

VIA EMAIL

May 15, 2026

Matt Pollack, Esq.  
Clerk of the Law Court  
Maine Supreme Judicial Court  
205 Newbury Street, Room 139  
Portland, ME 04101-4125

RE: Ballot Challenge in Election of Town of Clifton Select Board Member  
Docket # SJC-26-7

Dear Matt:

Enclosed for consideration is a Written Stipulation of Facts Pursuant to Procedural Order of May 13, 2026.

Copies of this letter and the Written Stipulation of Facts have been sent to the interested parties below via email and regular U.S. Mail.

Sincerely,

*/s/ Stephen W. Wagner*  
Stephen W. Wagner

SWW/dmk  
Enclosure

cc:

Cynthia Grant  
Jeffery F. Niles, Jr.  
Steve Armenia

STATE OF MAINE  
SUPREME JUDICIAL COURT

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DKT. NO. SJC-26-7

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**IN RE BALLOT CHALLENGE IN ELECTION OF TOWN OF  
CLIFTON SELECT BOARD MEMBER**

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**WRITTEN STIPULATION OF FACTS  
PURSUANT TO PROCEDURAL ORDER OF MAY 13, 2026**

Stephen W. Wagner, Esq. (Bar No. 5621)  
Rudman Winchell  
Attorneys for Petitioner Town of Clifton  
Bangor, ME 04402-1401  
(207) 947-4501  
[swagner@rudmanwinchell.com](mailto:swagner@rudmanwinchell.com)

Pursuant to the Court’s May 13, 2026, Procedural Order, the participating interested parties have conferred and agree to this written stipulation of material facts. The parties believe this stipulation contains all material facts necessary to resolve this matter and that no material facts are in dispute.

1. The recitation of facts contained in the “Petition Forwarding Envelope Containing Challenge Certificate and Signed Affidavit Pursuant to 21-A M.R.S. § 696(1)” (the “Petition”), which was submitted to the Court on May 8, 2026, is true and accurate. That Petition is attached as **Exhibit A**.

2. By letter dated May 5, 2026, Jeffery F. Niles, Jr. (“Niles”) informed the Town that he wished to inspect the absentee ballot applications and envelopes before they were to be processed the next day, May 6, 2026. A copy of that letter is attached as **Exhibit B**.

3. On May 6, 2026, Niles did inspect the absentee register, and the absentee ballot applications and envelopes for two voters. Copies of the Applications for Absentee Ballots of those voters that he inspected, and the absentee ballot envelopes that he inspected, are attached as **Exhibit C**.

4. The Absntee [sic] Register for the election is attached as **Exhibit D**. It indicates that the two absentee voters being challenged requested absentee ballots “in person” on March 18, 2026, and that their absentee ballots were returned on March 24, 2026, at 4:15 p.m.

5. Gerald Folster requested and received said two absentee ballots on March 18, 2026.

6. A copy of the “Voter Challenge Affidavit” completed by Niles, described in the Petition at ¶ 41, is attached as **Exhibit E**.

7. A copy of the challenge certificate, described in the Petition at ¶ 42, is attached as **Exhibit F**.

8. Gerald Folster was a candidate for a three-year term on the Select Board in the March election.

9. Steve Armenia and Cynthia Grant were the candidates for a one-year term on the Select Board.

10. If the votes of these two voters are invalidated, Cynthia Grant will have won the election. If the votes of these two voters are not invalidated, Steve Armenia will have won the election.

11. Niles is challenging the validity of these two votes on the asserted grounds that, first, the absentee ballots of these two voters were

issued by the clerk to a candidate on behalf of these two other people, not the candidate, in violation of 21-A M.R.S. § 753-B(2)(E); and second, the applications for the absentee ballots for these two voters were unsigned, in violation of 21-A M.R.S. § 753-A(3)(A)(3).

12. On March 18, 2026, the clerk issued Gerald Folster the absentee ballots for the two absentee voters whose votes are being challenged.

13. There appear no signatures in the fields for “Signature of Voter” or in the fields “Signature of Immediate Family Member Returning the Ballot” on either Application for Absentee Ballot.

14. On March 24, 2024, Gerald Folster dropped off the absentee ballot return envelopes of the two voters.

15. The Town has a video of the events that transpired on March 24, 2024, when Niles was in line to vote at approximately 4:15 p.m. That video is available to the Court upon its request. The video is time stamped.

Respectfully submitted, dated at Bangor, Maine this 15<sup>th</sup> day of  
May, 2026.

/s/ Stephen W. Wagner  
Stephen W. Wagner, Esq. (Bar No. 5621)  
Rudman Winchell  
Attorneys for Petitioner Town of Clifton  
Bangor, ME 04402-1401  
(207) 947-4501  
[swagner@rudmanwinchell.com](mailto:swagner@rudmanwinchell.com)

/s/ Jeffery Niles, Jr.  
Jeffery Niles, Jr.  
28 German Cove Road  
Clifton, ME 04428  
(207) 745-0548  
[jeffery.niles@gmail.com](mailto:jeffery.niles@gmail.com)

/s/ Cynthia Grant  
Cynthia Grant  
10 Grants Way  
Clifton, ME 04428  
(207) 570-1914  
[cindy843.05127@gmail.com](mailto:cindy843.05127@gmail.com)

## CERTIFICATE OF SERVICE

The Procedural Order specifies that Rule 1E of the Rules of Appellate Procedure applies. That rule pertains to service of documents upon “parties.” In an effort to comply with that Rule in the context of this proceeding, I, Stephen W. Wagner, certify that service of this Written Stipulation of Facts has been made on Cynthia Grant, Jeffery F. Niles, Jr., and Steve Armenia as provided in Rule 1E.

