

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
DOCKET NO. _____

ALEX TITCOMB, HEATHER SIROCKI,
KEVIN MURPHY, GEORGE COLBY, AND
RANDALL ADAM GREENWOOD,
Petitioners,

v.

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

**PETITION FOR REVIEW OF
FINAL AGENCY ACTION**

Pursuant to 21-A M.R.S. §§905 & 905-A, 5 M.R.S. §11001, and M.R. Civ. P. 80C, Alex Titcomb, Heather Sirocki, Kevin Murphy, George Colby, and Randall Adam Greenwood petition this Court for review of Secretary of State Shenna Bellows' decision to approve a ballot question that purports to describe the citizen initiative entitled "An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting" (the "Act"). *See* L.D. 1149 (132nd Legis. 2025). The Secretary's question is misleading, complicated, and confusing, and therefore violates Maine law for several reasons. Among them:

- The question misrepresents provisions that would apply to all voters as targeting "seniors and people with disabilities";
- The question is not "simple, clear, concise, and direct"—it is the longest in Maine history, burying the Act's primary objective (*i.e.*, the purpose described in the Act's title, to require proof of identification at the time people cast their ballot) after a long string of clauses describing comparatively minor changes;
- The question is deliberately confusing, employing vague terminology ("certain photo ID");

“make other changes”) and technical language (“ongoing absentee voter status”) likely to be misunderstood by the average voter.

Secretary Bellows’ decision to craft such a misleading question is troubling, if not surprising. She has come out publicly as a strong opponent of the Act, describing it as putting absentee ballot access at “extreme risk” and as “a wolf in sheep’s clothing.” These statements accord with her longstanding and well-documented opposition to similar measures. In 2021, she testified to a committee of the Maine Legislature that voter ID laws—which have been adopted in a large majority of states—are “rooted in White supremacy” and “the new means of voter suppression.” *Hearing on L.D. 253, L.D. 447, and L.D. 1083 before the Jt. Standing Comm. On Veterans and Legal Affairs*, 130th Legis. 1 (2021) (testimony of Shenna Bellows, Secretary of State). Two years later, she testified in opposition to a similar bill by arguing that “[f]orcing people to carry a specific type of photo identification to vote would result in ... potential discrimination” and would “increase ... complications and consequences to our elections and turn eligible voters away.” *Hearing on L.D. 34 before the Jt. Standing Comm. On Veterans and Legal Affairs*, 131st Legis. 1 (2023) (testimony of Shenna Bellows, Secretary of State).

But the Secretary’s personal misgivings about the Act do not empower her to misrepresent it to the public. Rather, the law requires her to put aside personal biases and draft a concise question that is “understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to that voter’s wishes.” 21-A M.R.S. §905(2). This is a demanding standard, leaving no room for judicial deference to the Secretary’s discretion. *See Olson v. Sec’y of State*, 1997 ME 30, ¶ 4, 689 A.2d 605 (Me. 1997) (rejecting a “deferential standard of review” with respect to ballot question challenges). Rather, this Court must “independently” determine whether the Secretary’s chosen wording conforms with the law. A proper review of the law and facts in this case will establish it does not. **Petitioners note that 21-A M.R.S. §905(2) requires that the “court shall issue its written decision containing its**

findings of fact and stating the reasons for its decision within 40 days of the date of the decision of the Secretary of State”—which is June 16, 2025.¹

PARTIES

1. Petitioner Alex Titcomb is a registered Maine voter who resides in Sagadahoc County, Maine. Petitioner strongly supports the implementation of voter identification requirements and the other election security measures included in the Act. Petitioner signed the petition at issue in this case.

2. Petitioner Heather Sirocki is a registered Maine voter who resides in Cumberland County. Petitioner strongly supports the implementation of voter identification requirements and the other election security measures included in the Act. She is also a former member of the Maine Legislature and an ongoing voter. Petitioner signed the petition at issue in this case.

3. Petitioner Kevin Murphy is a registered Maine voter who resides in Androscoggin County, Maine. Petitioner strongly supports the implementation of voter identification requirements and the other election security measures included in the Act. Mr. Murphy is a disabled voter who signed the petition in this case.

4. Petitioner George Colby is a registered Maine voter who resides in Cumberland County, Maine. Petitioner strongly supports the implementation of voter identification requirements and the other election security measures included in the Act. He is also a senior who has a long history of voting via absentee ballot and signed the petition at issue in this case.

