

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 ^{name} signatures on ~~the~~ 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."

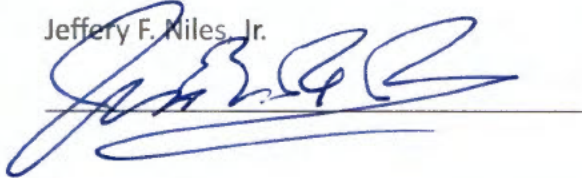
As, to my knowledge, the warden has never announced the name of these absentee voters aloud, as required by 21-A M.R.S. § 759(2) and the ballots have not yet been placed into the ballot box, I believe my challenge is valid.

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.

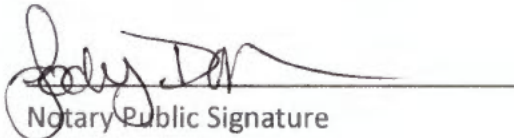
The above statements are true to the best of my knowledge and I understand that making a false statement on this affidavit is punishable under penalties of perjury.

Jeffery F. Niles, Jr.



State of Maine
County of Penobscot

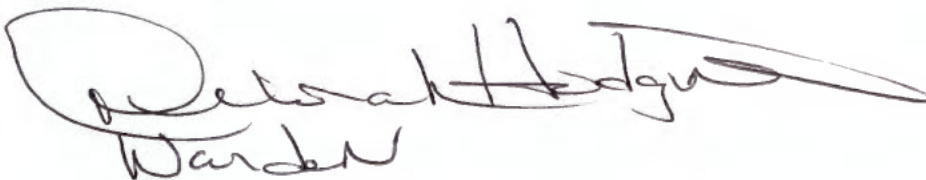
Subscribed and sworn, under oath administered by the warden, before me on this 6th day of May, 2026, by the above signed Jeffery F. Niles, Jr., satisfactorily identified by a Maine Driver's License.



Notary Public Signature

Jody Dyer
Printed Name of Notary Public

My commission expires: Aug. 6, 2038



Warden