Dated: May 15, 2026

/s/ Stephen W. Wagner

Stephen W. Wagner, Esq. (Bar No. 5621)

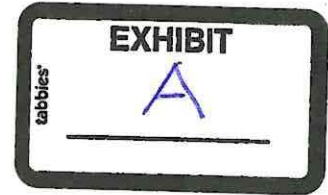
Rudman Winchell

Attorneys for Petitioner Town of Clifton

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(207) 947-4501

[swagner@rudmanwinchell.com](mailto:swagner@rudmanwinchell.com)



STATE OF MAINE  
SUPREME JUDICIAL COURT

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SJC DKT. NO. \_\_\_\_\_

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IN RE BALLOT CHALLENGE IN ELECTION OF TOWN OF  
CLIFTON SELECT BOARD MEMBER

---

PETITION FORWARDING  
ENVELOPE CONTAINING CHALLENGE CERTIFICATE AND  
SIGNED AFFIDAVIT PURSUANT TO 21-A M.R.S. § 696(1)

Stephen W. Wagner, Esq. (Bar No. 5621)  
Rudman Winchell  
Attorneys for Petitioner Town of Clifton  
Bangor, ME 04402-1401  
(207) 947-4501  
[swagner@rudmanwinchell.com](mailto:swagner@rudmanwinchell.com)

RECEIVED  
MAY 09 2006  
Clerk's Office  
Maine Supreme Judicial Court

**PETITION FORWARDING  
ENVELOPE CONTAINING CHALLENGE CERTIFICATE AND  
SIGNED AFFIDAVIT PURSUANT TO 21-A M.R.S. § 696(1)**

To the best knowledge of the Town of Clifton (the “Town”), the basis for this filing, made pursuant to 21-A M.R.S. § 696(1), is as follows:

1. This is the second petition filed with respect to the same municipal election. This Court dismissed the first petition on May 4, 2026. *See In re Ballot Challenge in Election of Town of Clifton Select Board Member*, 2026 ME 42, \_\_\_ A.3d \_\_\_.

2. To assist the Court in its review, this petition first sets forth the facts already before the Court in considering the first petition, followed by additional facts relevant to this second petition.

***Facts Previously Before the Court***

3. The Town conducted a municipal secret ballot election on March 24, 2026.

4. Article 2 of said election was for a “Select Board Position” of a “1 Year Term,” for which two candidates were listed: Steve Armenia and Cynthia Grant.<sup>1</sup>

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<sup>1</sup> See paragraph 30 for a complete summary of Article 2.

5. Two particular absentee ballots were received prior to the close of polls on March 24, 2026.

6. Said two absentee ballots were dated, time-stamped, and initialed by the Town Clerk and Election Warden, who are one and the same person.

7. The morning after the election, said two absentee ballots were located, unopened, in a binder used at the election by the Town of Clifton election officials when checking in voters and collecting absentee ballots.

8. Review of the video security footage of the municipal office where the election was conducted revealed the ballots were dropped off to election officials in person and mistakenly not removed from the binder and put with the other absentee ballots for processing.

9. The election results determined and announced on March 24, 2026, listed in pertinent part 113 votes for Steve Armenia and 114 votes for Cynthia Grant.

10. The Town declared Cynthia Grant the prevailing candidate.

11. The election results were announced and certified on election night, before the two misplaced absentee ballots were discovered the next morning.

12. The Clerk/Warden discovered this anomaly when processing election materials for purpose of securing them as required by titles 21-A and 30-A.

13. In consultation with the undersigned Town Attorney and the Bureau of Corporations, Elections & Commissions of the Secretary of State, the Clerk/Warden was advised to and did, after consulting with the above-referenced candidates, set a date and time for resuming the counting of these two ballots only. *See also Marden v. Waterville*, 226 A.2d 369 (Me. 1967) (“Any qualified absent voter who returns his ballot to the (circuit court) clerk’s office in time for it to be delivered to the voting place in the precinct before the polls are closed on election day, and has satisfied all the statutory requirements with which he must comply, is entitled to have his vote counted, and if because of the failure of the county clerk or any other election official to do his duty, such ballot is not delivered to the inspector of the precinct in time for it to be counted by the precinct election board it will be counted by the court in an election contest proceeding.”) (internal quotation marks and citations omitted).

14. That proceeding was set for Friday, March 27, at 5 p.m.

15. The public was notified by the usual means for notice of municipal proceedings in Clifton.

16. Cynthia Grant submitted a written request to inspect the absentee ballot materials.

17. To ensure the integrity of the election and prevent disturbances, the above-referenced candidates were permitted to sit near the area where the election officials would resume counting the ballots, while the public was sectioned off from said area but able to hear and observe the proceedings.