5. Petitioner Randall Adam Greenwood is a registered Maine voter who resides in Androscoggin County, Maine. Petitioner strongly supports the implementation of voter identification requirements and the other election security measures included in the Act. Mr. Greenwood is also a

¹ June 14, 2025—the date 40 days from May 5, 2025—is a Saturday, making Monday, June 16, 2025 the actual deadline. *See* Civ. R. 4(a); *see also* 1 M.R.S. §71 (“The statutory time period for the performance or occurrence of any act ... is governed by and computed under Rule 6(a) of the Maine Rules of Civil Procedure.”).

member of the Maine House of Representatives whose term expires in 2026. Mr. Greenwood intends to run for office in future Maine elections.

6. Petitioners have been aggrieved by the Secretary's misleading ballot question. Each Petitioner is specifically authorized to appeal as an "aggrieved voter" under 21-AM.R.S. §905-A. Mr. Titcomb also has standing under 21-AM.R.S. §905(2) as a voter named in the application for the Act and a valid petition signer. Mr. Murphy, Ms. Sirocki, and Mr. Colby are aggrieved because they support the initiative but find the question misleading. Mr. Greenwood has also been aggrieved because he intends to run in a future Maine election and would be adversely affected by the kinds of voter fraud the Act seeks to prevent.

7. Moreover, all Petitioners have been involved in bringing the Act to the ballot and support the election security measures included in the measure. They have and will continue to be injured by the Secretary's misleading question, which will substantially impede voters' ability to understand the Act and mislead those who would otherwise support the bill into voting against it.

8. Respondent Shenna Bellows, in her official capacity as Secretary of State for the State of Maine, is the constitutional officer charged with administering Title 21-A, Chapter 11, which governs direct petitions for initiated legislation, and is responsible for proposing and approving ballot questions for initiatives presented to Maine voters.

JURISDICTION AND VENUE

9. The Court has subject matter jurisdiction over this petition for review pursuant to 4 M.R.S. §103(3)(A), 5 M.R.S. §11001(1), and 21-AM.R.S. §905(2).

10. The Court may exercise personal jurisdiction over the Secretary because this action seeks review of actions taken by the Secretary, in her official capacity as an officer of the State of Maine under the Maine Constitution.

11. Venue is proper in Cumberland County pursuant to 5 M.R.S. §11002(1)A) because one or more of the Petitioners resides in Cumberland County.

FACTUAL AND LEGAL BACKGROUND

A. The Petition

12. A large number of Maine residents support requiring voters to present identification when casting their ballots. Many of those residents worked together to exercise their right under the Maine Constitution to get a direct initiative titled “An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting” (the “Act”) on the November 2025 ballot. *See* Me. Constitution Art. VI, Part III, Sec. 18. An complete and accurate copy of the initiative is attached as Exhibit A.

13. The signature gathering process proved successful. On January 6, 2025, Mr. Titcomb and the Act’s proponents filed more than 170,000 signatures with the Secretary of State—nearly three times the required amount.

14. The same day, the Secretary was quoted in a media interview describing the Act as a “wolf in sheep’s clothing” that was “somewhat shocking in the changes it seeks to make to absentee voting.”

15. After taking the entirety of her 30-day period to review the petition, she issued a decision on February 19, 2025, acknowledging that the petition was valid and that the “total number of signatures submitted ... far exceeded the quantity of signatures required.”

B. Submission to the Legislature

16. The Act was submitted to the Maine Legislature for consideration on March 14, 2025. *See* Me. Constitution Art. VI, Part III, Sec. 18(2). It was introduced on March 20, 2025 as L.D. 1149 and later referred to the Committee on Veterans and Legal Affairs. L.D. 1149 (132nd Legis. 2025).

17. The Legislature adjourned without enacting the bill on March 21, 2025, triggering submission of the question to the public on the November 2025 ballot. See Me. Const. Art. IV, Pt. 3, §18.

C. The Proposed Ballot Question

18. On March 12, 2024, Secretary Bellows issued the following proposed ballot question for the Act:

“Do you want to change Maine election laws to require voters to show ID before voting, end ongoing absentee voting for seniors and people with disabilities, ban prepaid postage on absentee ballot return envelopes, prohibit requests for absentee ballots by phone or family members, eliminate two days of absentee voting, and make other changes to our elections?”

