

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
DOCKET NO. AP-25-0015

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.

**MOTION TO INTERVENE ON
BEHALF OF VICTORIA
KORNFIELD, LISA BUCK, DSCC,
DCCC, AND THE DEMOCRATIC
GOVERNORS ASSOCIATION**

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Pursuant to 21-A M.R.S. §§ 905-A, 905(2) and, alternatively, Maine Rule of Civil Procedure 24, Victoria Kornfield and Lisa Buck, as well as DSCC, DCCC, and the Democratic Governors Association (“DGA”), through counsel, hereby move for intervention in the above-captioned matter. In support of the Motion, the Proposed Intervenors state the following:

INTRODUCTION

This case concerns a forthcoming ballot initiative that proposes to make far-ranging changes to Maine’s election laws. Among other changes, the initiative would restrict Maine’s cities and towns to using a single ballot drop box, eliminate the right to register for “ongoing absentee voter status,” ban prepaid postage on absentee return envelopes, restrict the methods and time period for requesting an absentee ballot, and impose new and restrictive Voter ID requirements on both in-person and absentee voting. *See* L.D. 1149 (132nd Legis. 2025). Each of these changes will make it harder for Mainers to vote by restricting or outright eliminating voter-friendly policies that thousands of Mainers rely upon to reliably cast their ballots.

Unsurprisingly, the initiative’s proponents wish to downplay its harmful effects. To that end, they filed this suit to force the Secretary of State to adopt their preferred ballot question language—hidden in a footnote at the bottom of their Petition—which sweeps most of the ballot initiative under the rug. While the Petition is meritless, it nonetheless poses a severe risk to Mainers. If successful, voters will be forced to consider making dramatic changes to Maine’s election rules based on ballot question language that purposefully obscures most of those changes.

Mainers deserve an accurate and complete description of the ballot initiative. To that end, Victoria Kornfield and Lisa Buck (“Voters”), alongside DSCC, DCCC, and DGA (“Democratic Committees”), seek to intervene in this action to defend their interests and the rights of Maine voters. Maine’s ballot initiative law expressly permits such intervention for parties with “an

interest relating to the subject matter of the petitions.” 21-A M.R.S. § 905(2). The Democratic Committees—each of whom will be supporting candidates in competitive elections in Maine in 2026—have a strong interest in Maine’s election rules and in preserving the ability of their supporters to vote. The Voters also have clear interests here. Each has relied upon election rules that the initiative seeks to roll back or eliminate and also plan to register for ongoing absentee voter status when it becomes available in 2026. Accordingly, Proposed Intervenors have a stark interest in ensuring Mainers are properly apprised of the contents of the disputed ballot question when they vote on it in November. Because the requirements for intervention are satisfied under § 905(2), as well as under Maine Rule of Civil Procedure 24, intervention should be granted.

BACKGROUND & PROCEDURAL HISTORY

On February 19, 2025, the Secretary of State certified a direct initiative titled “An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting” for the November 2025 ballot. The initiative, proposes to make a host of changes to Maine’s election laws. Most notably, the law would: (1) eliminate the ability of voters to automatically receive absentee ballots; (2) narrow the window for absentee voting; (3) restrict how and when a person can request an absentee ballot; (4) ban prepaid postage on absentee ballot envelopes; (5) restrict towns to using a single ballot drop box; (6) adopt restrictive voter identification requirements for both in-person and absentee voting; and (7) implement new challenge and provisional ballot procedures for voters without photographic identification. *See* L.D. 1149 (132nd Legis. 2025).

After public comment, the Secretary released proposed ballot question language reading:

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?

This language accurately reflects the many changes included in the proposed initiative.

On May 12 Petitioners filed suit to challenge the Secretary's language. Petitioners' preferred ballot language, buried in a footnote toward the end their pleading, reads:

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?

See Pet. at 13 n.3. This language omits many consequential aspects of the ballot initiative, including most notably its many restrictions and limitations on absentee voting.

