

STATE OF MAINE  
CUMBERLAND, SS

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

JANE GILBERT; MARK SAYRE; and  
KAITLIN WEBBER,

Petitioners,

v.

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

Respondent.

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

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AARON M. FREY  
Attorney General

Jonathan R. Bolton, #4590  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
Tel. (207) 626-8800  
[jonathan.bolton@maine.gov](mailto:jonathan.bolton@maine.gov)

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## Preliminary Statement

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

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

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

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

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

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

### **Background**

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

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

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

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

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

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

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

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

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

## **Argument**

### **I. Applicable legal standards.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**A. Challenge 4 fails because petitioners failed to demonstrate that “Cairo” is not the circulator’s full name.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>3</sup> *See* Massachusetts Secretary of State, “Find a notary public,” at <https://www.mass.gov/info-details/find-a-notary-public>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

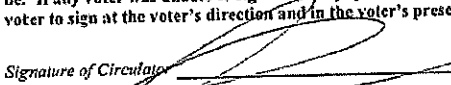
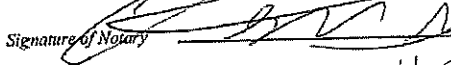
<b>2nd signature already invalidated for DUP:</b>	<b>Signatures do not appear to be duplicates:</b>
294:45/319:7	413:43/375:2
364:9/377:7	933:46/933:51
5727:20/5718:32	2120:60/2120:51
5727:21/5718:31	2185:44/2186:54
	2920:17/2937:2
	4449:17/4456:46
	6617:2/6617:4

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

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

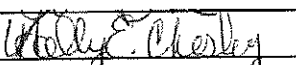
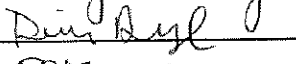
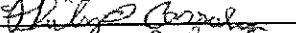
The problem with Challenge 14 is that, for the vast majority of signatures challenged, context makes clear that the signatory did in fact the petition prior to the circulator oath and merely made a typographical error in writing the date. For example, Petition 3222 (R013459), which Gilbert seeks to invalidate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

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

Circulator's Oath	
I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.	
Signature of Circulator 	Printed Name <u>Lesly Fleurimond</u>
Signature of Notary 	Printed Name <u>Shawn Rodman</u>
Subscribed to and sworn before me on this date: <u>11/5/25</u> (Date must be completed by Notary)	

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

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

	Holly E Chesley	11-4-25
	Denise Dunay	11-4-26
	Philip Casabianca	11-4-25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Conclusion

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

Dated: April 17, 2026

AARON M. FREY  
Attorney General

/s/ Jonathan R. Bolton

Jonathan R. Bolton, #4590  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
Tel. (207) 626-8800  
[jonathan.bolton@maine.gov](mailto:jonathan.bolton@maine.gov)

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

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

Total Signatures Challenged: 373  
Secretary's Position: 330 valid, 43 invalid

<u>Petition Number</u> ("petnum")	<u>Signature line</u>	<u>PDF Batch</u>	<u>PDF Page</u>	<u>Secretary of State's Position</u>
40	1	Box 1 Folder 1	12	Valid
46	1	Box 1 Folder 1	36	Valid
128	19	Box 1 Folder 3	23	Valid
150	6	Box 1 Folder 3	68	Valid
150	7	Box 1 Folder 3	68	Valid
150	8	Box 1 Folder 3	68	Valid
150	9	Box 1 Folder 3	68	Valid
181	30	Box 1 Folder 4	11	Valid
224	7	Box 1 Folder 5	44	Valid
225	9	Box 1 Folder 5	40	Valid
282	2	Box 1 Folder 6	24	Valid
286	1	Box 1 Folder 6	8	Invalid
336	18	Box 1 Folder 7	60	Valid
344	1	Box 1 Folder 7	28	Valid
344	2	Box 1 Folder 7	28	Valid
369	23	Box 1 Folder 8	44	Invalid
369	24	Box 1 Folder 8	44	Invalid
369	26	Box 1 Folder 8	43	Invalid
369	27	Box 1 Folder 8	43	Invalid
369	28	Box 1 Folder 8	43	Invalid
369	30	Box 1 Folder 8	43	Invalid
369	34	Box 1 Folder 8	43	Invalid
369	35	Box 1 Folder 8	43	Invalid
369	37	Box 1 Folder 8	43	Invalid

369	38	Box 1 Folder 8	43	Invalid
369	39	Box 1 Folder 8	43	Invalid
369	40	Box 1 Folder 8	43	Invalid
369	42	Box 1 Folder 8	43	Invalid
369	43	Box 1 Folder 8	43	Invalid
369	44	Box 1 Folder 8	43	Invalid
369	45	Box 1 Folder 8	43	Invalid
369	46	Box 1 Folder 8	43	Invalid
369	47	Box 1 Folder 8	43	Invalid
369	49	Box 1 Folder 8	43	Invalid
369	50	Box 1 Folder 8	43	Invalid
416	43	Box 2 Folder 1	139	Valid
419	31	Box 2 Folder 1	127	Valid
430	62	Box 2 Folder 1	83	Valid
570	2	Box 2 Folder 4	74	Invalid
570	3	Box 2 Folder 4	74	Invalid
634	65	Box 2 Folder 5	67	Valid
716	37	Box 2 Folder 7	35	Valid
719	5	Box 2 Folder 7	24	Valid
800	38	Box 2 Folder 8	51	Valid
803	13	Box 3 Folder 1	9	Valid
850	14	Box 3 Folder 1	195	Valid
891	21	Box 3 Folder 2	40	Valid
918	2	Box 3 Folder 3	132	Valid
929	1	Box 3 Folder 3	88	Invalid
1024	29	Box 3 Folder 5	107	Valid
1040	12	Box 3 Folder 5	44	Valid
1070	26	Box 3 Folder 6	39	Valid
1070	27	Box 3 Folder 6	39	Valid

1070	28	Box 3 Folder 6	39	Valid
1070	29	Box 3 Folder 6	39	Valid
1070	30	Box 3 Folder 6	39	Valid
1070	31	Box 3 Folder 6	39	Valid
1078	30	Box 3 Folder 6	7	Valid
1180	46	Box 3 Folder 8	83	Valid
1202	7	Box 4 Folder 1	5	Valid
1248	39	Box 4 Folder 1	188	Valid
1526	40	Box 4 Folder 7	102	Valid
1553	40	Box 4 Folder 8	10	Valid
1557	4	Box 4 Folder 8	25	Valid
1614	8	Box 5 Folder 1	53	Invalid
1615	1	Box 5 Folder 1	57	Invalid
1615	2	Box 5 Folder 1	57	Invalid
1673	20	Box 5 Folder 2	89	Valid
1673	21	Box 5 Folder 2	89	Valid
1673	22	Box 5 Folder 2	89	Valid
1709	9	Box 5 Folder 3	33	Valid
1725	3	Box 5 Folder 3	95	Invalid
1725	4	Box 5 Folder 3	95	Invalid
1725	5	Box 5 Folder 3	95	Invalid
1725	6	Box 5 Folder 3	95	Invalid
1725	7	Box 5 Folder 3	95	Invalid
1725	8	Box 5 Folder 3	95	Invalid
1737	1	Box 5 Folder 3	143	Invalid
1792	1	Box 5 Folder 4	161	Valid
1833	14	Box 5 Folder 5	129	Valid
1834	61	Box 5 Folder 5	134	Valid
1837	63	Box 5 Folder 5	146	Valid

1839	23	Box 5 Folder 5	153	Valid
2068	7	Box 6 Folder 2	67	Valid
2093	2	Box 6 Folder 2	167	Valid
2106	34	Box 6 Folder 3	22	Valid
2109	65	Box 6 Folder 3	34	Valid
2117	22	Box 6 Folder 3	65	Valid
2120	14	Box 6 Folder 3	77	Valid
2182	37	Box 6 Folder 4	126	Valid
2241	2	Box 6 Folder 5	157	Valid
2245	23	Box 6 Folder 5	171	Valid
2253	8	Box 6 Folder 6	9	Valid
2378	27	Box 6 Folder 8	110	Valid
2437	47	Box 7 Folder 1	144	Valid
2533	1	Box 7 Folder 3	131	Invalid
2533	2	Box 7 Folder 3	131	Invalid
2598	57	Box 7 Folder 4	188	Valid
2613	42	Box 7 Folder 5	50	Valid
2615	19	Box 7 Folder 5	57	Valid
2615	32	Box 7 Folder 5	58	Valid
2618	11	Box 7 Folder 5	67	Valid
2620	9	Box 7 Folder 5	75	Valid
2632	51	Box 7 Folder 5	124	Valid
2643	41	Box 7 Folder 5	168	Valid
2916	43	Box 8 Folder 3	62	Valid
2916	49	Box 8 Folder 3	62	Valid
2926	26	Box 8 Folder 3	102	Valid
2937	13	Box 8 Folder 3	145	Valid
2978	28	Box 8 Folder 4	108	Invalid
2997	1	Box 8 Folder 4	183	Invalid