19. Members of the public were invited to weigh in for a 30-day comment process.

20. Public comment closed on April 11, 2025.

21. On May 2, 2025, Secretary Bellows appeared before the Committee on Veterans and Legal Affairs to testify in opposition to the Act, stating that “it would cause a huge budget deficit [for the state]” and “should it pass, we [the Secretary of State] would likely bring forward a bill to correct [it].” *An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting: Hearing on L.D. 1149 before the Comm. On Veterans’ and Legal Affairs*, 132nd Legis. (2025) (testimony of Shenna Bellows, Secretary of State). She further testified that the bill would “potentially lead[] to some harmful disproportionate impact on people who’ve either forgotten their ID or they’re not drivers and potentially longer lines and inconvenience for everyone.” *Id.*

D. The Secretary’s Decision

22. On May 5, 2025, the Secretary released the final wording in a decision letter, which reads as follows:

“Do you want to change Maine election laws to eliminate two days of absentee voting, prohibit requests for absentee ballots by phone or family members, end ongoing absentee voter status for seniors and people with disabilities, ban prepaid postage on absentee ballot return

envelopes, limit the number of drop boxes, require voters to show certain photo ID before voting, and make other changes to our elections?”

23. Upon review, it is evident that the Secretary’s approved question does not comply with the constitutional and statutory requirements governing ballot questions.

24. To begin, the Secretary’s question misrepresents the Act as targeting “ongoing absentee voting for seniors and people with disabilities.” In reality, the Act—which would go into effect on January 1, 2026—would repeal a provision that, as amended by the Maine Legislature in 2023, allows *any* voter to make a one-time request to automatically receive absentee ballots for every subsequent election starting December 31, 2025. *See* L.D. 1690 (131st Legis. 2023). The Secretary is well aware of this, since she testified in favor of that bill in 2023 before the Committee on Veterans and Legal Affairs. *An Act Regarding Ongoing Absentee Voting and Tracking of Absentee Ballots: Hearing on L.D. 1690 Before the Jt. Standing Comm. On Veterans and Legal Affairs*, 131st Legis. 1 (2023) (testimony of Shenna Bellows, Secretary of State) (describing her as “[t]estifying in favor.”). But she conveniently ignored it in her question, opting to use the first line of the description to paint the Act as an attack on the vulnerable. This is a transparent attempt to “mislead a reasonable, informed voter” who otherwise understands and supports the Act “into voting contrary to the voter’s intent.” *Jortner v. Sec’y of State*, 2023 ME 25, ¶ 12, 293 A.3d 405, 407 (Me. 2023). The Secretary’s job is even-handed, concise *description*—not partisan rhetoric. *See* 21-A M.R.S. §905(2) (“[T]he court shall determine whether the description of the subject matter ... will not mislead a reasonable voter....”).

25. The Secretary’s question also fails the baseline constitutional requirements to “present the question ... concisely and intelligibly.” *See* Me. Const. Part III, Sec. 20. The question as drafted is the longest ever approved in Maine, containing seven separate clauses and 66 total words. *See* Maine State Legis., *Legislative History Collection: Citizen Initiated Legislation, 1911-Present*, maine.gov (captured May 7, 2025), <https://perma.cc/T42F-6ME2> (hereinafter “Citizen Initiated Legislation”). Far from “describ[ing] the subject matter ... as simply as is possible,” the Secretary’s wording buries the primary

objective of the bill (voter ID requirements) near the end of a run-on sentence that first describes comparatively minor changes. This defeats the purpose of the statute, which directs the Secretary to simply “ask a *clear* question about whether the voter wishes to approve proposed legislation of which the voter is presumed to be already aware.” *Jortner*, 293 A.3d at 410 (emphasis added).

26. A brief survey of previous ballot questions demonstrates how far the Secretary has strayed from the norm. *See generally* Citizen Initiated Legislation, *supra*. In 2016, the Secretary’s office described a complex, 30-page bill legalizing marijuana, establishing retail licensing, and constructing a new compliance regime as follows:

Do you want to allow the possession and use of marijuana under state law by persons who are at least 21 years of age, and allow the cultivation, manufacture, distribution, testing, and sale of marijuana and marijuana products subject to state regulation, taxation and local ordinance?

See L.D. 1701 (127th Legis. 2016). *See* Citizen Initiated Legislation, *supra*. Likewise, in 2009, a 27-page initiative seeking veto a complex school district consolidation bill merited just 19 words. *See* L.D. 977 (124th Legis. 2009); *see also* Citizen Initiated Legislation, *supra* (“Do you want to repeal the 2007 law on school district consolidation and restore the laws previously in effect?”). These initiatives were three times longer than the Act at issue here. *Compare* L.D. 1149 (132nd Legis. 2025) *with* L.D. 1701 (127th Legis. 2016) *and* L.D. 977 (124th Legis. 2009). But their prompts were *significantly* shorter. And more importantly, they captured the main idea behind the legislation. *See* Citizen Initiated Legislation, *supra*. Here, by contrast, the Secretary’s question buries the main point of the Act under a series of less significant provisions, all strung together in no apparent order.