PROPOSED INTERVENORS

The Voters. Victoria Kornfield is a Maine voter residing in Bangor. Ms. Kornfield is a retired educator and state legislator who regularly votes by absentee ballot and who is interested in registering for ongoing absentee voter status when it becomes available. She is concerned that the changes the ballot measure would introduce will make it more difficult for her to vote in the future. Consequently, she opposes the measure and believes that the language that goes before Maine voters should accurately reflect the harmful changes it will enact. *See generally* **Exhibit A** ("Kornfield Decl."). Dr. Lisa Buck is a Maine voter residing in Orono. Dr. Buck typically votes by depositing her absentee ballot at a ballot drop box, of which Orono has several. She is concerned that the ballot measure, if enacted, will make it harder for her to vote by eliminating ongoing absentee voter status—which she intends to sign up for—and by limiting the number of available drop boxes accessible to her. As a result, she opposes the ballot measure and believes the language of the ballot question should accurately reflect the changes it threatens to impose. *See generally* **Exhibit B** ("Buck Decl.").

The Democratic Committees. DSCC is the Democratic Party's national senatorial committee. Its mission is to elect Democratic candidates to the U.S. Senate, including in Maine. DSCC works to accomplish its mission by coordinating with state parties and senatorial campaigns to encourage and support programs that assist voters in casting their ballots and preserving their

legal voting rights. DSCC opposes the ballot initiative, which it believes would make it more difficult for eligible Mainers to cast their ballots and thereby impair DSCC's mission of supporting Democratic candidates for the U.S. Senate. *See generally* **Exhibit C** ("DSCC Decl."). DCCC is the Democratic Party's national congressional committee. Its mission is to elect candidates of the Democratic Party from across the country to the U.S. House of Representatives, including in Maine. It works to achieve its mission in a manner similar to DSCC and therefore also opposes the ballot initiative. *See generally* **Exhibit D** ("DCCC Decl."). The Democratic Governors Association ("DGA") is a political organization dedicated to electing Democratic gubernatorial candidates across the United States. It works with Democratic gubernatorial candidates and campaigns to, among other things, encourage and support programs that assist Democratic voters with successfully casting ballots and to preserve the legal voting rights of its voters. DGA will expend resources to encourage Maine voters to support the Democratic candidate for governor in 2026. DGA also opposes the ballot measure and intends to commit its own financial resources towards efforts to defeat it at the ballot box. *See generally* **Exhibit E** ("DGA Decl.").

LEGAL STANDARD

Proposed Intervenors have several means of intervention. First, Maine's ballot initiative law provides that "[u]pon timely application, anyone may intervene in [such an] action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties." 21-A M.R.S. § 905(2). The procedures set forth in Section 905(2) govern this action for judicial review of the Secretary of State's ballot question wording pursuant to 21-A M.R.S. § 905-A.

Second, Maine Rule 24(a)(2) separately provides for intervention as of right where the proposed intervenor satisfies three elements. *See* M.R. Civ. P. 24(a)(2). Specifically, the proposed

intervenor: “(1) [] must claim an interest in the property or transaction that is the subject of the action; (2) [] must be so situated that the disposition of the action may impair or impede its ability to protect its interests; and (3) its interest must not be adequately represented by the existing parties to the action.” *Bangor Pub. Co. v. Town of Bucksport*, 682 A.2d 227, 231 (Me. 1996) (citing *Doe v. Roe*, 495 A.2d 1235, 1237 (Me. 1985)). The Maine rule is “virtually the same” as its federal equivalent. *Doe*, 495 A.2d at 1237 n.4.¹ The Maine rules also provide that, upon a timely application, “anyone may be permitted to intervene in an action when an applicant’s claim or defense and the main action have a question of law or fact in common.” M.R. Civ. P. 24(b).

ARGUMENT

I. The Voters and Democratic Committees are entitled to intervene as of right under either § 905(2) or Maine Rule 24(a)(2).

A. Proposed Intervenors have significant interests in an accurate description of the ballot question, and this action threatens to impair such interests.

Proposed Intervenors each have strong interests in Maine’s election rules and therefore an equally strong interest in ensuring that any ballot measure seeking to disrupt those rules is accurately presented to voters and the public. They also have a particularly strong interest in ensuring that the disputed ballot question does not downplay or obscure the harmful effects of proposed changes to voting, particularly where those changes will make it harder for people to vote and for the Democratic Committees’ candidates to compete. *See, e.g.*, Kornfield Decl. ¶¶ 3–5; Buck Decl. ¶¶ 3–4; DSCC Decl. ¶¶ 6–13; DCCC Decl. ¶¶ 6–13; DGA Decl. ¶¶ 9–15.

