11/22/25	26 Canal Ave	Auburn
✓		Mike Houlihan	11/25/25	900 North River Rd	Auburn

(Duplicative entry for Michael Houlihan with visibly distinct signatures)

R.1701 (Pet. Num. 329, Line 6) and R.1653 (Pet. Num. 294, Line 17)

✓		Patrice Houlihan	11-22-25	900 N River Rd	Auburn
✓		Patrice Houlihan	11/25/25	26 N River Rd	Auburn

(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)

✓		Lane Feldman	11/24	19 Core St	Auburn
✓		Lane Feldman	11/25	19 Core St	Auburn

(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)

✓		Sharon Feldman	11/24	19 Core St	Auburn
✓		Sharon Feldman	11-4-25	19 Core Street	Auburn

(Duplicative entry for Sharon Feldman with visibly different signatures)

R.1700 (Pet. 329, Line 28) and R.1869 (Pet. 337, Line 7)

✓		Frederick Lidstone	11/24/25	1870 Perkins Ridge Rd	Auburn
✓		Frederick Lidstone	1/4/25	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)

✓	<i>E. Mentink</i>	Erika Mentink	11/24	367 Summer St	Auburn
✓	<i>Erika Mentink</i>	ERIKA MENTINK	11-9-25	367 SUMMER ST	AUBURN

(Duplicative entry for Erika Mentink with visibly different signatures)

R.1700 (Pet. 329, Line 31) and R.1873 (Pet. 336, Line 21)

✓	<i>Otis Johnson</i>	Otis Johnson	11/24	1365 Turner St	Auburn
✓	<i>Otis Johnson</i>	Otis Johnson	11/25	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)

✓	<i>Lynette Heath</i>	Lynette Heath	11/24	450 Court St	Auburn
✓	<i>Lynette Heath</i>	Lynette Heath	11/25	450 COURT ST	Auburn

(Duplicative entry for Lynette Heath with visibly different signatures)

R.1700 (Pet. 329, Line 45) and R.1660 (Pet. 292, Line 33)

✓	<i>Steven Webster</i>	Steven Webster	11/25	48 Quail Run	Auburn
✓	<i>Steven Webster</i>	STEVEN WEBSTER	11/25	48 Quail Run	Auburn

(Duplicative entry for Steven Webster with visibly different signature)

R.1700 (Pet. 329, Line 46) and R.1828 (Pet. 347, Line 56)

✓	<i>Rohen Brown</i>	Rohen Brown	11/25	98 Davis Ave	Auburn
✓	<i>Rohen Brown</i>	Rohen Brown	11/25	98 DAVIS AVE	AUBURN

(Duplicative entry for Rohen Brown with visibly different signature)

R.1700 (Pet. 329, Line 55) and R.1644 (Pet. 296, Line 29)

✓	<i>Elizabeth Hansen</i>	Elizabeth Hansen	11/25/25	175 Whitney St	Auburn
✓	<i>E. Hansen</i>	E. Hansen	11/25/25	175 Whitney St	Auburn

(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)

✓	<i>Michael Hansen</i>	Michael Hansen	11/25/25	175 Whitney St	Auburn
✓	<i>Michael Hansen</i>	Michael Hansen	11/25	175 Whitney St	Auburn

(Duplicative entry for Michael Hansen with visibly different signatures)

R.1700 (Pet. 329, Line 61) and R.1933 (Pet. 353, Line 7)

61		Grace Hayes	11-25-25	1358 Turner St	Auburn
62		Grace Hayes	11-4-25	1358 Turner St.	Auburn

(Duplicative entry for Grace Hayes with visibly different signatures)

R.1700 (Pet. 329, Line 65) and R.1769 (Pet. 312, Line 10)

65		Randy Robbins	11/25	114 Fish Hatchery Rd	Auburn
10		Randy Robbins	11-15-25	114 Fish Hatchery Rd	Auburn

(Duplicative entry for Randy Robbins with visibly distinct signature)

R.1701 (Pet. 329, Line 11) and R.1645 (Pet. 296, Line 14)

11		Rose Simpson	11-22-25	521 Turner St Apt 23	Auburn
14		Rose Marie Simpson	11/25/25	521 Turner St Apt 23	Auburn

(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)

21		Heidi Gilbert	Nov 23 25	134 Allen Ave	Auburn
2		Heidi Gilbert	11/4/25	134 Allen Ave	Auburn

(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	11/23/25	6 Canter Ct Unit 8	Auburn
50		John DesJardins	11-4-25	6 Canter Ct Unit 8	Auburn

(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.