27. Redundant and unnecessary phrases also disqualify the question in its current form. The question begins by asking “Do you want to change Maine election laws” and ends with “make other changes to our elections,” which add nothing to the overall description and further lengthen an already record-breaking prompt. The phrase “eliminate two days of absentee voting” is likewise unnecessary, since it represents a *de minimis* change to the overall voting process given that the Act

provides that voters can request absentee ballots *eleven months* before election day in most cases. *See* §16.

28. The Secretary's question is also not understandable because it employs technical language the average voter won't understand when reading the question for the first time. *See Jortner*, 293 A.3d at 415. Specifically, the question says the Act would end "ongoing absentee voter status." That is "not a common term," nor is it defined (or mentioned) anywhere in the Act—rather, it is a term of art requiring knowledge of many other aspects of Maine's election laws. *Id.* The question thus impermissibly "assumes ... that the informed voter is familiar not only with the proposed legislation but with an assortment of other statutes." *Id.*; *see also id.* at 415 ("It is not reasonable to assume that a voter would have researched statutes or other sources to determine the meaning of a term that the voter has not seen in the proposed legislation before proceeding to vote in an election). Without this background, the most straightforward reading suggests that the Act would *eliminate* absentee voting altogether—which is plainly misleading.

29. The question also fails first prong of 21 M.R.S. §905, which requires the Secretary to "describe[] the subject matter of the ... direct initiative as simply as is possible." *Jortner*, 293 A.3d at 411. Rather, the Secretary buried the lede, obscuring the initiative's primary aims by stressing everything *other than* the voter identification requirements. To wit, 6 of the question's 7 clauses have nothing to do with voter ID requirements. This contrasts sharply with the Act itself, as a clear majority (15 of 27) of its substantive sections either explicitly reference photographic identification (12) or relate to analogous signature and address matching requirements (3). By contrast, a minority of the Act's sections (12 of 27) relate to other subjects.²

² Procedures surrounding ballot drop boxes (5), rules governing when a non-family member delivers or assists someone in filling out a ballot (3), and procedures governing aspects of the absentee voting process (4).

30. The Secretary's question is also miles removed from the Act's title, legislative summary, and internal structure, all of which place the voter ID requirements front and center. *See generally* L.D. 1149 (132nd Legis. 2025); *see id.* at 10 ("This initiated bill requires the presentation of photographic identification for in-person and absentee voting."). It also conflicts with her *own* prior wording of the ballot question and her own summary of the Act in the final decision letter, both of which begin where voters would expect: with the Act's voter ID provisions. *See supra*, ¶16; Decision Letter at 2-3 ("Among other things, the Act would: (1) require people voting in-person in Maine elections to show one of several forms of government-issued identification"). In short, "[a] reasonable voter who compared the language of the Ballot Question to the language of the Legislation might be unsure whether the Ballot Question is referring to [the initiative]." *Jortner v. Secretary of State*, Order at 6, No. AP-2023-007 (Me. Super. Ct. February 9, 2023).

31. The Secretary's tries to justify her backwards description of the Act by claiming that its "changes to absentee voting procedures are more extensive and wide-ranging than its changes to in-person voting procedures." *See* Decision Letter at 5. Not so. Maine has long allowed for absentee voting and has frequently (and recently) made sweeping changes to absentee voting procedures. *See, e.g.*, L.D. 1690 (131st Legis. 2023) (allowing indefinite automatic delivery of absentee ballots to any applicant). It has never implemented a voter ID requirement. This is the material, substantive change encapsulated by the Act, and should obviously be the focal point of the ballot question. And even if the Secretary were right about the primacy of the absentee ballot provisions (she is not), there is no justification for referencing the voter ID requirements *last*.

32. Relatedly, the Secretary's question arbitrarily privileges comparatively minor tweaks to the absentee ballot process over major substantive innovations. The Secretary devotes two entire clauses to "prohibit[ing]" requests for absentee ballots by phone or family members" and "ban[ning] prepaid postage on absentee ballot return envelopes," but ignores the Act's sweeping guarantee to

provide government identification to all Maine residents free of charge. The Secretary provides no justification for her decision to highlight such minutiae while obscuring major alterations to Maine law. These details lengthen the question, confuse the voter, and distract from the main point of the Act, and should be removed.