3012	61	Box 8 Folder 5	46	Valid
3125	19	Box 8 Folder 7	97	Valid
3125	20	Box 8 Folder 7	97	Valid
3125	21	Box 8 Folder 7	97	Valid
3126	59	Box 8 Folder 7	102	Valid
3127	37	Box 8 Folder 7	106	Valid
3204	11	Box 9 Folder 1	13	Valid
3204	34	Box 9 Folder 1	14	Valid
3204	35	Box 9 Folder 1	14	Valid
3214	12	Box 9 Folder 1	53	Valid
3222	1	Box 9 Folder 1	87	Valid
3222	2	Box 9 Folder 1	87	Valid
3222	3	Box 9 Folder 1	87	Valid
3222	4	Box 9 Folder 1	87	Valid
3222	5	Box 9 Folder 1	87	Valid
3222	6	Box 9 Folder 1	87	Valid
3222	7	Box 9 Folder 1	87	Valid
3222	8	Box 9 Folder 1	87	Valid
3222	9	Box 9 Folder 1	87	Valid
3222	10	Box 9 Folder 1	87	Valid
3222	11	Box 9 Folder 1	87	Valid
3222	12	Box 9 Folder 1	87	Valid
3222	13	Box 9 Folder 1	87	Valid
3222	14	Box 9 Folder 1	87	Valid
3222	15	Box 9 Folder 1	87	Valid
3222	16	Box 9 Folder 1	87	Valid
3222	17	Box 9 Folder 1	87	Valid
3222	18	Box 9 Folder 1	87	Valid
3222	19	Box 9 Folder 1	87	Valid

3222	20	Box 9 Folder 1	87	Valid
3222	21	Box 9 Folder 1	87	Valid
3222	22	Box 9 Folder 1	87	Valid
3222	23	Box 9 Folder 1	87	Valid
3222	24	Box 9 Folder 1	87	Valid
3222	25	Box 9 Folder 1	87	Valid
3222	26	Box 9 Folder 1	88	Valid
3222	27	Box 9 Folder 1	88	Valid
3222	28	Box 9 Folder 1	88	Valid
3222	29	Box 9 Folder 1	88	Valid
3222	30	Box 9 Folder 1	88	Valid
3222	31	Box 9 Folder 1	88	Valid
3222	32	Box 9 Folder 1	88	Valid
3222	33	Box 9 Folder 1	88	Valid
3222	34	Box 9 Folder 1	88	Valid
3222	35	Box 9 Folder 1	88	Valid
3222	36	Box 9 Folder 1	88	Valid
3222	37	Box 9 Folder 1	88	Valid
3222	38	Box 9 Folder 1	88	Valid
3222	39	Box 9 Folder 1	88	Valid
3222	40	Box 9 Folder 1	88	Valid
3222	42	Box 9 Folder 1	88	Valid
3222	43	Box 9 Folder 1	88	Valid
3222	44	Box 9 Folder 1	88	Valid
3222	45	Box 9 Folder 1	88	Valid
3222	46	Box 9 Folder 1	88	Valid
3222	47	Box 9 Folder 1	88	Valid
3222	48	Box 9 Folder 1	88	Valid
3222	49	Box 9 Folder 1	88	Valid

3222	50	Box 9 Folder 1	88	Valid
3222	51	Box 9 Folder 1	88	Valid
3222	52	Box 9 Folder 1	88	Valid
3222	53	Box 9 Folder 1	88	Valid
3222	54	Box 9 Folder 1	88	Valid
3222	55	Box 9 Folder 1	88	Valid
3222	56	Box 9 Folder 1	88	Valid
3222	57	Box 9 Folder 1	88	Valid
3222	58	Box 9 Folder 1	88	Valid
3222	60	Box 9 Folder 1	88	Valid
3222	61	Box 9 Folder 1	88	Valid
3222	62	Box 9 Folder 1	88	Valid
3222	63	Box 9 Folder 1	88	Valid
3222	64	Box 9 Folder 1	88	Valid
3222	65	Box 9 Folder 1	88	Valid
3373	2	Box 9 Folder 4	89	Invalid
3386	22	Box 9 Folder 4	144	Valid
3386	23	Box 9 Folder 4	144	Valid
3389	8	Box 9 Folder 4	156	Valid
3567	19	Box 9 Folder 8	65	Valid
3668	48	Box 10 Folder 2	87	Valid
3720	17	Box 10 Folder 3	48	Valid
3768	31	Box 10 Folder 4	7	Valid
3848	27	Box 10 Folder 5	11	Valid
3849	24	Box 10 Folder 5	8	Valid
3854	42	Box 10 Folder 6	187	Valid
3856	60	Box 10 Folder 6	179	Valid
3922	11	Box 10 Folder 7	116	Valid
3926	24	Box 10 Folder 7	100	Valid

3931	1	Box 10 Folder 7	80	Valid
3932	39	Box 10 Folder 7	75	Valid
3932	40	Box 10 Folder 7	75	Valid
3932	57	Box 10 Folder 7	75	Valid
3945	2	Box 10 Folder 7	24	Valid
4099	36	Box 11 Folder 2	7	Valid
4099	59	Box 11 Folder 2	7	Valid
4151	28	Box 11 Folder 4	199	Valid
4155	12	Box 11 Folder 4	184	Valid
4347	4	Box 11 Folder 7	16	Valid
4448	59	Box 12 Folder 1	11	Valid
4448	60	Box 12 Folder 1	11	Valid
4576	25	Box 12 Folder 4	100	Valid
4662	39	Box 12 Folder 6	67	Valid
4668	7	Box 12 Folder 6	44	Valid
4668	8	Box 12 Folder 6	44	Valid
4738	2	Box 12 Folder 7	52	Valid
4754	21	Box 12 Folder 8	140	Valid
4848	26	Box 13 Folder 1	190	Valid
4849	18	Box 13 Folder 1	197	Valid
4851	29	Box 13 Folder 2	2	Valid
4857	59	Box 13 Folder 2	26	Valid
4861	46	Box 13 Folder 2	42	Valid
5027	3	Box 13 Folder 5	105	Valid
5072	62	Box 13 Folder 6	86	Valid
5072	63	Box 13 Folder 6	86	Valid
5072	64	Box 13 Folder 6	86	Valid
5241	2	Box 14 Folder 1	161	Valid
5247	20	Box 14 Folder 1	185	Valid

5352	1	Box 14 Folder 4	5	Invalid
5426	35	Box 14 Folder 5	102	Valid
5430	35	Box 14 Folder 5	118	Valid
5430	36	Box 14 Folder 5	118	Valid
533	47	Box 14 Folder 7	128	Valid
5543	2	Box 14 Folder 7	165	Valid
5649	12	Box 15 Folder 1	185	Valid
5649	13	Box 15 Folder 1	185	Valid
5681	1	Box 15 Folder 2	121	Valid
5681	2	Box 15 Folder 2	121	Valid
5681	3	Box 15 Folder 2	121	Valid
5681	4	Box 15 Folder 2	121	Valid
5681	5	Box 15 Folder 2	121	Valid
5681	6	Box 15 Folder 2	121	Valid
5681	7	Box 15 Folder 2	121	Valid
5681	9	Box 15 Folder 2	121	Valid
5681	10	Box 15 Folder 2	121	Valid
5681	11	Box 15 Folder 2	121	Valid
5681	12	Box 15 Folder 2	121	Valid
5681	13	Box 15 Folder 2	121	Valid
5681	14	Box 15 Folder 2	121	Valid
5681	15	Box 15 Folder 2	121	Valid
5681	16	Box 15 Folder 2	121	Valid
5681	17	Box 15 Folder 2	121	Valid
5681	18	Box 15 Folder 2	121	Valid
5681	19	Box 15 Folder 2	121	Valid
5681	20	Box 15 Folder 2	121	Valid
5681	21	Box 15 Folder 2	121	Valid
5681	22	Box 15 Folder 2	121	Valid