18. Before proceeding to open and count the two absentee ballots, with guidance of the Town Attorney, the Clerk/Warden began the process of verifying that the absentee ballots were validly submitted.

19. Cynthia Grant inspected the absentee ballot envelopes and applications for said ballots and alleged a number of deficiencies that in her opinion invalidated the ballots and insisted therefore that they should not be counted.

20. The Town Attorney advised the alleged deficiencies were not grounds for invalidating the ballots but could be valid grounds for raising a challenge pursuant to 21-A M.R.S. §§ 673, 757.

21. Gregory Newell, a member of the public in attendance, made a challenge to the ballots.

22. The undersigned, on behalf of the Town, believes that the basis of the challenge was that, pursuant to 21-A M.R.S. § 753-B(2)(A), the absentee ballot was improperly issued to a third party who was a candidate or a member of a candidate's immediate family.

23. The undersigned understood that to be grounds for a challenge; the undersigned believed that such a challenge did not automatically void the ballots; and the undersigned advised the challenger to make out an affidavit pursuant to 21-A M.R.S. § 673(1)(A)(5) if he desired to pursue the challenge.

24. The challenger made out a single challenge affidavit challenging both ballots, as guided by the Clerk/Warden, with assistance from the Town Attorney, in accordance with 21-A M.R.S. § 673.

25. At the instruction of the Town Attorney, the Clerk/Warden assigned unique identifying numbers to the unopened absentee ballots and challenge affidavit. The unopened absentee ballots and challenge affidavit were secured together with the remaining election materials.

26. The Town Attorney advised those in attendance that because the number of ballots challenged may affect the results of one race of the election, pursuant to 21-A M.R.S. § 696(1), the Town was required to present the challenge to the Supreme Judicial Court of the State of Maine for resolution.

27. The Town Attorney advised that unless and until the Supreme Judicial Court ruled otherwise, the results of the election as announced March 24, 2026, remained in effect.

28. The Clerk then proceeded to swear in the candidates that prevailed, per the election results announced on March 24, 2026, including Cynthia Grant.

29. The Town received no timely request for an inspection or recount.

### ***Additional Facts***

30. Article #2 in its entirety, which also included elections for two additional Select Board positions and one School Board Member position, appeared on the March 24, 2026, warrant as follows:

**ARTICLE # 1 To choose a moderator to preside at said meeting.**

**ARTICLE #2 To elect all necessary officers by secret ballot as follows:**

**VOTE for 1**

**Select Board Position  
(1 - One-year term)  
Steve Armenia  
Cynthia Grant**

**Select Board Position  
(2 - Three-year terms)  
Leroy (Lee) Bryant  
Gerald Folster  
Gregory Newell  
Rebecca Vignaly**

**School Board Member Position  
(1 - One year term)**

Write In: \_\_\_\_\_

**\*Note\***

**\*A person who is not registered as a voter may not vote in any town election. \***

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***The First Petition***

31. On April 2, 2026, pursuant to 21-A M.R.S. § 696(1), the Town submitted to this Court a petition forwarding, along with related materials, the affidavit from Gregory Newell challenging the two absentee ballots.

32. On May 4, 2026, this Court issued a judgment dismissing the petition “because the affidavit does not contain sufficient information that, if true, could invalidate a ballot.” *In re Ballot Challenge in Election of Town of Clifton Select Board Member*, 2026 ME 42, ¶ 1, \_\_\_ A.3d \_\_\_.

33. The Court therefore “decline[d] to invalidate the ballots, which must be counted,” citing 21-A M.R.S. § 696(1).

***Proceedings Following Court’s Decision***

34. In accordance with the Court’s judgment, the Moderator opened the resumption of the counting of the two absentee ballots from the March 24 election on May 6, 2026, at 6 p.m.

35. The public was notified by the usual means for notice of municipal proceedings in Clifton.

36. With the assistance of legal counsel, election staff began the process of counting the ballots.

37. Before that process began, the Moderator allowed Jeffery F. Niles Jr., who had previously submitted a timely request to inspect the absentee ballots, the incoming voter list, and the application for the absentee ballots, to inspect said materials.

38. Following the inspection, the staff then resumed counting, including reading the name of the absentee voters that cast the two ballots.

39. At that time, a challenge was made by Jeffery F. Niles Jr. (the “Challenger”).

40. For purposes of a municipal election, the moderator is the presiding officer and receives challenges to ballots. *See* 21-A M.R.S. § 1(50) (defining “warden” as “the presiding officer at a voting place”); 21-A M.R.S. § 673(1) (providing that challenges to ballots are made to the warden, and warden administers oath to challenger and signs challenge certificate); 30-A M.R.S. § 2501 (providing that municipal elections are governed by Title 21-A “[e]xcept as otherwise provided by this Title or by charter”); 30-A M.R.S. § 2524(3) (providing that moderator “shall preside over and supervise the voting” at municipal elections); see also Maine Municipal Association, *Town Meeting and Elections Manual* at 10, 140, 146-47, 212-16 (Jan. 2020 rev. ed.) (noting that moderator presides over municipal elections, including challenges to ballots, in place of “warden” in state elections).