33. The question's final "catch-all" clause ("make other changes to our elections") is also problematic. "The ballot question drafting process ... is designed to ensure that voters, who may be reading the question for the first time in the voting booth, will understand the subject matter and the choice presented." *Jortner*, 293 A.3d at 410. Simply referencing nonspecific "other changes" does neither, failing the baseline requirement of "*describ[ing]* the subject matter of the ... direct initiative." *Id.* at 409 (emphasis added). For this reason, it's not surprising that no prior secretary has included a similar clause in a ballot measure. *See generally* Citizen Initiated Legislation, *supra*. The term "certain photo ID" fails for the same reason: it's nonspecific, vague, and invites more questions than it answers.

34. The ballot question process has one simple instruction to the Secretary: "ask a clear question about whether the voter wishes to approve proposed legislation of which the voter is presumed to be already aware." *Jortner*, 293 A.3d at 410. It is not an invitation for partisan officials to meddle with citizen initiatives through artful wording. The Secretary transgressed that boundary here, and the question should vacated and remanded for revisions accordingly.

COUNT I
REVERSAL OF THE SECRETARY OF STATE'S
DECISION PURSUANT TO 21-A M.R.S. §§905 & 905-A,
5 M.R.S. §§11001 *et seq.*, AND M.R. CIV. P. 80C

35. Petitioners repeat and reallege Paragraphs 1 through 31 above as if fully set forth herein.

36. Pursuant to the Administrative Procedures Act, the Court has the authority to reverse or modify the decision of an agency when it determines that the agency's "decision[]" is "[i]n violation of constitutional or statutory provisions." 5 M.R.S. §11007(4)(C). This includes the authority to vacate

a legally deficient ballot question and remand for revision according to the court's instructions. *See Jortner*, 293 A.3d at 417 (affirming the judgment vacating a ballot question and remanding to the Secretary of State "to revise the ballot question consistent with the analysis in this opinion").

37. The Secretary's decision violates Article IV, Part III, Section 20 of the Maine Constitution, which required the Secretary to present the Ballot Question "concisely and intelligibly." Me. Const. Art. IV, Part III, Sec. 20.

38. The Secretary's decision violates 21-A M.R.S. §906(6)(B), which required the Secretary to write a question "in a clear, concise, and direct manner that described the subject matter of the ... direct initiative as simply as possible." 21 M.R.S. §906(6).

39. The Secretary's decision violates 21-A M.R.S. §905(2), which required the Secretary to write a question "understandable to a reasonable voter reading the question for the first time" that "will not mislead a reasonable voter who understands the proposed legislation into voting contrary to that voter's wishes." 21-A M.R.S. §905(2).

40. The Secretary's decision impedes voters' ability to "understand the subject matter and choice presented" by the ballot question. *See Jortner*, 293 A.3d at 410; *see also Olson*, 689 A.2d 605.

41. The Secretary's decision was made in violation of constitutional and statutory provisions, in excess of her statutory authority, upon an unlawful procedure, unsupported by substantial evidence on the whole record, and in a manner that was arbitrary, capricious, and characterized by an abuse of discretion.

42. Accordingly, the Court should exercise its authority under 5 M.R.S. §11007(4)(C) to vacate and remand the question to be revised in keeping with constitutional and statutory mandates.

WHEREFORE Petitioners ask that this Court:

- a. Vacate the Secretary's approved ballot question as not understandable and misleading in violation of Me. Const. Part III, Sec. 20 and 21-A M.R.S. §905(2);

b. Remand to the Secretary of State to revise the ballot question consistent with the following:

i. Remove the following phrases:

1. “eliminate two days of absentee voting”;
2. “prohibit requests for absentee ballots by phone or family members”;
3. “end ongoing absentee voter status for seniors and people with disabilities”;
4. “ban prepaid postage on absentee ballot return envelopes”;
5. “change Maine elections laws”;
6. “and make other changes to our elections”;
7. “require voters to show certain photo ID before voting”; and
8. “certain” before photo ID; and

ii. Reorder the question to include the following phrase at the beginning:

1. “require voters to show photo ID before voting in-person or by absentee ballot, ...”;³ and

c. grant such other relief as the Court deems just and proper.

Dated: May 12, 2025

Respectfully submitted,


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³ With these modifications, the question would read: “Do you want to require voters to show photo ID before voting in-person or by absentee ballot and limit the number of drop boxes?”

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