5681	23	Box 15 Folder 2	121	Valid
5681	24	Box 15 Folder 2	121	Valid
5681	25	Box 15 Folder 2	121	Valid
5681	26	Box 15 Folder 2	122	Valid
5681	27	Box 15 Folder 2	122	Valid
5681	28	Box 15 Folder 2	122	Valid
5681	29	Box 15 Folder 2	122	Valid
5681	30	Box 15 Folder 2	122	Valid
5681	31	Box 15 Folder 2	122	Valid
5681	32	Box 15 Folder 2	122	Valid
5681	33	Box 15 Folder 2	122	Valid
5681	34	Box 15 Folder 2	122	Valid
5681	35	Box 15 Folder 2	122	Valid
5681	36	Box 15 Folder 2	122	Valid
5681	37	Box 15 Folder 2	122	Valid
5681	38	Box 15 Folder 2	122	Valid
5681	39	Box 15 Folder 2	122	Valid
5681	40	Box 15 Folder 2	122	Valid
5681	41	Box 15 Folder 2	122	Valid
5681	42	Box 15 Folder 2	122	Valid
5681	43	Box 15 Folder 2	122	Valid
5681	44	Box 15 Folder 2	122	Valid
5681	45	Box 15 Folder 2	122	Valid
5681	46	Box 15 Folder 2	122	Valid
5681	47	Box 15 Folder 2	122	Valid
5681	48	Box 15 Folder 2	122	Valid
5681	49	Box 15 Folder 2	122	Valid
5681	50	Box 15 Folder 2	122	Valid
5681	51	Box 15 Folder 2	122	Valid

<b>5681</b>	52	Box 15 Folder 2	122	Valid
<b>5681</b>	53	Box 15 Folder 2	122	Valid
<b>5681</b>	54	Box 15 Folder 2	122	Valid
<b>5681</b>	55	Box 15 Folder 2	122	Valid
<b>5681</b>	56	Box 15 Folder 2	122	Valid
<b>5681</b>	57	Box 15 Folder 2	122	Valid
<b>5681</b>	58	Box 15 Folder 2	122	Valid
<b>5681</b>	59	Box 15 Folder 2	122	Valid
<b>5681</b>	60	Box 15 Folder 2	122	Valid
<b>5681</b>	61	Box 15 Folder 2	122	Valid
<b>5681</b>	62	Box 15 Folder 2	122	Valid
<b>5681</b>	63	Box 15 Folder 2	122	Valid
<b>5681</b>	64	Box 15 Folder 2	122	Valid
<b>5681</b>	65	Box 15 Folder 2	122	Valid
<b>5745</b>	1	Box 15 Folder 3	177	Invalid
<b>5752</b>	8	Box 15 Folder 4	5	Valid
<b>5752</b>	9	Box 15 Folder 4	5	Valid
<b>5782</b>	1	Box 15 Folder 4	117	Valid
<b>5789</b>	1	Box 15 Folder 4	145	Valid
<b>5897</b>	64	Box 15 Folder 6	186	Valid
<b>5927</b>	19	Box 15 Folder 7	105	Valid
<b>5937</b>	40	Box 15 Folder 7	146	Valid
<b>5943</b>	19	Box 15 Folder 7	169	Valid
<b>5990</b>	38	Box 15 Folder 8	119	Valid
<b>5993</b>	23	Box 15 Folder 8	108	Valid
<b>5995</b>	37	Box 15 Folder 8	99	Valid
<b>6066</b>	26	Box 16 Folder 2	62	Valid
<b>6147</b>	27	Box 16 Folder 3	14	Valid
<b>6147</b>	28	Box 16 Folder 3	14	Valid

6147	29	Box 16 Folder 3	14	Valid
6147	35	Box 16 Folder 3	14	Valid
6150	47	Box 16 Folder 3	2	Valid
6151	26	Box 16 Folder 4	2	Valid
6151	27	Box 16 Folder 4	2	Valid
6151	28	Box 16 Folder 4	2	Valid
6157	62	Box 16 Folder 4	26	Valid
6159	15	Box 16 Folder 4	33	Valid
6159	16	Box 16 Folder 4	33	Valid
6159	17	Box 16 Folder 4	33	Valid
6186	3	Box 16 Folder 4	141	Valid
6209	2	Box 16 Folder 5	29	Valid
6209	16	Box 16 Folder 5	29	Valid
6209	19	Box 16 Folder 5	29	Valid
6262	9	Box 16 Folder 6	45	Valid
6265	16	Box 16 Folder 6	57	Valid
6380	5	Box 16 Folder 8	115	Valid
6402	3	Box 17 Folder 1	5	Valid
6451	7	Box 17 Folder 2	1	Valid
6465	6	Box 17 Folder 2	55	Invalid
6482	19	Box 17 Folder 2	121	Valid
6614	6	Box 17 Folder 5	53	Valid
6615	27	Box 17 Folder 5	58	Valid
6708	1	Box 17 Folder 7	29	Valid
6747	3	Box 17 Folder 7	183	Valid
6754	35	Box 17 Folder 8	14	Valid
6811	15	Box 18 Folder 1	41	Valid
6861	25	Box 18 Folder 2	41	Valid
6864	52	Box 18 Folder 2	54	Valid

6865	1	Box 18 Folder 2	57	Valid
6865	2	Box 18 Folder 2	57	Valid
6959	52	Box 18 Folder 4	34	Valid
6960	8	Box 18 Folder 4	37	Valid
6960	9	Box 18 Folder 4	37	Valid
7066	48	Box 18 Folder 6	62	Valid
7066	49	Box 18 Folder 6	62	Valid
7068	17	Box 18 Folder 6	69	Valid
7069	1	Box 18 Folder 6	73	Invalid
7234	17	Box 19 Folder 1	133	Valid
7234	55	Box 19 Folder 1	134	Valid
7467	32	Box 19 Folder 6	66	Valid
7553	4	Box 19 Folder 8	9	Valid
7652	56	Box 20 Folder 2	6	Valid
7652	57	Box 20 Folder 2	6	Valid
7652	58	Box 20 Folder 2	6	Valid
7685	24	Box 20 Folder 2	137	Valid
7810	55	Box 20 Folder 5	37	Valid
7810	56	Box 20 Folder 5	37	Valid
7838	30	Box 20 Folder 5	146	Valid
7838	47	Box 20 Folder 5	146	Valid
7839	11	Box 20 Folder 5	149	Valid
7841	5	Box 20 Folder 5	157	Valid
7841	6	Box 20 Folder 5	157	Valid
7841	7	Box 20 Folder 5	157	Valid
7866	4	Box 20 Folder 6	61	Valid
7869	1	Box 20 Folder 6	71	Valid
7869	2	Box 20 Folder 6	71	Valid
7905	40	Box 20 Folder 7	18	Valid

7998	33	Box 20 Folder 8	194	Valid
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**Challenge Table 15:  
Signature Date Missing**

Signatures Challenged: 47  
Secretary's Position: 44 valid, 3 invalid

<u>Petition Number</u> (“petnum”)	<u>Signature</u> <u>line</u>	<u>PDF Batch</u>	<u>PDF Page</u>	<u>Secretary of State’s</u> <u>Position</u>
305	58	Box 1 Folder 7	111	Valid
423	11	Box 2 Folder 1	112	Valid
432	57	Box 2 Folder 1	75	Valid
479	3	Box 2 Folder 2	8	Valid
545	15	Box 2 Folder 3	24	Valid
635	56	Box 2 Folder 5	63	Valid
717	39	Box 2 Folder 7	31	Valid
723	58	Box 2 Folder 7	7	Valid
1180	9	Box 3 Folder 8	84	Valid
1400	12	Box 4 Folder 4	193	Valid
1555	5	Box 4 Folder 8	17	Valid
1716	5	Box 5 Folder 3	59	Valid
2247	2	Box 6 Folder 5	179	Valid
2277	1	Box 6 Folder 6	105	Valid
2381	2	Box 6 Folder 8	121	Valid
2617	63	Box 7 Folder 5	64	Valid
2618	7	Box 7 Folder 5	67	Valid
3063	2	Box 8 Folder 6	49	Invalid
3265	2	Box 9 Folder 2	57	Valid
3409	1	Box 9 Folder 5	30	Invalid
3576	1	Box 9 Folder 8	101	Valid
3579	13	Box 9 Folder 8	113	Valid
3794	4	Box 10 Folder 4	28	Valid

