

STATE OF MAINE

SUPREME JUDICIAL COURT
Docket No. SJC-26-7

In re Ballot Challenge in Election of
Town of Clifton Select Board
Member

PROCEDURAL ORDER

On May 8, 2026, the Town of Clifton submitted to the Supreme Judicial Court a “Petition Forwarding Envelope Containing Challenge Certificate and Signed Affidavit Pursuant to 21-A M.R.S. § 696(1)” and original documents relating to the election held on March 24, 2026, for a one-year position on the town’s Select Board. The challenge is to the absentee ballots of two voters.

This is the second challenge filed regarding the same two absentee ballots for the same election; the Court dismissed the first challenge because the challenger’s affidavit was insufficient. *See In re Ballot Challenge in Election of Town of Clifton Select Bd. Member*, 2026 ME 42, ¶¶ 5-8, ___ A.3d ___.

According to the Town’s petition, Jeffrey F. Niles Jr., who did not make the first challenge, challenges the votes on the grounds that (1) the absentee ballots were issued to a candidate in violation of 21-A M.R.S. § 753-B(2)(E) (2026), and (2) the applications for the absentee ballots are unsigned in violation of 21-A M.R.S. § 753-A(3)(A)(3) (2026).

I held a pretrial conference in this matter on May 13, 2025, to determine

the course of the proceedings. The following interested persons appeared and were heard: Stephen Wagner, Esq., representing the Town of Clifton; Deborah Hodgins, Clifton Town Clerk; Jeffrey Niles, Jr., challenger; and Cynthia Grant, selectboard candidate in the disputed election. The other selectboard candidate in the disputed election, Steve Armenia, advised the court in advance that he will not be participating in these proceedings and waives any opportunity to be heard, although he will serve if declared the winner.

By agreement it is Ordered:

1. The Executive Clerk is directed to create a “high-profile page” on the Court’s website, at <https://www.courts.maine.gov/news/clifton>, and to immediately post on that page the Town’s petition, the challenge certificate and affidavits, the applications for absentee ballots submitted by the two voters at issue, and all documents filed with or issued by the Court at any point during the pendency of this matter, with the addresses, phone numbers, and birthdates of all persons redacted. The same documents will immediately be provided to the interested persons listed above.
2. On or before May 15, 2026, the participating interested persons will confer regarding the underlying facts and Attorney Wagner will prepare a written stipulation of facts, identifying any facts which may remain in dispute, and submit it to the court.
3. If there are any disputed facts, the Court will assign a single justice to hear and determine those facts on an expedited basis.
4. On or before May 29, 2026, the participating interested persons will submit any written legal memoranda and arguments in support of their respective positions as to validity of the ballots and whether they should be counted.

5. On or before June 3, 2026, each participating interested person may submit a reply memorandum and argument in reply to another's arguments. If all participating interested persons have submitted their legal memoranda before the deadline of May 29, the deadline for submitting any reply will be 5 days after the last-filed memorandum.

Upon initial review, it appears that the memoranda of law should address the following issues:

- (a) Whether the issuance of an absentee ballot to a candidate, other than the candidate's own ballot, may invalidate any votes cast using that ballot;
- (b) Whether the issuance of an absentee ballot to the candidate invalidates votes cast for offices other than those for which the candidate is running or for a different position on the same board for which the candidate is running, regardless whether it may invalidate votes cast for the same position for which the candidate is running;
- (c) Whether an application for an absentee ballot "contains" a signature as required by 21-A M.R.S. § 753-A(3)(A)(3) if the applicant signs on the line indicated for designation of the applicant as the one to whom the ballot is to be delivered, which is in item 5 of the applications at issue here, instead of on the line designated for the signature, which is in item 6 of the applications at issue here; and
- (e) Whether, if the signature does not comply with 21-A M.R.S. § 753-A(3)(A)(3), that invalidates the votes cast using that ballot.

Rules 1C, 1D, and 1E of the Maine Rules of Appellate Procedure (but no other Rules of Appellate Procedure) apply to this proceeding. All filings with the Court must be made by emailing the filing to

lawcourt-clerk@courts.maine.gov

The Executive Clerk may reject, via reply email, any documents that do not substantially comply with the rules. If the Clerk rejects a document, the filer may file a corrected document within 24 hours of the date and time that the Clerk rejects the first document.

Dated: May 13, 2026

For the Court,

/s/ Valerie Stanfill
Chief Justice