41. The Challenger completed an affidavit challenging both ballots.

42. The Moderator and Challenger signed a challenge certificate.

43. The affidavit and challenge certificate were sealed in an envelope.

44. Prior to the envelope being sealed, in accordance with statute, the challenge certificate and ballots were marked with unique identifying numbers, and those numbers placed on the sealed envelope.

45. Staff then proceeded with opening and counting the ballots.

46. Both ballots were cast in favor of Steve Armenia. Steve Arrmenia was identified as the winner of the election, with a total of 115 votes for Steve Armenia and 114 votes for Cynthia Grant.

47. Because it was determined that the challenged ballots affected the result of the election, the validity of the challenge must be submitted to and determined by this Court in accordance with 21-A M.R.S. § 696(1).

48. Based in part on the advice of counsel, the Clerk/Warden suspended certification of the new election result, pending resolution of the challenge.

49. The Town received no request for an inspection or recount prior to submitting this petition.

50. This Court has original jurisdiction in this matter, sitting as the trial court. 21-A M.R.S. § 696(1); *In re Ballot Dispute in Election of Town of Winslow*, 2018 ME 2, ¶¶ 1-2, 176 A.3d 1290.

WHEREFORE, pursuant to 21-A M.R.S. § 696(1), the Town is delivering to this Court the envelope containing the challenge certificate and the signed affidavit under 21-A M.R.S. § 673(1), together with other relevant materials in the interest of efficiency, and the Town respectfully asks that the Court determine the validity of the challenged ballots, the effect of that determination on the election results, and inform the Town what, if anything further, is needed or desired by the Court for it to do so, such as requesting the Town file the remaining election materials or requesting additional briefing from the Town or as-of-yet-unnamed parties in interest.

Respectfully submitted, dated at Bangor, Maine this 7<sup>th</sup> day of May,  
2026.

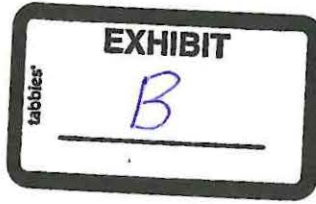
/s/ Stephen W. Wagner  
Stephen W. Wagner, Esq. (Bar No. 5621)  
Rudman Winchell  
Attorneys for Petitioner Town of Clifton  
Bangor, ME 04402-1401  
(207) 947-4501  
swagner@rudmanwinchell.com

## CERTIFICATE OF SERVICE

I, Stephen W. Wagner, certify that while 21-A M.R.S. § 696(1) does not require the naming of parties in interest, and the Maine Rules of Appellate Procedure do not appear to apply to this matter, service of this petition (excluding challenge materials) has been made to Cynthia Grant, Steve Armenia, and Jeffery F. Niles Jr. in accordance with M.R. Civ. P. 4(c)(1).

Dated: May 7, 2026

/s/ Stephen W. Wagner  
Stephen W. Wagner, Esq. (Bar No. 5621)



5 May 2026

Jeffery F. Niles, Jr.

Clifton, ME 04428

Tammy Gray and Jan Logan, Election Clerks  
135 Airline Rd.  
Clifton, ME 04428

Tammy and Jan,

Per 21-A M.R.S. §759(8), "Inspection of absentee envelopes before processing.", I am informing you that I wish to inspect absentee ballot applications and envelopes before they are processed tomorrow, 6 May 2026, at 6pm.

Per 21-A M.R.S. §759(8), you "shall allow the requestor to inspect the applications and envelopes of ballots before they are processed or for 30 minutes after the time specified in the notice for processing on election day".

I will work with you to establish a time that works for you as necessary.

Respectfully,  
Jeffery F. Niles, Jr.

5 May 2026, 3:12 p.m.

Notary:

JODY ANNE DYER  
Notary Public, State of Maine  
My Commission Expires August 6, 2032

Rec 5-5-2026 3:12<sup>pm</sup>

**Application for Absentee Ballot**  
**March 24, 2026, Municipal Referendum Election**  
**TOWN OF CLIFTON**

**Application Received**

(Date/Time)

3-24-26 @ 4:15 PM

**Ballot Sent/Delivered**

(Date/Time)

3-18-26 4:29 PM

**EXHIBIT**

tabbies

C

An absentee ballot request must be received by the Municipal Clerk by the close of business on March 20, 2026, unless special circumstances exist.