4232	4	Box 11 Folder 5	76	Valid
4344	1	Box 11 Folder 7	28	Valid
4344	8	Box 11 Folder 7	28	Valid
4448	31	Box 12 Folder 1	11	Valid
4456	25	Box 12 Folder 2	28	Valid
4529	59	Box 12 Folder 3	87	Valid
4789	27	Box 12 Folder 8	47	Valid
4858	38	Box 13 Folder 2	50	Valid
4901	1	Box 13 Folder 3	1	Valid
4947	2	Box 13 Folder 3	185	Valid
5549	10	Box 14 Folder 7	187	Valid
5959	1	Box 15 Folder 8	33	Valid
5959	2	Box 15 Folder 8	33	Valid
6473	26	Box 17 Folder 2	86	Invalid
6612	11	Box 17 Folder 5	45	Valid
6625	35	Box 17 Folder 5	98	Valid
6627	15	Box 17 Folder 5	105	Valid
7380	11	Box 19 Folder 4	117	Valid
7470	16	Box 19 Folder 6	77	Valid
7667	21	Box 20 Folder 2	65	Valid
7668	59	Box 20 Folder 2	70	Valid
7670	10	Box 20 Folder 2	77	Valid
7774	4	Box 20 Folder 4	93	Valid
7910	57	Box 20 Folder 7	38	Valid

**Challenge Table 16:  
Signature Allegedly Predates Permissible Period**

Total Signatures Challenged: 307  
Secretary's Position: 227 valid, 80 invalid

<u>Petition Number</u> (“petnum”)	<u>Signature line</u>	<u>PDF File Name (Box # and Folder #)</u>	<u>PDF Page</u>	<u>Secretary of State's Position</u>
278	9	Box 1 Folder 6	40	Valid
333	35	Box 1 Folder 7	71	Valid
333	36	Box 1 Folder 7	71	Valid
333	37	Box 1 Folder 7	71	Valid
333	38	Box 1 Folder 7	71	Valid
361	13	Box 1 Folder 8	16	Valid
361	14	Box 1 Folder 8	16	Valid
371	1	Box 1 Folder 8	36	Valid
426	19	Box 2 Folder 1	100	Valid
429	20	Box 2 Folder 1	88	Valid
454	1	Box 2 Folder 2	32	Invalid
499	4	Box 2 Folder 2	8	Valid
544	64	Box 2 Folder 3	27	Valid
550	19	Box 2 Folder 3	4	Valid
558	25	Box 2 Folder 4	44	Invalid
577	1	Box 2 Folder 4	46	Invalid
584	1	Box 2 Folder 4	18	Invalid
604	1	Box 2 Folder 5	24	Invalid
604	2	Box 2 Folder 5	24	Invalid
604	3	Box 2 Folder 5	24	Invalid
630	46	Box 2 Folder 5	83	Valid
638	40	Box 2 Folder 5	51	Valid
638	41	Box 2 Folder 5	51	Valid

704	1	Box 2 Folder 7	36	Invalid
738	1	Box 2 Folder 7	16	Valid
798	26	Box 2 Folder 8	3	Valid
798	52	Box 2 Folder 8	3	Valid
803	14	Box 3 Folder 1	9	Valid
851	1	Box 3 Folder 2	200	Valid
894	23	Box 3 Folder 2	28	Valid
924	15	Box 3 Folder 3	108	Valid
924	16	Box 3 Folder 3	108	Valid
934	10	Box 3 Folder 3	68	Valid
934	11	Box 3 Folder 3	68	Valid
934	12	Box 3 Folder 3	68	Valid
938	1	Box 3 Folder 3	52	Valid
938	40	Box 3 Folder 3	51	Valid
952	1	Box 3 Folder 4	70	Invalid
962	44	Box 3 Folder 4	29	Valid
962	46	Box 3 Folder 4	29	Valid
962	47	Box 3 Folder 4	29	Valid
963	25	Box 3 Folder 4	26	Invalid
965	1	Box 3 Folder 4	18	Valid
968	1	Box 3 Folder 4	6	Invalid
1009	1	Box 3 Folder 5	168	Invalid
1042	9	Box 3 Folder 5	36	Valid
1042	10	Box 3 Folder 5	36	Valid
1068	48	Box 3 Folder 6	47	Valid
1078	13	Box 3 Folder 6	8	Valid
1079	32	Box 3 Folder 6	3	Valid
1079	33	Box 3 Folder 6	3	Valid
1123	1	Box 3 Folder 7	4	Invalid

<b>1144</b>	22	Box 3 Folder 7	28	Valid
<b>1153</b>	3	Box 3 Folder 8	72	Valid
<b>1199</b>	38	Box 3 Folder 8	7	Valid
<b>1199</b>	64	Box 3 Folder 8	7	Invalid
<b>1199</b>	65	Box 3 Folder 8	7	Invalid
<b>1240</b>	31	Box 4 Folder 1	156	Valid
<b>1240</b>	32	Box 4 Folder 1	156	Valid
<b>1246</b>	28	Box 4 Folder 1	180	Valid
<b>1277</b>	1	Box 4 Folder 2	105	Invalid
<b>1355</b>	5	Box 4 Folder 4	17	Invalid
<b>1446</b>	1	Box 4 Folder 5	179	Invalid
<b>1532</b>	46	Box 4 Folder 7	126	Valid
<b>1554</b>	61	Box 4 Folder 8	14	Valid
<b>1916</b>	1	Box 5 Folder 7	140	Invalid
<b>1920</b>	2	Box 5 Folder 7	124	Valid
<b>2000</b>	1	Box 5 Folder 8	197	Invalid
<b>2046</b>	17	Box 6 Folder 1	175	Valid
<b>2132</b>	26	Box 6 Folder 3	126	Invalid
<b>2138</b>	2	Box 6 Folder 3	149	Invalid
<b>2183</b>	54	Box 6 Folder 4	130	Valid
<b>2274</b>	2	Box 6 Folder 6	94	Valid
<b>2399</b>	9	Box 6 Folder 8	191	Valid
<b>2399</b>	10	Box 6 Folder 8	191	Valid
<b>2402</b>	1	Box 7 Folder 1	5	Invalid
<b>2438</b>	48	Box 7 Folder 1	148	Valid
<b>2593</b>	19	Box 7 Folder 4	167	Valid
<b>2593</b>	20	Box 7 Folder 4	167	Valid
<b>2596</b>	63	Box 7 Folder 4	180	Valid
<b>2608</b>	30	Box 7 Folder 5	30	Valid

<b>2631</b>	48	Box 7 Folder 5	120	Valid
<b>2631</b>	55	Box 7 Folder 5	120	Valid
<b>2643</b>	17	Box 7 Folder 5	167	Valid
<b>2643</b>	43	Box 7 Folder 5	168	Valid
<b>2736</b>	4	Box 7 Folder 7	145	Valid
<b>2741</b>	17	Box 7 Folder 7	165	Valid
<b>2765</b>	1	Box 7 Folder 8	57	Valid
<b>2809</b>	1	Box 8 Folder 1	31	Invalid
<b>2856</b>	30	Box 8 Folder 2	22	Valid
<b>2856</b>	31	Box 8 Folder 2	22	Valid
<b>2921</b>	64	Box 8 Folder 3	82	Valid
<b>2939</b>	21	Box 8 Folder 3	153	Valid
<b>2939</b>	22	Box 8 Folder 3	153	Valid
<b>2939</b>	23	Box 8 Folder 3	153	Valid
<b>2959</b>	9	Box 8 Folder 4	31	Valid
<b>2978</b>	6	Box 8 Folder 4	107	Valid
<b>3113</b>	3	Box 8 Folder 7	49	Invalid
<b>3128</b>	61	Box 8 Folder 7	110	Valid
<b>3128</b>	62	Box 8 Folder 7	110	Valid
<b>3128</b>	63	Box 8 Folder 7	110	Valid
<b>3131</b>	50	Box 8 Folder 7	122	Valid
<b>3131</b>	51	Box 8 Folder 7	122	Valid
<b>3133</b>	12	Box 8 Folder 7	129	Valid
<b>3194</b>	34	Box 8 Folder 8	174	Valid
<b>3199</b>	23	Box 8 Folder 8	193	Valid
<b>3199</b>	25	Box 8 Folder 8	193	Invalid
<b>3199</b>	29	Box 8 Folder 8	194	Valid
<b>3221</b>	48	Box 9 Folder 1	81	Valid
<b>3221</b>	49	Box 9 Folder 1	81	Valid