11/24	<i>[Signature]</i>	Rene Landry	11/24	34 old Greene rd	Auburn
11/24	<i>[Signature]</i>	Karen Michael	11/24/25	16 Belmont St	Auburn
11/25	<i>[Signature]</i>	David Christerson	11/25	801 Bloddy Hill Rd	Auburn
11/25	<i>[Signature]</i>	Matthew Lynday	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.

<p>Circulator's Oath</p> <p>I hereby make oath that I am the Circulator of this petition and 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 residence and in the voter's presence.</p> <p>Signature of Circulator: <i>[Signature]</i></p> <p>Signature of Notary: <i>[Signature]</i></p> <p>Notary Public - Maine My Commission Expires: NOV 8 2025</p>	<p>Circulator's Oath</p> <p>I hereby make oath that I am the Circulator of this petition and 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 residence and in the voter's presence.</p> <p>Signature of Circulator: <i>[Signature]</i></p> <p>Signature of Notary: <i>[Signature]</i></p> <p>Notary Public - Maine My Commission Expires: NOV 18 2025</p>
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<p>Circulator's Oath</p> <p>I hereby make oath that I am the Circulator of this petition and 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.</p>		<p>Circulator's Oath</p> <p>I hereby make oath that I am the Circulator of this petition and 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.</p>	
<p>Signature of Circulator: <i>Kendrick Jackson</i></p> <p>Printed Name: <u>Kendrick Jackson</u></p> <p>Signature of Notary: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>My Commission Expires: <u>NOV 26 2025</u></p> <p>Date and place before me on this date: <u>NOV 26 2025</u></p>	<p>Signature of Circulator: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>Signature of Notary: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>My Commission Expires: <u>NOV 26 2025</u></p> <p>Date and place before me on this date: <u>NOV 26 2025</u></p>	<p>Signature of Circulator: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>Signature of Notary: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>My Commission Expires: <u>NOV 26 2025</u></p> <p>Date and place before me on this date: <u>NOV 26 2025</u></p>	<p>Signature of Circulator: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>Signature of Notary: <i>[Signature]</i></p> <p>Printed Name: <u>Markus Tamm Talbot</u></p> <p>My Commission Expires: <u>NOV 26 2025</u></p> <p>Date and place before me on this date: <u>NOV 26 2025</u></p>

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 pre-filled 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 Collector
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 (202) 624-7659.

Page No.	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (No P.O. Box)	County
1	[Signature]	[Name]	[Date]	[Address]	[County]
2	[Signature]	[Name]	[Date]	[Address]	[County]
3	[Signature]	[Name]	[Date]	[Address]	[County]
4	[Signature]	[Name]	[Date]	[Address]	[County]
5	[Signature]	[Name]	[Date]	[Address]	[County]
6	[Signature]	[Name]	[Date]	[Address]	[County]
7	[Signature]	[Name]	[Date]	[Address]	[County]
8	[Signature]	[Name]	[Date]	[Address]	[County]
9	[Signature]	[Name]	[Date]	[Address]	[County]
10	[Signature]	[Name]	[Date]	[Address]	[County]
11	[Signature]	[Name]	[Date]	[Address]	[County]
12	[Signature]	[Name]	[Date]	[Address]	[County]
13	[Signature]	[Name]	[Date]	[Address]	[County]
14	[Signature]	[Name]	[Date]	[Address]	[County]
15	[Signature]	[Name]	[Date]	[Address]	[County]
16	[Signature]	[Name]	[Date]	[Address]	[County]
17	[Signature]	[Name]	[Date]	[Address]	[County]
18	[Signature]	[Name]	[Date]	[Address]	[County]
19	[Signature]	[Name]	[Date]	[Address]	[County]
20	[Signature]	[Name]	[Date]	[Address]	[County]
21	[Signature]	[Name]	[Date]	[Address]	[County]
22	[Signature]	[Name]	[Date]	[Address]	[County]
23	[Signature]	[Name]	[Date]	[Address]	[County]
24	[Signature]	[Name]	[Date]	[Address]	[County]
25	[Signature]	[Name]	[Date]	[Address]	[County]
26	[Signature]	[Name]	[Date]	[Address]	[County]
27	[Signature]	[Name]	[Date]	[Address]	[County]
28	[Signature]	[Name]	[Date]	[Address]	[County]
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37	[Signature]	[Name]	[Date]	[Address]	[County]
38	[Signature]	[Name]	[Date]	[Address]	[County]
39	[Signature]	[Name]	[Date]	[Address]	[County]
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48	[Signature]	[Name]	[Date]	[Address]	[County]
49	[Signature]	[Name]	[Date]	[Address]	[County]
50	[Signature]	[Name]	[Date]	[Address]	[County]