To wit, much of the initiative targets absentee voting, which is very popular in Maine. In 2024, for example, Maine voters cast over 370,000 absentee ballots—nearly half of all ballots cast

¹ As required by Rule 24, *see* M.R. Civ. P. 24(c), Proposed Intervenors include a proposed responsive pleading to the Petition. *See Exhibit F*. If granted intervention, Proposed Intervenors intend to file a response to the merits of the Petition on a schedule to be set by the Court.

in that year's general election.² “Democrats have consistently voted absentee at higher rates than other voters in Maine.”³ Accordingly, the Democratic Committees and their candidates in Maine encourage supporters to vote by absentee ballot and support programs that assist them in doing so. DSCC Decl. ¶¶ 7–8; DCCC Decl. ¶¶ 7–8; DGA Decl. ¶¶ 9–10. Petitioners’ proposed language obscures the many ways in which the initiative will restrict absentee voting. *See* Pet. at 13 n.3. Given the harmful effects these restrictions will have on the Democratic Committees and their voters, the committees have a strong interest in ensuring the public is made fully aware of these proposed changes when evaluating whether to adopt them. DSCC Decl. ¶¶ 12–13; DCCC Decl. ¶¶ 12–13; DGA Decl. ¶¶ 14–15. Otherwise, the Democratic Committees face the prospect of irreparable harm to the rights of their supporters and the competitiveness of their candidates.

Courts routinely find these interests suffice for intervention. For example, political parties and candidates are regularly permitted to intervene in cases that will impact “the legal landscape” of the electoral process. *See La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 306 (5th Cir. 2022) (holding committees had “substantial” and “direct” interest in case related to “election process in Texas”). That interest is acute where changes to the electoral process will force a political party to divert limited resources to sustain its voter outreach efforts. *Cf. Republican Nat’l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 397 (4th Cir. 2024). If Mainers are misled into adopting the proposed ballot measure, the Democratic Committees will have to make costly changes to their electoral strategies to help supporters who will have a harder time voting absentee. *See* DSCC Decl. ¶¶ 11–13; DCCC Decl. ¶¶ 11–13; DGA Decl. ¶¶ 13–16.

² Russ Reed, *Maine’s absentee voting levels for 2024 election second highest since 2008*, WMTW (Nov. 5, 2024), <https://perma.cc/K5PE-8K6A>.

³ Kevin Miller, *1 in 4 Maine voters have requested absentee ballots*, Maine Public (Oct. 22, 2024), <https://perma.cc/KSU8-6ET4>.

Similarly, courts have held that political organizations have a strong interest in preserving the voting rights of their supporters. See *Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949, 951 (7th Cir. 2007) (holding the “Democratic Party also has standing to assert the rights of those of its members who will be prevented from voting by the new [photo ID] law”). Here, the ballot initiative creates a serious risk that the Democratic Committees’ supporters will lose established voting rights—a risk that will grow more acute if the ballot question put to voters sweeps its most harmful provisions under the rug. See DSCC Decl. ¶ 12; DCCC Decl. ¶ 12; DGA Decl. ¶ 14.

Finally, the Democratic Committees have a stark interest in preserving “a competitive playing field for their candidates and conserving party resources.” *N.C. Green Party v. N.C. State Bd. of Elections*, 619 F. Supp. 3d 547, 562 (E.D.N.C. 2022) (granting intervention); cf. *Hollander v. McCain*, 566 F. Supp. 2d 63, 68 (D.N.H. 2008) (similar). The ballot measure at issue targets voting methods disproportionately relied upon by registered Democrats. The Democratic Committees have a competitive interest in ensuring voters are alerted to this fact before adopting changes to Maine’s election rules that disadvantage Democratic candidates, particularly given Maine’s history of close elections. See DSCC Decl. ¶ 12; DCCC Decl. ¶ 12; DGA Decl. ¶ 14.