3279	6	Box 9 Folder 2	111	Valid
3279	7	Box 9 Folder 2	111	Valid
3331	2	Box 9 Folder 3	119	Invalid
3386	1	Box 9 Folder 4	144	Valid
3487	1	Box 9 Folder 6	145	Invalid
3580	10	Box 9 Folder 8	118	Valid
3659	35	Box 10 Folder 2	27	Valid
3661	34	Box 10 Folder 2	19	Valid
3661	35	Box 10 Folder 2	19	Valid
3663	17	Box 10 Folder 2	12	Valid
3666	11	Box 10 Folder 2	96	Valid
3675	60	Box 10 Folder 2	59	Valid
3675	61	Box 10 Folder 2	59	Valid
3683	4	Box 10 Folder 2	28	Valid
3686	28	Box 10 Folder 2	15	Valid
3687	51	Box 10 Folder 2	11	Valid
3687	53	Box 10 Folder 2	11	Valid
3766	3	Box 10 Folder 4	16	Valid
3768	40	Box 10 Folder 4	7	Valid
3770	41	Box 10 Folder 4	59	Valid
3798	16	Box 10 Folder 4	12	Valid
3823	1	Box 10 Folder 5	112	Invalid
3868	6	Box 10 Folder 6	132	Valid
3897	7	Box 10 Folder 6	16	Valid
3897	10	Box 10 Folder 6	16	Valid
3921	5	Box 10 Folder 7	120	Valid
3922	46	Box 10 Folder 7	115	Valid
3922	47	Box 10 Folder 7	115	Valid
3922	48	Box 10 Folder 7	115	Valid

3929	2	Box 10 Folder 7	88	Invalid
4076	33	Box 11 Folder 2	99	Valid
4078	36	Box 11 Folder 2	91	Valid
4133	2	Box 11 Folder 3	72	Invalid
4145	57	Box 11 Folder 3	23	Valid
4145	58	Box 11 Folder 3	23	Valid
4145	59	Box 11 Folder 3	23	Valid
4148	15	Box 11 Folder 3	12	Valid
4154	60	Box 11 Folder 4	187	Valid
4316	1	Box 11 Folder 7	140	Invalid
4331	10	Box 11 Folder 7	80	Valid
4343	1	Box 11 Folder 7	32	Valid
4349	6	Box 11 Folder 7	8	Valid
4350	36	Box 11 Folder 7	3	Valid
4450	36	Box 12 Folder 1	3	Valid
4450	37	Box 12 Folder 1	3	Valid
4450	64	Box 12 Folder 1	3	Valid
4492	6	Box 12 Folder 2	36	Valid
4493	21	Box 12 Folder 2	32	Valid
4493	22	Box 12 Folder 2	32	Valid
4527	7	Box 12 Folder 3	96	Valid
4527	20	Box 12 Folder 3	96	Valid
4529	34	Box 12 Folder 3	87	Valid
4645	1	Box 12 Folder 5	24	Invalid
4645	3	Box 12 Folder 5	24	Invalid
4662	30	Box 12 Folder 6	67	Valid
4665	26	Box 12 Folder 6	55	Valid
4665	27	Box 12 Folder 6	55	Valid
4665	33	Box 12 Folder 6	55	Valid

4667	7	Box 12 Folder 6	48	Valid
4706	1	Box 12 Folder 7	180	Invalid
4727	7	Box 12 Folder 7	96	Valid
4741	13	Box 12 Folder 7	40	Invalid
4741	14	Box 12 Folder 7	40	Invalid
4751	14	Box 12 Folder 8	152	Valid
4853	9	Box 13 Folder 2	13	Valid
4875	1	Box 13 Folder 2	97	Valid
4879	9	Box 13 Folder 2	113	Valid
4904	1	Box 13 Folder 3	13	Invalid
4952	46	Box 13 Folder 4	6	Valid
4952	47	Box 13 Folder 4	6	Valid
4965	1	Box 13 Folder 4	57	Invalid
4965	2	Box 13 Folder 4	57	Invalid
5004	30	Box 13 Folder 5	14	Valid
5024	59	Box 13 Folder 5	94	Valid
5024	60	Box 13 Folder 5	94	Valid
5038	1	Box 13 Folder 5	149	Valid
5057	1	Box 13 Folder 6	25	Invalid
5083	1	Box 13 Folder 6	129	Invalid
5090	26	Box 13 Folder 6	158	Valid
5145	1	Box 13 Folder 7	177	Valid
5148	1	Box 13 Folder 7	189	Invalid
5200	1	Box 13 Folder 8	161	Invalid
5289	1	Box 14 Folder 2	153	Valid
5353	2	Box 14 Folder 4	9	Valid
5353	3	Box 14 Folder 4	9	Valid
5409	1	Box 14 Folder 5	33	Invalid
5429	7	Box 14 Folder 5	113	Valid

5429	8	Box 14 Folder 5	113	Valid
5430	5	Box 14 Folder 5	117	Valid
5495	17	Box 14 Folder 6	175	Valid
5528	14	Box 14 Folder 7	107	Valid
5698	30	Box 15 Folder 2	190	Valid
5698	31	Box 15 Folder 2	190	Valid
5727	51	Box 15 Folder 3	106	Valid
5728	35	Box 15 Folder 3	110	Valid
5728	36	Box 15 Folder 3	110	Valid
5741	26	Box 15 Folder 3	162	Valid
5741	27	Box 15 Folder 3	162	Valid
5749	2	Box 15 Folder 3	193	Valid
5749	3	Box 15 Folder 3	193	Valid
5749	4	Box 15 Folder 3	193	Valid
5752	7	Box 15 Folder 4	5	Valid
5752	27	Box 15 Folder 4	6	Invalid
5786	1	Box 15 Folder 4	133	Invalid
5813	6	Box 15 Folder 5	50	Valid
5857	1	Box 15 Folder 6	25	Invalid
5906	1	Box 15 Folder 7	21	Valid
5940	22	Box 15 Folder 7	157	Invalid
5942	3	Box 15 Folder 7	165	Valid
5942	4	Box 15 Folder 7	165	Valid
5942	5	Box 15 Folder 7	165	Valid
5942	6	Box 15 Folder 7	165	Valid
5942	7	Box 15 Folder 7	165	Valid
5942	8	Box 15 Folder 7	165	Valid
5998	50	Box 15 Folder 8	87	Valid
6049	1	Box 16 Folder 1	5	Invalid

<b>6118</b>	2	Box 16 Folder 3	129	Invalid
<b>6147</b>	59	Box 16 Folder 3	14	Valid
<b>6147</b>	60	Box 16 Folder 3	14	Valid
<b>6151</b>	58	Box 16 Folder 4	2	Valid
<b>6151</b>	59	Box 16 Folder 4	2	Valid
<b>6159</b>	14	Box 16 Folder 4	33	Valid
<b>6166</b>	1	Box 16 Folder 4	61	Valid
<b>6220</b>	8	Box 16 Folder 5	73	Valid
<b>6238</b>	1	Box 16 Folder 5	145	Valid
<b>6245</b>	35	Box 16 Folder 5	174	Valid
<b>6262</b>	24	Box 16 Folder 6	45	Valid
<b>6297</b>	1	Box 16 Folder 6	185	Invalid
<b>6306</b>	14	Box 16 Folder 7	21	Valid
<b>6328</b>	1	Box 16 Folder 7	109	Invalid
<b>6380</b>	4	Box 16 Folder 8	115	Valid
<b>6420</b>	54	Box 17 Folder 1	80	Valid
<b>6420</b>	55	Box 17 Folder 1	80	Valid
<b>6581</b>	2	Box 17 Folder 4	122	Valid
<b>6604</b>	4	Box 17 Folder 5	13	Invalid
<b>6606</b>	1	Box 17 Folder 5	21	Invalid
<b>6615</b>	41	Box 17 Folder 5	58	Valid
<b>6650</b>	2	Box 17 Folder 5	197	Invalid
<b>6657</b>	1	Box 17 Folder 6	25	Invalid
<b>6670</b>	1	Box 17 Folder 6	77	Invalid
<b>6764</b>	26	Box 17 Folder 8	54	Valid
<b>6787</b>	28	Box 17 Folder 8	146	Valid
<b>6790</b>	46	Box 17 Folder 8	158	Valid
<b>6814</b>	1	Box 18 Folder 1	53	Invalid
<b>6827</b>	1	Box 18 Folder 1	105	Valid