See page 1 for summary and fiscal impact statement, page 2 for legislation and instructions and page 3 for additional signature lines and certifications. 8 021452

Printed Name of Collector
Unique Identifying Number

An Act to Designate School Sports Participation and Facilities by Sex

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18	[Signature]	[Name]	[Date]	[Address]	[County]
19	[Signature]	[Name]	[Date]	[Address]	[County]
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22	[Signature]	[Name]	[Date]	[Address]	[County]
23	[Signature]	[Name]	[Date]	[Address]	[County]
24	[Signature]	[Name]	[Date]	[Address]	[County]
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27	[Signature]	[Name]	[Date]	[Address]	[County]
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29	[Signature]	[Name]	[Date]	[Address]	[County]
30	[Signature]	[Name]	[Date]	[Address]	[County]
31	[Signature]	[Name]	[Date]	[Address]	[County]
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See page 1 for summary and fiscal impact statement, page 2 for legislation and instructions and page 3 for additional signature lines and certifications. 8 021452

Evered Jackson
 Printed Name of Collector
 37/2022
 License Number of Collector

and Facilities by Sea

Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherer 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 Collector's presence.
- Each voter must be a legally eligible voter who has filed an affidavit of registration on or before the registration deadline per RSA 651:4, and does not include Maine registered voters to sign the petition in their presence. The signature gatherer must sign their name, the printed voter's name, date of signing, on the voter's behalf, and complete all information on both sides (for use only and do not fill).
- For more information, please contact the Director of Elections at (207) 634-7650.

Region	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
1	[Signature]	George Conroy	11/22	123 Main St	Waterville
2	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
3	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
4	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
5	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
6	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
7	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
8	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
9	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
10	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
11	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
12	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
13	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
14	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
15	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
16	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
17	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
18	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
19	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville
20	[Signature]	William Dugan	11/22	45 Eastern Ave	Waterville

Collector's Oath
 I hereby swear that I will faithfully discharge the duties of my position, and I personally witnessed all of the signatures to this petition and to the County Register and filed such signatures in that of the books where they are kept. If the voter was unable to sign due to a physical disability, I hereby certify, under the voter's authorized name, that the voter's signature had to be made by me.

Signature of Collector: Evered Jackson
 Printed Name of Collector: Evered Jackson
 License Number of Collector: 37/2022
 Date of Signing: 11/22/22

Petition Log
 For Secretary of State Use Only
 Petition No. 2222 Date 11/22/22 Time 10:00 AM
 Location Waterville Registrar [Signature]
 Municipal Clerk [Signature]

Registered Electors: 2 Total Count: 22
 I hereby certify that the number of all the petitioners listed on this document is the number of the voters who are qualified to vote for this initiative.
 Date & Time of Count: 11/22/22 2:00 PM
 Signature of Registrar: [Signature]
 Date of the Count: 11/22/22

See page 1 for summary, fiscal impact statement, page 2 for legislation and page 3 for additional signature lines

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 pre-filled 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.