**Voted absentee ballots must be received by the Municipal Clerk by 8 p.m. on March 24, 2026.**

1. Full Name of Registered Voter Requesting the Ballot Patricia Folster
2. Residence Address of Voter [REDACTED] Clifton  
(Street Address) (Municipality)
3. Voter's Date of Birth [REDACTED]
4. Contact Information – Please complete. Clerk will use only to notify the voter if there is a problem with the application or ballot.  
Daytime Phone Number [REDACTED]  
Email Address \_\_\_\_\_

5. Method of Delivery of Ballot to the Voter

- a. Issued to Voter (Application Required if Voter will Vote Outside the Municipal Clerk's Presence)
- b. By Mail to this Address \_\_\_\_\_
- c. By Immediate Family Member of Voter

Designated Here [Signature] Husker  
(Name) (Relationship to Voter)

- d. By this 3<sup>rd</sup> Person (Designated by the Voter) \_\_\_\_\_  
(Name) (Telephone #)

6. Signature of Voter OR

Immediate Family Member of Voter \_\_\_\_\_ Date \_\_\_\_\_

**Note:** If an immediate family member of the voter is completing this application, the relationship to the voter must be provided in 5(c) above. The absentee ballot can be delivered to the immediate family member in person or mailed to the address provided in 5(b).

7. Signature of Immediate Family Member Returning the Ballot \_\_\_\_\_

Relationship to Voter \_\_\_\_\_

Complete Section #7 Only if Ballot was Delivered to the Voter or a Different Immediate Family Member of the Voter)

**AIDE CERTIFICATE (Must be Completed if Applicant was Assisted as Designated Below)**

If the voter received assistance in reading and/or signing this application, the person who assisted the voter must complete and sign this certificate.

I helped this voter:  read the application  sign the application  read and sign the application

Signature of Aide \_\_\_\_\_ Printed Name of Aide \_\_\_\_\_

**Application for Absentee Ballot**  
**March 24, 2026, Municipal Referendum Election**  
**TOWN OF CLIFTON**

<b>Application Received</b> (Date/Time) 3-24-26 @ 4:15pm
<b>Ballot Sent/Delivered</b> (Date/Time) 3-18-26 4:29pm

An absentee ballot request must be received by the Municipal Clerk by the close of business on March 20, 2026, unless special circumstances exist.

**Voted absentee ballots must be received by the Municipal Clerk by 8 p.m. on March 24, 2026.**

1. Full Name of Registered Voter Requesting the Ballot Melissa Folster
2. Residence Address of Voter [REDACTED] Clifton  
(Street Address) (Municipality)
3. Voter's Date of Birth [REDACTED]
4. Contact Information - Please complete. Clerk will use only to notify the voter if there is a problem with the application or ballot.
- Daytime Phone Number [REDACTED]
- Email Address \_\_\_\_\_

5. Method of Delivery of Ballot to the Voter

- a. Issued to Voter (Application Required if Voter will Vote Outside the Municipal Clerk's Presence)
- b. By Mail to this Address \_\_\_\_\_
- c. By Immediate Family Member of Voter
- Designated Here [Signature] Father  
(Name) (Relationship to Voter)
- d. By this 3<sup>rd</sup> Person (Designated by the Voter) \_\_\_\_\_  
(Name) (Telephone #)

6. Signature of Voter OR  
Immediate Family Member of Voter \_\_\_\_\_ Date \_\_\_\_\_

**Note:** If an immediate family member of the voter is completing this application, the relationship to the voter must be provided in 5(c) above. The absentee ballot can be delivered to the immediate family member in person or mailed to the address provided in 5(b).

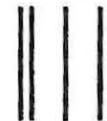
7. Signature of Immediate Family Member Returning the Ballot \_\_\_\_\_  
Relationship to Voter \_\_\_\_\_  
Complete Section #7 Only if Ballot was Delivered to the Voter or a Different Immediate Family Member of the Voter)

**AIDE CERTIFICATE (Must be Completed if Applicant was Assisted as Designated Below)**

If the voter received assistance in reading and/or signing this application, the person who assisted the voter must complete and sign this certificate.

I helped this voter:  read the application  sign the application  read and sign the application

Signature of Aide \_\_\_\_\_ Printed Name of Aide \_\_\_\_\_



**FIRST CLASS**  
**POSTAGE**  
**REQUIRED**

**OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL**

**MAIL TO:**

Town of Clifton  
135 Airline Road  
Clifton, ME 04428

Voter Signature *Path Folster*  
 Name of Voter Path Folster  
 Voting Residence Clifton 1-1  
Voter must sign (or Aide must sign, if voter is unable)  
Must be completed by Clerk  
Must be completed by Clerk Ward/Precinct

*H* *1-1*

**All absentee ballots must be received by the clerk by 8 p.m. on Election Day**

**Aide Certificate:** (Must be completed if an Aide assisted this voter by reading and/or marking this ballot.)  
 I helped this voter read and/or mark this ballot as the election law requires.

\_\_\_\_\_  
Signature of Aide Printed Name of Aide

**Witness to Aide:** (Must be signed by a Witness if an Aide assisted the voter.)  
 I witnessed that the Aide who signed above assisted the voter.

\_\_\_\_\_  
Signature of Witness Printed Name of Witness

**Other Witness Certificate:** If either situation below exists, a Witness must check the applicable box and sign below:  
 The ballot was delivered and/or returned by someone other than the voter or an immediate family member of the voter.  
 The ballot was voted in the presence of the Municipal Clerk.