<b>6831</b>	1	Box 18 Folder 1	121	Invalid
<b>6831</b>	2	Box 18 Folder 1	121	Invalid
<b>6831</b>	3	Box 18 Folder 1	121	Invalid
<b>6964</b>	39	Box 18 Folder 4	54	Valid
<b>6964</b>	40	Box 18 Folder 4	54	Valid
<b>7097</b>	1	Box 18 Folder 6	183	Invalid
<b>7099</b>	1	Box 18 Folder 6	191	Invalid
<b>7099</b>	2	Box 18 Folder 6	191	Invalid
<b>7100</b>	1	Box 18 Folder 6	195	Invalid
<b>7235</b>	58	Box 19 Folder 1	138	Valid
<b>7235</b>	62	Box 19 Folder 1	138	Valid
<b>7237</b>	1	Box 19 Folder 1	145	Invalid
<b>7241</b>	42	Box 19 Folder 1	162	Valid
<b>7241</b>	44	Box 19 Folder 1	162	Valid
<b>7277</b>	1	Box 19 Folder 2	105	Invalid
<b>7295</b>	1	Box 19 Folder 2	177	Invalid
<b>7295</b>	2	Box 19 Folder 2	177	Invalid
<b>7302</b>	27	Box 19 Folder 3	6	Invalid
<b>7328</b>	1	Box 19 Folder 3	109	Valid
<b>7335</b>	21	Box 19 Folder 3	135	Valid
<b>7335</b>	22	Box 19 Folder 3	135	Valid
<b>7469</b>	35	Box 19 Folder 6	74	Valid
<b>7483</b>	3	Box 19 Folder 6	129	Valid
<b>7666</b>	7	Box 20 Folder 2	61	Invalid
<b>7674</b>	46	Box 20 Folder 2	94	Valid
<b>7691</b>	13	Box 20 Folder 2	161	Valid
<b>7725</b>	1	Box 20 Folder 3	97	Invalid
<b>7740</b>	1	Box 20 Folder 3	157	Valid
<b>7740</b>	2	Box 20 Folder 3	157	Valid

7775	13	Box 20 Folder 4	97	Valid
7798	1	Box 20 Folder 4	187	Invalid
7798	2	Box 20 Folder 4	187	Invalid
7802	39	Box 20 Folder 5	5	Valid
7812	19	Box 20 Folder 5	45	Valid
7837	1	Box 20 Folder 5	141	Valid
7839	19	Box 20 Folder 5	149	Valid
7854	1	Box 20 Folder 6	13	Invalid
7893	43	Box 20 Folder 6	168	Valid
7904	65	Box 20 Folder 7	14	Invalid
7906	44	Box 20 Folder 7	22	Valid
7906	45	Box 20 Folder 7	22	Valid
7906	46	Box 20 Folder 7	22	Valid
7906	47	Box 20 Folder 7	22	Valid
7933	3	Box 20 Folder 7	129	Invalid
7946	1	Box 20 Folder 7	181	Invalid
7971	1	Box 20 Folder 8	81	Valid
7972	24	Box 20 Folder 8	85	Valid
7976	36	Box 20 Folder 8	102	Valid
7982	1	Box 20 Folder 8	125	Valid
7998	33	Box 20 Folder 8	194	Valid
8024	28	Box 20 Folder 9	90	Invalid
8040	27	Box 20 Folder 9	154	Valid



STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-09-56  
DHM-KEN-12/23/2009

CHARLES L. JOHNSON III,

Petitioner

v.

DECISION

MATTHEW DUNLAP,  
SECRETARY OF STATE,

Respondent

and

CHARLES WEBSTER

Intervenor

Before the court is the petition for review of final agency action of Charles L. Johnson, III pursuant to M.R. Civ. P. 80C, 5 M.R.S.A. §11001 and 21-A M.R.S.A. §905(2).

This dispute arises from the submission and review of petitions intended to trigger a People's Veto referendum of "An Act to Implement Tax Relief and Tax Reform," P.L. 2009, ch. 382 (effective 1/1/10) (*hereinafter* the "Tax Reform Act") signed into law by Governor John Baldacci on 7/12/09.

Following the signing of the Tax Reform Act by Governor Baldacci, Intervenor Charles Webster began circulating petitions to trigger a People's Veto referendum pursuant to the Maine Constitution and the laws of the State of Maine. Me. Const. Art. IV, pt. 3, § 17; 21-A M.R.S.A. § 905. Within 90 days of the legislature's adjournment, Webster was required to submit at least 55,087 signatures, constituting ten percent of the total number who voted in the last

gubernatorial election. Me. Const. Art. IV, pt. 3, § 17(1). On 9/11/09, Webster submitted completed petitions containing approximately 71,035 signatures. The Secretary stayed the effective date of the Tax Reform Act pending a determination of the validity of the petitions.

When the People's Veto petition was filed with the Secretary of State, the Secretary had 30 days to determine the validity of the petitions. 21-A M.R.S.A. § 905(1). Accordingly, the deadline to issue a decision was 10/13/09. The Secretary failed to issue a decision by that date. On 11/2/09, Webster filed a petition for review of agency action including an independent claim for declaratory relief in the companion case, *Webster v. Dunlap*, AP-09-55.

On 11/9/09, the Secretary issued a Determination of the Validity of the Petition for People's Veto of Legislation, invalidating 14,928 signatures for various reasons, but finding Webster had submitted 56,107 valid signatures. On 11/17/09, Petitioner<sup>1</sup> Charles Johnson filed his Petition for Review of Final Agency Action alleging the Secretary failed to invalidate at least 1,021 signatures that were in some way deficient.

Petitioner assigns five areas of error by the Secretary of State. Petitioner's specific arguments include that (1) petitions containing 4480 signatures are invalid because the oaths of circulator's were administered by Stavros Mendros, a notary public who petitioner alleges is a "self interested notary" due to payments received by his company for organization of signature gathering services; (2) petitions containing 3837 signatures are invalid because Cynthia

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<sup>1</sup> Petitioner is a registered voter in Town of Hallowell. 21-A M.R.S.A. § 905(2) permits any voter to appeal a decision by the Secretary validating a petition.

Mendros<sup>2</sup> f/k/a Cynthia Bodeen signed the attestation that she administered the circulators' oaths on the petitions as "Cynthia Bodeen" when her legal name was in fact "Cynthia Mendros;" (3) 315 signatures are invalid because the signatories do not appear on the Central Voter Registry (CVR), which petitioner contends is the authoritative database to determine whether a person is a registered voter; (4) signatures are invalid because the Secretary relied on the certifications of town registrar's that the signatories were registered voters and did not conduct his own independent investigation; and (5) 1042 signatures are invalid due to factual issues presented on the face of the petitions, including incorrect dates, illegible signatures, duplicate signatures, and clerical errors. In total, accounting for signatures that fall into more than one category, petitioner has challenged that 9674 signatures are invalid.

On 12/21/09, this court entered a decision in the *Webster* case, holding that the Secretary had lost his authority to act by failing to complete his review within the thirty-day period proscribed in 5 M.R.S.A. § 905. The holding in *Webster* necessarily means that any error the Secretary's substantive review in this case is moot. However, in the event that the *Webster* decision is not sustainable on appeal and due to constrained deadlines for judicial review in this case, the court addresses the merits of petitioner's claims.

In conducting a judicial review of the evidence presented by the record and additional evidence, the court is guided by two important principles established in Maine law. The power in the agency "to reject names and names falsely certified may tend to prevent fraud and to protect the referendum from

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<sup>2</sup> Cynthia Mendros and Stavros Mendros are married. Accordingly, petitioner argues that if the court invalidates petitions due to Stavros Mendros' financial interests, petitions containing an attestation by Cynthia Mendros should be similarly invalidated.

disrepute." *Opinion of the Justices*, 116 Me. 557, 103 A. 761, 772 (1917). On the other hand, in the context of the direct initiative, the Maine Constitution "cannot be said merely to *permit* the direct initiative of legislation upon certain conditions. Rather, it reserves to the people the *right* to legislate by direct initiative if the constitutional conditions are satisfied." *McGee v. Secretary of State*, 2006 ME 50, ¶ 25; 896 A.2d 933, 941. Certainly the Constitution creates the *right* in the people to veto legislation under certain conditions. Accordingly, this court is constrained to require a constitutional, statutory, regulatory or common law basis to overturn a decision of the respondent in accordance with the Administrative Procedures Act.

