

STATE OF MAINE
CUMBERLAND, SS

SUPERIOR COURT
DOCKET NO. AP-20-16

DAVID A. JONES, et al.)
)
Petitioners)
)
v.)
)
MATTHEW DUNLAP, in his capacity as)
the MAINE SECRETARY OF STATE,)
)
Respondent)
)
and)
)
THE COMMITTEE FOR RANKED)
CHOICE VOTING, et al.)
)
Intervenors)

**NOTICE OF APPEAL
TO THE LAW COURT**

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AUG 27 2020
Clerk's Office
Maine Supreme Judicial Court

Intervenors The Committee for Ranked Choice Voting, Philip Steele, Clare Payne and Francis Babb, by their undersigned counsel, and pursuant to M.R. App. P. 2A and 21-A M.R.S.A. § 905(3), hereby give Notice of Appeal to the Law Court of the Superior Court's final judgment dated August 24, 2020.

Petitioners and Respondent must file an appearance with the Maine Supreme Judicial Court to be heard on this appeal.

Dated at Portland, Maine, this 27th day of August, 2020.

/s/ James G. Monteleone
James G. Monteleone, Bar No. 5827
Matthew J. Saldaña, Bar No. 6385

Attorneys for Intervenors

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STATE OF MAINE
CUMBERLAND, SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-20-16

DAVID A. JONES, JONATHAN KINNEY,
and JOSHUA MORRIS,

Petitioners

v.

MATTHEW DUNLAP, in his capacity as
the MAINE SECRETARY OF STATE,

Respondent

and

CLARE HUDSON PAYNE, PHILIP
STEELE, FRANCES M. BABB, and THE
COMMITTEE FOR RANKED CHOICE
VOTING,

Applicant Intervenors.

NOTICE OF APPEAL

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Pursuant to Rule 2A of the Maine Rules of Appellate Procedure, the Secretary of State appeals to the Law Court from the Order on Petitioners' Rule 80C appeal, dated August 24, 2020, reversing the Secretary's determination of the validity of a people's veto referendum petition, as amended on August 12 and 24, 2020. All other parties are hereby notified of the need to file an appearance to be heard on this appeal.

Dated: August 27, 2020

Respectfully submitted,

AARON M. FREY
Attorney General

For: *J. Gardner* Bar No. 4408
PHYLLIS GARDINER
Assistant Attorney General
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Augusta, Maine 04333-0006
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Attorneys for Respondent

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AUG 27 '20 PM 12:40

Date filed: 07/27/20

CUMBERLAND
COUNTY

Justice Thomas McKeon
Docket No. AP-20-16

Action: 80C Appeal

David A Jones
Jonathan Kinney
Joshua Morris

Matthew Dunlap, as Sec of State

Vs.

Appellant/Plaintiff's Attorney

Appellee/Defendant's Attorney

Patrick Strawbridge, Esq.
% Consovoy McCarthy PLLC
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Phyllis Gardiner, Esq
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Maine Supreme Judicial Court

Intervenors

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100 Middle St
PO Box 9729
Portland, ME 04104

Date of Entry
2020

- July 28 Received 07/27/20.
80C appeal with attached exhibits A - H filed.
- July 28 Received 07/28/20.
Motion for Taking Additional Evidence filed.
- July 29 Received 7/29/20
Applicant Intervenors Motion to Intervene filed with proposed order and proposed answer to petition by Applicant Intervenors Clare Hudson Payne, Philip Steele, Frances M. Babb and the Committee for ranked choice voting.
- Jul 31 Notice of Status Conference scheduled telephonically for August 3, 2020 at

- 11:30 AM sent to parties electronically 7/31/20.
- Aug 3 Hearing/Conference Record signed by J. McKeon and sent to parties/counsel 08/03/20.
- Aug 3 Court Order granting Applicant Intervenor's Motion to Intervene.
Copies to parties/counsel 08/03/20.
- Aug 3 Court Order with Briefing Schedule.
Secretary shall issue a supplement to his determination of the validity of the petition that is the subject of this case by August 11. By August 11, the Secretary will also file the record with the court and provide a copy to the parties.
August 14: Petitioners and Intervenors both file Briefs
August 19: Secretary files response
August 21: Petitioners and Intervenors both file replies.
Copies to Parties/counsel 08/03/20.
- Aug 12 Received 08/12/20
Unopposed Motion to Amend the Scheduling Order with proposed order filed.
Motion granted 08/13/20. Copies to parties/counsel 8/13/20.
- Aug 14 Received 08/14/20
Respondent Secretary of State's Amended Determination of Validity along with consolidated, certified agency record filed.
- Aug 17 Received 08/16/20
Index to Consolidated Agency Record after remand with attachment filed.
- Aug 17 Received 08/17/20
Petitioner's Brief Requesting Reversal of the Secretary of State's Amended Determination filed.
- Aug 17 Received 08/17/20
Intervenor's Brief in support of the secretary of state's petition disqualification Filed.
- Aug 17 Received 08/17/20
Intervenors' Corrected Brief in Support of the Secretary of State's Petition Disqualification filed.
- Aug 18 Received 08/18/20
Petitioners' Brief Requesting Reversal of the Secretary of State's Amended Determination filed.

Aug 19 Received 08/19/20
Index to Consolidated Agency Record after Remand with Petition Certification Instructions filed.

Aug 20 Received 08/20/20
Respondent's Rule 80C Brief filed.

Aug 21 Notice of Status Conference
Notice sent electronically to parties/counsel on 08/21/20.

Aug 21 Hearing/Conference Order

1. Remand to Secretary to complete investigation on town of Turner by 12:00 PM Monday, 8/24/20.
2. Petitioners and Intervenor's to respond by 2:00 PM on Monday, 8/24.
3. Parties have until Monday morning to comment on effect of Buckley on 1175 signatures disqualified as a result of a lack of circulator's voter registration. 525 US 182 (1999).

Copies sent to parties electronically 08/21/20.

Aug 21 Received 08/21/20
Original copy of Intervenor's Reply Brief filed.

Aug 21 Received 08/21/20
Electronic Copy of Petitioners' reply brief filed.

Aug 24 Received 08/24/20
Electronic Copy of the Supplement to Amended Determination of the Validity of a Petition for a People's Veto filed.

Aug 24 Received 08/24/20
Electronic copy of Intervenor's Supplemental Brief Requested by the Court filed.

Aug 24 Received 08/24/20
Original copy of Petitioners' Reply Brief filed.

Aug 24 Received 08/24/20
Original copy of Petitioners' Supplemental Brief filed.

Aug 24 Received 08/24/20
Electronic Copy of Respondent's Supplemental Brief filed.

Aug 24 Received 08/24/20
Court Order (J. McKeon dated 08/24/20) reversing the decision of the
Secretary of State. Copies to parties/counsel electronically and via USPS mail
08/24/20.

Aug 25 Received 08/25/20
Original Copy of Respondent's Supplemental Brief filed.

Aug 26 Received 08/24/20
Original copy of Intervenors' Supplemental Brief filed.

Aug 27 Received 08/27/20
Intervenors' Notice of Appeal to the Law Court.
\$175 filing fee paid.

Aug. 27 On 8/27/20
Copies of Notice of Appeal, Superior Court docket entries and appeals
cover sheet scanned and emailed to the Law Court.

" " Copies of Notice of Appeal mailed to counsel of record.