\_\_\_\_\_  
Signature Printed Name Title, if any

\_\_\_\_\_  
Signature Printed Name Title, if any

**Municipal Clerk Notes:** Clerk's Initials: *HF*

I believe this ballot is "OK" to cast. OR

**I have noted the following discrepancies:**

Envelope not signed by voter  
 Signatures on application and envelope don't match  
 Aide or Witness Certificate not properly completed  
 Duplicate Envelope  
 Other (specify) \_\_\_\_\_

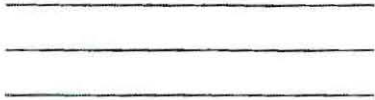
**Curing Notes:**

\_\_\_\_\_  
 \_\_\_\_\_

**Ballot Received - Date and Time**

*March 24 2026 4:15 PM*

Vote



**FIRST CLASS  
POSTAGE  
REQUIRED**

**OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL**

**MAIL TO:**

Town of Clifton  
135 Airline Road  
Clifton, ME04428

CIV-1 2/22



Signature Melissa Falsky  
 Voter must sign (or Aide must sign, if voter is unable)  
 Name of Voter Melissa Falsky  
 Must be completed by Clerk  
 Voting Residence Clifton 1-1  
 Must be completed by Clerk Ward/Precinct

(3) A

**All absentee ballots must be received by the clerk by 8 p.m. on Election Day**

<p><b>Aide Certificate:</b> (Must be completed if an Aide assisted this voter by reading and/or marking this ballot.)          I helped this voter read and/or mark this ballot as the election law requires.</p> <p>_____          Signature of Aide Printed Name of Aide</p> <p><b>Witness to Aide:</b> (Must be signed by a Witness if an Aide assisted the voter.)          I witnessed that the Aide who signed above assisted the voter.</p> <p>_____          Signature of Witness Printed Name of Witness</p>			<p><b>Municipal Clerk Notes:</b> Clerk's Initials: <u>SFD</u></p> <p><input checked="" type="checkbox"/> I believe this ballot is "OK" to cast. OR</p> <p><b>I have noted the following discrepancies:</b></p> <p><input type="checkbox"/> Envelope not signed by voter</p> <p><input type="checkbox"/> Signatures on application and envelope don't match</p> <p><input type="checkbox"/> Aide or Witness Certificate not properly completed</p> <p><input type="checkbox"/> Duplicate Envelope</p> <p><input type="checkbox"/> Other (specify) _____</p> <p><b>Curing Notes:</b></p>
<p><b>Other Witness Certificate:</b> If either situation below exists, a Witness must check the applicable box and sign below:</p> <p><input type="checkbox"/> The ballot was delivered and/or returned by someone other than the voter or an immediate family member of the voter.</p> <p><input type="checkbox"/> The ballot was voted in the presence of the Municipal Clerk.</p> <p>_____          Signature Printed Name Title, if any</p> <p>_____          Signature Printed Name Title, if any</p>			<p><b>Ballot Received – Date and Time</b></p> <p>March 27 2020 4:15 PM</p>

EXHIBIT

D

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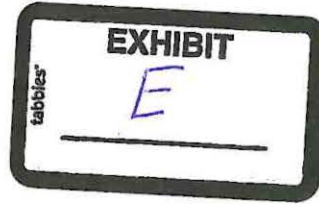
Absntee Register		24-Mar-26						
NAME	DATE REQUESTED	DATE SENT	IN PERSON	MAILED	PHONE	EMAIL	VOTED IN PERSON	DATE & TIME RECEIVED BACK
1	Christopher Fickett SR	2-25-26	2-25-26	✓				3-12-26 10:29am ✓
2	Tina Fickett	2-25-26	2-25-26	✓				3-12-26 10:29am ✓
3	Christopher Fickett II	2-25-26	2-25-26	✓				3-12-26 10:29am ✓
4	Josh Greer	2-26-26	2-26-26		✓			3-5-26 10:05am ✓
5	Erika Greer	2-26-26	2-26-26		✓			3-5-26 10:04am ✓
6	Travis Getchell	2-27-26	2-27-26		✓			3-5-26 10:06am ✓
7	Wayne Getchell	2-27-26	2-27-26		✓			3-5-26 10:05am ✓
8	Rene Getchell	2-27-26	2-27-26		✓			3-5-26 10:03am ✓
9	Alisa Getchell	2-27-26	2-27-26		✓			3-5-26 10:04am ✓
10	Ginny McDonald	2-27-26	2-27-26		✓			3-6-26 10:09am ✓
11	Date McDonald	2-27-26	2-27-26		✓			
12	Donna Lancaster	3-3-26	3-3-26	✓				3-26-26 10:24am ✓
13	James Carr	3-3-26	3-3-26	✓				3-6-26 10:24am ✓
14	Carol Jordan	3-3-26	3-3-26		✓			3-17-26 10:11am ✓
15	Duncan Jordan	3-3-26	3-3-26		✓			3-17-26 10:11am ✓
16	Eileen Williams	3-5-26	3-5-26	✓				3-5-26 10:24am ✓
17	Linda - chunglo Pelletier	3-5-26	3-5-26	✓				3-11-26 @ 5:13pm ✓
18	Richard Durgan	3-5-26	3-5-26	✓				3-24-26 1:50pm ✓
19	Jennifer Durgan	3-5-26	3-5-26	✓				3-24-26 1:50pm ✓
20	Joel M. Pelletier	3-10-26	3-10-26	✓			✓	3-10-26 @ 12:55pm ✓
21	Gene Kelso	3-10-26	3-10-26	✓				3-18-26 11:24am ✓