Subsequent to the filing of his petition, discovery procedures revealed that two individual notary publics taking the oaths of circulators on petitions containing 8,550 signatures had a financial interest in the outcome of the petition campaign by contract with the sponsor of the referendum. This allegation was not presented to the Secretary of State and is not a part of his validation process. The issue, therefore, is whether, as a matter of law, those documents containing the acknowledgement of those notaries must be disallowed and the signatures thereon not validated to meet the veto referendum requirement. Petitioner relies on public policy and a publication of the Secretary called the Notary Public Handbook and Resource Guide. The document states that a notary public must not act in any official capacity if there is any interest that may affect impartiality. The statement relies upon the general "conflict of interest" principle and refers to a "beneficial interest" rule. This provision of the Handbook does not rely on any

statute or regulation nor does it provide the basis for invalidating elector's signatures under the circumstances.<sup>3</sup>

Petitioner further challenges the notary's authority to take the oath of the circulator on a petition wherein the notary has signed as a registered voter. To this deficiency, the Secretary responds that the Constitution spells out very clearly the role of the notary in the referendum petition process, to administer an oath to a circulator who swears that the signatures on the petition are original, made in the presence of the circulator and that to the circulator's best knowledge and belief, each signature is that of the person whose name it purports to be. Me. Const. Art. IV, pt. 3, § 20.

Whatever concerns may be appropriate regarding the public interest in the enforcement of a rule of "conflict of interest" or "beneficial interest," the court has not been presented with any substantive law to cause it to invalidate the signatures on petitions acknowledged under such circumstances.

Likewise, the petitioner has challenged the signatures on petitions on which the notary public has taken the oath of a circulator by signing her previous name and not her married name existing at the time of the acknowledgement. It is clear from the record that a notary public involved in a substantial number of petitions applied for, was granted and is registered with the Secretary under her name at the time of the application. However, without notification to the Secretary, she married and assumed the surname of her husband prior to this petition campaign. By administrative rule, a notary public must notify the

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<sup>3</sup> The court is advised by the Assistant Attorney General at oral argument that a Maine statute prohibiting the payment of circulators on the basis of number of signatures was struck down by the Federal District Court on Constitutional grounds. *See On Our Terms '97 Pac v. Secretary of Me.*, 101 F. Supp.2d 19 (D. Me. 1999).

Secretary of a change of address, email address, name or other contact information within 10 days of the change. 29-250 CMR Ch. 700. This, also, appears in the Handbook. However, there is no indication that such a filing is a condition that must be met in order for the notary to perform her duties with authority as long as she does not use the name of another and the name used is consistent with that registered with the Secretary. *See Maine Taxpayer's Action Network v. Sec'y of State*, 2002 ME 64, 795 A.2d 75. Further, there does not appear to be any authority for the proposition that use of the registered name rather than the new married name invalidates the function performed on the referendum petitions.

Petitioner's third argument is that the signatures of persons who do not appear on the Central Voter Registry are invalid. *See* 21-A M.R.S.A. § 902 (providing that verification of people's veto must be conducted in the same manner as nonparty nomination petitions); 21-A M.R.S.A. § 354(7)(C) (providing that, for nomination petitions, the registrar "shall certify which names on a petition appear in the central voter registration system as registered voters in that municipality and may not certify any names that do not satisfy subsection 3<sup>4</sup>"). An examination of the language of the statute reveals the deficiency with petitioner's argument. Section 354 requires that the registrar shall *certify* names that are found on the CVR. The statute does not provide that the registrar is required to *invalidate* names due to their absence on the CVR. To the extent that an argument could be made that the negative implication of Section 354 is that the CVR is the exclusive authority to consult in determining whether a name could be certified, the sentence of Section 354 providing that the registrar may

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<sup>4</sup> Subsection 3 requires that the voter must personally sign the petition.

not certify names under certain conditions reveals that the Legislature did not intend such an implication.

Petitioner's fourth argument is that the Secretary is under an independent duty to review signatures under section 905, notwithstanding valid certificates from the municipal registrars that the names on the petitions are of persons qualified to vote in the municipality. Presumably, this review would require the Secretary to consult the CVR, as the CVR is the voter list within the Secretary's custody. This argument presents two problems, one resulting from the text of section 905 and another from the constitution. Section 905 requires the Secretary to review the "petitions," not the individual signatures. Accordingly, it would be difficult to read section 905 as imposing a mandatory duty to inspect each individual signature rather than relying on the certificate by the municipal registrar that the names are those of persons qualified to vote.<sup>5</sup> With regard to the Constitutional issue, Section 20 of Article IV, part third of the Maine Constitution defines "electors" as the persons of the State qualified to vote for Governor. The certification of the registrar that the names "appear on the voting list of the city, town, or plantation of the official as qualified to vote for Governor" constitutes prima facie evidence that the signatories to the petitions are registered voters. Me. Const. Art. IV, pt. 3, § 20; *Opinion of the Justices*, 116 Me. 557, 571, 103 A. 761, 768 (1917). Additionally, 21 M.R.S.A. § 121 provides that the registrar has the "exclusive power" to determine whether a person is a registered voter, and being listed on the CVR is not considered a prerequisite to

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<sup>5</sup> This does not imply that the Secretary lacks the power to review individual signatures for duplicates, forgery, and other issues. Rather, it means that relying on the certificates of municipal registrars, who have the "exclusive power" under 21-A M.R.S.A. § 121 to determine whether a person is a registered voter is not error.

voting for Governor under Title 21-A. *See also Palesky v. Sec'y of State*, 1998 ME 103, ¶ 13, 711 A.2d 129, 133 (acknowledging the registrar's exclusive authority to maintain the municipal voting list). Accordingly, if the Secretary had the authority to invalidate a person's signature because his or her name is not listed on the CVR, that authority would infringe upon the right any person "qualified to vote for Governor," who is absent from the CVR for one reason or another, to sign a people's veto petition. Me. Const. Art. IV, pt. 3, § 20.

The remaining challenges by petitioner relate to particular factual allegations regarding specific signatures. The Secretary has explained the activities undertaken by him and his staff to address the alleged deficiencies but the explanations take the form of arguments in the briefing material and the statute providing for judicial review is specific regarding the correction of the record and the taking of additional evidence. The respondent has not requested the taking of evidence on these issues. Under the circumstance, the court would normally remand the matters to the Secretary to prepare findings for the court's review. However, inasmuch as the present situation is more than 100 days from the filing with the Secretary and the Constitution anticipates the final review by the appellate court within that period, the court does not seem to have such a luxury. Relying on the record, as corrected, the court considers the petitioner's challenges.

The parties agree that there are an additional 62 signatures that may be considered duplicates notwithstanding the agency review and the court will disallow same.

The petitioner asserts that an additional three signatures are illegible and must be disallowed. He premises the claim on his argument that the Secretary

has the statutory authority to make the final determination of each signature, a premise to which this court disagrees as held above. The court is satisfied that the Secretary has the authority to rely on the local registrar who has examined the writing and the printed name and has certified the voter. As stated in the procedure required by the Secretary in his People's Veto Petition Certification Instructions, ("Instructions") found in the record, " . . . if you believe the voter has signed the petition, you may accept it. We want to give the benefit of the doubt to the voter who signed the petition."

The petitioner challenges over 500 signatures he claims were written after various petitions were notarized. Based on date issues, he asserts that the signatures were either dated after the notary took the circulator's oath, the signature was not dated or the signature was dated outside of the circulation period. He challenges the acceptability of the Secretary in making an assumption that undated signatures, or signatures with unlikely dates are not in compliance with the Constitution. To some degree, he, again, relies on his position that the Secretary has an independent duty not to rely on the notarized oath of the circulator. The Instructions provide that the signatures must be determined to have been entered during the circulation dates between June 30, 2009 and September 8, 2009. It requires a signature to be discounted only if the reviewer "cannot determine what the date of signing was." This allows the consideration of factors such as obvious mistakes in a date and other dates appearing on the petition. The respondent accepts the challenge as to 66 signatures but denies a factual basis for the others. The court is satisfied that the agency exercised acceptable judgment in this circumstance.

Me. Const. Art. IV, pt. 3, § 20 requires that petitions “must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m. on the fifth day before the petition must be filed in the office of the Secretary of State, . . .” Presumably this important provision is to assure the registrars receive the petitions before the close of business and have sufficient time to certify the signatures. Mr. Johnson alleges that 117 signatures were on petitions submitted to the town clerks after the Constitutional deadline. The Secretary agrees as to 54 signatures. However, he argues that in spite of being encouraged to do so, not all town clerks have and use date stamps. In his brief, the Secretary asserts that he is in possession of evidence to establish receipt by the officials in due time. The record is not clear as to the complaint and the court makes no findings except to accept the allegation.

Three signatures are challenged because the date of notarization is indicated as September 27, 2009. The response is that the other signatures are dated in the vicinity of August 27<sup>th</sup> and on September 27, 2009, the petition was already in the possession of the Secretary. This is an obvious error and recognized as such by the Secretary within his discretion.