petno	town	date	valid	c_fullname	n_fullname	invld	reaso	invld	reaso	invld	reaso	total invld
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	3	W/D	1	W/D	28
3562	LEWISTON	11/18/2025	8	TURNER, ADAM	TALARICO, MARCUS TIAMO	21	REG	2	DUP	2	W/D	25
3621	LEWISTON	12/10/2025	37	TURNER, ADAM	TALARICO, MARCUS TIAMO	19	REG	6	DUP	0		25
3623	LEWISTON	12/10/2025	16	TURNER, ADAM	TALARICO, MARCUS TIAMO	16	REG	1	DUP	0		17
3716	LEWISTON	11/25/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	14	REG	1	DUP	0		15
366	AUBURN	11/18/2025	25	TURNER, ADAM	TALARICO, MARCUS TIAMO	13	REG	0		0		13
313	AUBURN	12/7/2025	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	W/D	15
290	AUBURN	11/11/2025	12	TURNER, ADAM	TALARICO, MARCUS TIAMO	11	REG	2	W/D	0		13
3684	LEWISTON	11/11/2025	2	TURNER, ADAM	TALARICO, MARCUS TIAMO	11	REG	1	DUP	0		12
3670	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	6	DUP	0		13
3616	LEWISTON	12/10/2025	5	TURNER, ADAM	TALARICO, MARCUS TIAMO	7	REG	0		0		7
2935	LISBON	12/10/2025	12	TURNER, ADAM	TALARICO, MARCUS TIAMO	6	REG	1	W/D	0		7
7794	WINDSOR	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)

Register use only	Voter's Signature	Voter's Printed Name	Date Signed	Actual Street Address (Not PO Box)	Municipality (Where Registered)
26	<i>Pressley Neal</i>	Pressley Neal	11-5-25	203 Oak Street	Lewiston
27	<i>Vanessa</i>	Pressley Neal	11-5-25	203 Oak Street	Lewiston
				42 Hammond St	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)

	<i>Graham MacFarlane</i>	Graham MacFarlane	11/12/25	12 Old Chedborne Rd.	Lewiston
	<i>Graham MacFarlane</i>	Graham MacFarlane	11/12/25	12 Old Chedborne Rd.	Lewiston
	<i>Graham MacFarlane</i>	Graham MacFarlane	11/12/25	12 Old Chedborne Rd.	Lewiston
	<i>Graham MacFarlane</i>	Graham MacFarlane	11/12/25	12 Old Chedborne 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]

	<i>Sierra DeJesus</i>	Sierra DeJesus	11/17/25	22 Park St Apt 11	Lewiston
	<i>Sierra DeJesus</i>	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]

	<i>Irene Gange</i>	Irene Gange	11/16/25	50 Sabbath St	Lewiston
	<i>Irene Gange</i>	Irene Gange	11/16/25	50 Sabbath 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]

	<i>Robert Jalbert</i>	Robert Jalbert	11/16/25	64 Seaside Blvd	Lewiston
	<i>Robert Jalbert</i>	ROBERT JALBERT	11/5/25	64 Seaside Blvd	Lewiston

(Duplicative entries from Baptiste and Turner for Robert Jalbert with different signatures)

R.033159 (Pet. 3562, Lines 9 and 10)

	<i>Richard Rafine</i>	Richard Rafine	11/11/25	174 Webster Ave	Lewiston
	<i>Holly Rafine</i>	Holly Rafine	11/11/25	174 Webster Ave	Lewiston

(Signatures for Richard and Holly made in same hand)

R.033159 (Pet. 3562, Lines 15 and 16)

18	✓ Kimberly Knapp-Ryan	Kimberly Knapp-Ryan	11/12/25	68PP Street	Albion NY
19	✓ Alexander Knapp-Ryan	Alexander Knapp-Ryan	11/2/25	68PP Street	Albion NY

(Signatures for Alexander and Kimberly Knapp-Ryan made in same hand)

R.033159 (Pet. 3562, Lines 19 and 20)

19	✓ Alice M. Bradfield	Alice Bradfield	11/12/25	6 Hawthorne Pl	Lewiston
20	✓ James Bradfield	James Bradfield	11/12/25	"	Lewiston

(Signatures for Alice and James Bradfield made in same hand)

R.033160 (Pet. 3562, Lines 51 and 52)

51	✓ Ronald Cormier	Ronald Cormier	11/15/25	3 mark st.	Lewiston
52	✓ Judith Cormier	Judith Cormier	11/15/25	3 mark St.	Lewiston

(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[ie]d 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).

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Respectfully submitted,

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