# Absntee Register

24-Mar-26

	NAME	DATE REQUESTED	DATE SENT	IN PERSON	MAILED	PHONE	EMAIL	VOTED IN PERSON	DATE & TIME RECEIVED BACK
22	Paula Kelso	3-10-26	3-10-26	✓					3-18-26 1:24 pm ✓
23	Jeff Joaquin	3-10-26	3-10-26		✓				3-18-26 9:45 am ✓
24	Herdi Joaquin	3-10-26	3-10-26		✓				3-18-26 9:45 am ✓
25	Dorothea Moody	3-17-26	3-17-26	✓					3-19-26 12:19 pm ✓
26	Dana Moody	3-17-26	3-17-26	✓					3-19-26 12:19 pm ✓
27	John Mincey	3-18-26	3-18-26	✓					
28	Kristen Mincey	3-18-26	3-18-26						
29	Andrew Stearns	3-18-26	3-18-26	✓				✓	3-18-26 10:00 am ✓
30	Angelina Stearns	3-18-26	3-18-26	✓					3-18-26 11:43 am ✓
31	Patti Folster	3-18-26	3-18-26	✓					3-24-26 4:15 pm ✓
32	Melissa Folster	3-18-26	3-18-26	✓					3-24-26 4:15 pm ✓
33	Bonney Freeman	3-19-26	3-19-26	✓					3-20-26 11:34 am ✓
34	Gerald Freeman	3-19-26	3-19-26	✓					3-24-26 11:14 am ✓
35	Randy Furrow	3-18-26	3-18-26	✓					3-24-26 @ 8:30 am ✓
36	<del>Lexi</del> Furrow	3-18-26	3-18-26	✓					3-24-26 @ 8:30 am ✓
37	Lucy Furrow	3-18-26	3-18-26	✓					3-24-26 @ 4:24 pm ✓
38	Susanne Stitham	3-20-26	3-20-26	✓				✓	3-24-26 9:10 am ✓
39	Denise Duback	3-19-26	3-19-26	✓					3-20-26 10:45 am ✓
40									
41									
42									

Need Form back



**Voter Challenge Affidavit**

Challenger's Name: Jeffery F. Niles, Jr.

Challenger's Address: [REDACTED] Clifton, ME 04428

Challenger's Party Affiliation: Unaffiliated / not enrolled

Name of Challenged Voter: Patti Folster and Melissa Folster

Reason(s) for Challenge and Source of Information or Knowledge Upon Which Challenge Based:

See attached additional affidavit

I hereby swear that I am a registered voter of the Town of Clifton  
and that the information presented above is true and correct to the best of my knowledge.  
I understand that any false statement made in this Challenge affidavit is punishable under penalties  
of perjury.

[Signature]  
Warden

[Signature]  
Challenger's Signature

[Signature]  
Moderator's Signature

JAN LOGAN  
Moderator's Printed Name

Sworn to and subscribed before me this May 6, 2026

[Signature]

Name of Notary Public: bdy Dyer  
Notary Public, State of Maine  
My Commission Expires: Aug. 6, 2030

## Affidavit of Challenge

I, Jeffery F. Niles, Jr., being duly sworn, do hereby affirm the following:

My address is [REDACTED] Clifton, ME 04428.

I have no party affiliation and am not enrolled in a political party.

I am a registered voter in the Town of Clifton.

I am challenging the following voters:

Patti Folster and Melissa Folster

I am challenging this voter under the provisions of:

1. 21-A M.R.S. § 673(1)(A)(5), alleging that they "Did not properly apply for an absentee ballot"
- ~~2. 21-A M.R.S. § 673(1)(A)(6), alleging that they "Did not properly complete the affidavit on the absentee return envelope"~~
- ~~3. 21-A M.R.S. § 673(1)(A)(11), alleging that they "Committed any other specified violation of this Title"~~

This challenge is based primarily upon the following information:

I personally reviewed the relevant absentee ballot application and absentee ballot return envelope on 6 May 2026, and observed that the <sup>name</sup> signatures on [REDACTED] the absentee ballot application ~~and absentee ballot return envelope~~ appeared to be that of Gerald Folster, a candidate for a 3-year term on the Select Board in this election.

Additional secondary information that may be relevant:

On 24 March 2026 at approximately 4:15pm, I was at the town office in line to vote and personally observed Gerald Folster (a person known to me through my research into the candidates for office on the ballot) present two absentee ballot return envelopes to the election clerk. He stated that he was there to vote and the election clerk appeared confused as he had just handed her two absentee ballot envelopes. After a brief discussion that cleared the confusion over who the absentee ballots belonged to, I personally observed the envelopes be placed on/in a binder of some kind. I believe this is the binder that the envelopes were discovered in the next day. I found it odd that a candidate for election had turned in absentee ballots, but let it be and moved on with my day.