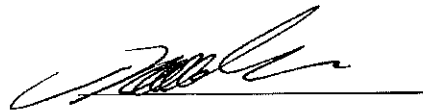
The petitioner challenges 1,597 signatures because the signature of the notary is illegible. This happens to be the notary whose name change has occasioned the challenge previously discussed. As is recognized by the court in the case of the registrars familiar with a number of characteristics of the registered voter, the Secretary has sufficient documentation and familiarity with this notary public’s signature to remove doubt as to authenticity. Examples of such documentation exist in the record.

With the exception of the findings of this court in *Webster v. Dunlap*, AP 09-55 (Ken. Cty. Sup. Ct., Dec. 21, 2009), as to the date of the Secretary's determination, the court is satisfied that the agency decision of the Secretary of State in this matter is founded upon constitutional and statutory provisions, not in excess of such authorities, followed lawful procedure, was not affected by bias or error of law, is supported by substantial evidence, (with the minor exceptions as noted) and is not arbitrary or capricious or characterized by abuse of discretion.

Accordingly, the entry will be:

The Determination of the Validity of a Petition for People's Veto of Legislation Entitled: "An Act To Implement Tax Relief and Tax Reform" dated November 9, 2009 by the Office of the Secretary of State is AFFIRMED.

December 23, 2009

A handwritten signature in black ink, appearing to be 'M. L. ...', written over a horizontal line.

JUSTICE, SUPERIOR COURT

Date Filed 11/17/09 Kennebec County Docket No. AP-09-56

Action Petition For Review  
80C

Daniel Billings, Esq. (Intervenor)  
44 Elm Street  
PO Box 708  
Waterville, Maine 04901-0708

Charles L. Johnson, III

vs.

Secretary of State

Plaintiff's Attorney	Defendant's Attorney
John M.R. Paterson, Esq. PO Box 9729 Portland, ME 04104-5029	Phyllis Gardiner, AAG 6 State House Station Augusta, ME 04333-0006

Date of Entry	
11/18/09	Petition For Review of Final Agency Action, filed 11/17/09. Motion To Take Additional Evidence, filed 11/17/09, w/ Statement Of Additional Facts Requested To Be Presented To The Court. s/Paterson, Esq.
11/20/09	Letter entering appearance, filed. s/Gardiner, AAG  Hearing scheduled for 11/23/09 at 9:00 a.m. Called attys. of record. Motion of Charles Webster to Interven, filed. s/Billings, Esq. Proposed Order, filed. Charles Webster's Motion to Consolidate, filed. s/Billings, Esq. Proposed Order, filed.
11/30/09.	SCHEDULING ORDER, Marden, J. (11/25/09) Copies to attys. of record.
-----	Certification of Record, filed. Affidavit of Julie L.Flynn, Deputy Secretary of State, filed. s/Flynn
12/7/09	Motion for Modification of Record Under M.R.CIV.P. 80C(f)(or in the Alternative Motion to Take Additional Evidence Under M.R.CIV.P 80C(e)), filed. s/Paterson, Esq. Joint Stipulation, filed. s/Paterson, Esq.
12/9/09	Inclusion in the Agency Record, filed. s/Gardiner, AAG
12/14/09	Petitioner's Motion for Extension of Time to File Compliation of Supportin Documents from the Record, filed. s/Paterson, Esq. Petitioner's Brief, filed. s/Paterson, Esq. (attachments in the vault)
12/16/09	Motion for Leave to File Amended Brief and Take and Present Additional Evidence, filed. s/Paterson, Esq. Motion for Oral Argument, filed. s/Paterson, Esq. Proposed Order, filed.
12/16/09	Respondent's memorandum in Response to Petitioner's Motion to Modify Record, filed. s/Gardiner, AAG

Date of  
Entry

Docket No. \_\_\_\_\_

Notice of setting for 12/21/09  
22  
sent to attorneys of record.

12/17/09 Supplement to Petitioner's First Amended Brief in Support of Petition for Review, filed. s/Paterson, Esq.  
Supplemental binder with attachments, filed. s/Paterson, Esq.

12/18/09 Respondent's Motion for Enlargement of Time to File 80C Brief, filed. s/Gardiner, AAG  
Response to Motion for Modification of the Record.  
-----  
ORDER, Marden, J.  
GRANTED  
Copies to attys. of record.

12/21/09 Intervenor's 80C Brief, filed. Billings, Esq.  
-----  
Respondent's Brief, filed. s/Gardiner, AAG

12/21/09 Intervenor's Memorandum of Law in Opposition to Petitioner's Motion for Leave to File Amended Brief & Take and Present Additional Evidence. s/Billings, Esq.  
Joint Stipulation, filed. s/Paterson, Esq.

12/21/09 Respondent's Motion to Correct Agency Record, filed. s/Gardiner, AAG  
Corrected Index to Agency Record.

12/22/09 Petitioner's Motion to Strike Portions of Respondent's Brief, filed. s/Paterson, Esq.  
Proposed Order, filed.  
Petitioner's Rule 80C Reply Brief, filed. s/Paterson, Esq. (attachments A,B,C)  
-----  
Hearing held with the Hon. Justice Donald Marden, presiding.  
John Paterson, Esq. for the Petitioner, Phyllis Gardiner, AAG for the Respondent, and Daniel Billings, Esq. Intervenor.  
Oral arguments made to the court.  
Mtn. to Take Additional Evidence is withdrawn  
Mtn. to Amend Brief/Mtn. to Take Additional Evidence is Granted.  
Stipulation of Parties to Change Name is Granted.  
Petitioner calls S. Mendros as a witness.  
Court to take matter under advisement. Court to issue order.

12/23/09 DECISION: Accordingly, the entry will be: the determination of the petition for People's Veto of Legislation Entitled: "An Act To Implement Tax Relief and Tax Reform" dated November 9, 2009 by the Office of the Secretary of State is AFFIRMED.  
Order dated 12/23/09. /s/ Justice Marden. Copy of order to Atty Paterson, AAG Gardiner and Atty Billings.

12/28/09 Transcript, filed. s/Tammy Drouin, CR  
-----  
Copy of Decision mailed to repositories



UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

WE THE PEOPLE PAC; State )  
Representative BILLY BOB )  
FAULKINGHAM; LIBERTY )  
INITIATIVE FUND; and NICHOLAS )  
KOWALSKI, )

Plaintiffs )

v. )

SHENNA BELLOWS, in her official )  
capacity as Secretary of State for the State )  
of Maine, JULIE FLYNN, in her official )  
capacity as the Deputy Secretary of State )  
of Maine for the Bureau of Corporations, )  
Elections and Commissioners, )

Defendants. )

Civil No. 1:20-cv-00489-JAW

**CONSENT ORDER AND JUDGMENT**

For the reasons stated in the order granting Plaintiffs' Motion for Preliminary Injunction (ECF No. 46), and the decision of the United States Court of Appeals for the First Circuit affirming that order, and the parties having agreed, it is HEREBY ADJUDGED that:

1. Judgment shall enter for Plaintiffs We the People PAC, Billy Bob Faulkingham, Liberty Initiative Fund, and Nicholas Kowalski, and against Defendants Shenna Bellows, in her official capacity as Secretary of State for the State of Maine, and Julie Flynn, in her official capacity as Deputy Secretary of State of Maine for the Bureau of Corporations, Elections, and Commissioners, on Counts I-IV of Plaintiffs' Complaint.
2. Defendants are permanently enjoined from enforcing 21-A M.R.S. § 903-A and Me. Const., art. IV, pt. 3, § 20, to the extent they require that initiative or people's veto petitions only be circulated by Maine residents, against circulators who (a) agree to

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

3. Defendants are permanently enjoined from enforcing 21-A M.R.S. § 903-A and Me. Const., art. IV, pt. 3, § 20, to the extent they require that initiative or people's veto petitions only be circulated by registered voters of Maine.
4. Defendants shall pay Plaintiffs the sum of \$92,189.32 in attorneys' fees and costs, in accordance with 42 U.S.C. §§ 1983 and 1988(b), by December 31, 2023. The Court finds that the amount of fees requested is reasonable.
5. Should Defendants fail to pay the aforementioned fees and costs by December 31, 2023, post-judgment interest shall be owed from the date of this Order.
6. At Plaintiffs' request, and pursuant to an agreement of the parties, Counts V-IX of Plaintiffs' Complaint are dismissed with prejudice.
7. To the extent Plaintiffs' complaint seeks further relief beyond the relief ordered above, such relief is denied.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 9th day of February, 2023