On 27 March 2026, the Town resumed counting ballots to include those two absentee ballots. Prior to the warden announcing the name of these absentee voters aloud, as

required by 21-A M.R.S. § 759(2), Greg Newell challenged both voters. Subsequent to Mr. Newell's challenge, another member of the public additionally attempted to challenge the voters. Steven Wagner, present in his capacity as the Town's Attorney, rejected that member of the public and stated "No, I just need one challenger".

Subsequently, the absentee applications, ballots, Mr. Newell's affidavit, and related materials were sent to the Maine Supreme Judicial Court who dismissed the submission on what I understand to be procedural/evidentiary grounds, based on Mr. Newell's lack of supporting information. The materials were returned back to the Town who resumed counting again on 6 May 2026, which represented my first opportunity to challenge the voters.

I challenge the voter under 21-A M.R.S. § 673(1)(A)(5) based on the fact that 21-A M.R.S. § 753-B(2)(E) expressly prohibits issuing a ballot to any candidate except for their own. As Mr. Folster applied for this ballot on behalf of an immediate family member when he was statutorily prohibited from being issued it, the application itself was improper from the outset.

~~I challenge the voter under 21-A M.R.S. § 673(1)(A)(6) based on the fact that the voter themselves did not sign the affidavit. 21-A M.R.S. § 754-A(1)(C) explicitly states that "the voter shall then seal the ballot in its return envelope and complete the affidavit on the envelope." As Mr. Folster signed the affidavit on the envelope, the voter did not fulfill their duties under Section 754-A(1)(C) and therefore "did not properly complete the affidavit on the absentee return envelope."~~

~~I challenge the voter under 21-A M.R.S. § 673(1)(A)(11) based on the violation of 21-A M.R.S. § 754-A(1)(C) mentioned above.~~

*Additionally, the applications for absentee ballots are unsigned, a violation of 21-A M.R.S. 753-A (3)(A)(3).*

Per 21-A M.R.S. § 673(1)(C), "A challenge must be made against an absentee ballot after the name of the absentee voter is announced by the warden or clerk in accordance with section 759 and before the ballot is placed into the ballot box or voting machine."

As, to my knowledge, the warden has never announced the name of these absentee voters aloud, as required by 21-A M.R.S. § 759(2) and the ballots have not yet been placed into the ballot box, I believe my challenge is valid.

Additionally, I cannot find a statute or case law that prohibits challenges from multiple individuals against a single voter, and I believe the Town Attorney's dismissal of additional challengers in the past to be improper.

Under 21-A M.R.S. § 696(1), "The validity of a challenged ballot need not be determined unless it affects the results of an election." As this ballot affects the result of an election, the ballot and related materials must be submitted to the Maine Supreme Judicial Court and "its validity must be determined". As the Court previously declined to invalidate the ballots rather than affirmatively determine their validity, I respectfully request that their validity be determined, in light of the additional information provided.

The above statements are true to the best of my knowledge and I understand that making a false statement on this affidavit is punishable under penalties of perjury.

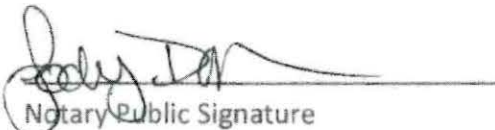
Jeffery F. Niles, Jr.



State of Maine

County of Penobscot

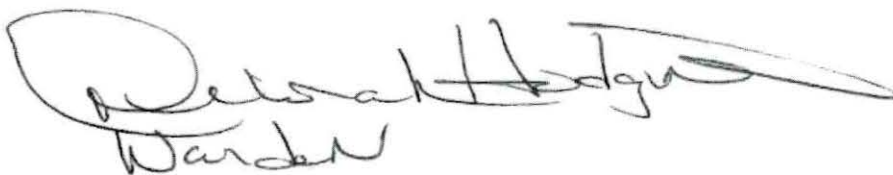
Subscribed and sworn, under oath administered by the warden, before me on this 6<sup>th</sup> day of May, 2026, by the above signed Jeffery F. Niles, Jr., satisfactorily identified by a Maine Driver's License.



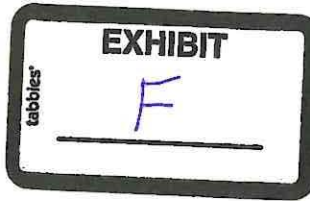
Notary Public Signature

Jody Dyer  
Printed Name of Notary Public

My commission expires: Aug. 6, 2038



Warden



**Challenge Certificate**

CHALLENGED 3-4

CHALLENGE NUMBER

Name of Voter Challenged: PATRICIA FOLSTER-MELISSA FOLSTER

Reason(s) for Challenge:

See Attached additional etc, court

[Signature]  
Challenger's Signature

[Signature]  
Moderator's Signature

JAN LOGAN  
Moderator's Printed Name

Sworn to and subscribed before me this May 6, 2026

[Signature]  
Name of Notary Public: Jody Dyer  
Notary Public, State of Maine  
My Commission Expires: Aug 6, 2032