Ms. Kornfield and Dr. Buck also have clear interests at stake. Each of them plans to register for ongoing absentee voter status when it becomes available, unless that option is eliminated by the proposed measure. Kornfield Decl. ¶ 4; Buck Decl. ¶ 3. Each also relies upon voting options that the ballot initiative seeks to restrict or eliminate, including the ability to request an absentee ballot by telephone or to deposit their absentee ballot in one of several available drop boxes. Kornfield Decl. ¶¶ 3–5; Buck Decl. ¶¶ 3–4. These voters have a strong interest in preserving their own voting rights and ability to effectively cast ballots. See *League of United Latin Am. Citizens, Dist. 19 v. City of Boerne*, 659 F.3d 421, 434–35 (5th Cir. 2011) (collecting cases); *Democracy*

N.C. v. N.C. State Bd. of Elections, 476 F. Supp. 3d 158, 180 (M.D.N.C. 2020) (“In the voting context, ‘voters who allege facts showing disadvantage to themselves as individuals have standing to sue.’” (quoting *Baker v. Carr*, 369 U.S. 186, 206 (1962))).

Finally, while Proposed Intervenors are not required to make such a showing, the interests above are at risk of being impaired by the outcome of this case. Section 905(2) imposes no impairment requirement for intervention—it merely requires “an interest relating to the subject matter of the petitions,” which both the Democratic Committees and Voters have amply shown. Even so, they also satisfy Rule 24(a)(2)’s requirement that “the disposition of the action may as a practical matter impair or impede the applicant’s ability to protect [their] interest[s].” M.R. Civ. P. 24(a)(2). Here, the Petitioners urge the Court to impose proposed ballot language that would downplay the contents of the ballot initiative—an attempted wolf in sheep’s clothing. *See* Pet. at 13 n.3. Forcing the Secretary to adopt such misleading language would “impair” the ability of Proposed Intervenors to preserve their interest in accurate ballot question language.

B. Existing parties do not adequately represent Proposed Intervenors’ interests.

The existing parties do not adequately represent the unique interests at stake for the Voters and the Democratic Committees. Petitioners plainly oppose those interests, seeking to foist a misleading description of the proposed measure on voters. *See* Pet. at 13 n.3. And while the Secretary opposes the Petition, she also does not adequately represent the discrete interests of Proposed Intervenors here. Under Maine law, the Secretary has a statutory duty to craft ballot question language in a neutral fashion. *See* 21-A M.R.S. § 905(2). As Petitioners themselves put it, “the law requires her to put aside personal biases and draft a concise question” in an even-handed manner. *See* Pet. at 2. Proposed Intervenors, in contrast, do not bear such duties; their interests are more partisan and personal in nature. *See, e.g.*, 21-A M.R.S. §§ 901-905 (describing various duties of the Secretary). In other words, as political committees and private citizens, they

“have a position and interests that are separate from and independent of the position of other parties to the litigation.” *Francis v. Dana-Cummings*, 2007 ME 16, ¶ 24, 915 A.2d 412, 417.

These distinct interests have consistently been found to satisfy the “minimal” burden of showing inadequate representation. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). Federal courts have “often concluded that governmental entities do not adequately represent the interests of aspiring intervenors,” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003), because their interests are “necessarily colored by [their] view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it,” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998) (explaining that the burden in these circumstances is “comparatively light”). That interest gap is heightened in election law cases: “While [the Secretary’s] arguments turn on [her] inherent authority as [a] state executive[] and [her] responsibility to properly administer election laws, the Proposed Intervenors are concerned with ensuring their . . . members [and supporters] . . . have the opportunity to vote” in “allocating their limited resources to inform voters about the election procedures.” *Issa v. Newsom*, No. 220-CV-01044-MCE-CKD, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020).

The Supreme Court recently emphasized these discrete interests in *Berger v. N.C. State Conference of the NAACP* where it noted that public officials must “bear in mind broader public-policy implications,” whereas private litigants—like Proposed Intervenors—seek to vindicate their own rights “full stop.” 597 U.S. 179, 195–96 (2022) (quoting *Trbovich*, 404 U.S. at 538 n.10). Because state officials do not share “identical” interests with private parties, the Court reiterated that private parties bear only a “minimal” burden in showing inadequate representation. *Id.* That burden is met here, where Proposed Intervenors have starkly different interests than the Secretary.

C. The Motion is timely.

Proposed Intervenor promptly moved only eight days after the Petition was filed and no substantive activity has yet occurred in the case. *See Fiandaca v. Cunningham*, 827 F.2d 825, 834 (1st Cir. 1987) (motion timely where filed “days” after “learning that their interests may be affected”). Proposed Intervenor—who agree to abide any schedule set by the Court—have also not acted in a manner likely to cause “undu[e] delay or prejudice.” *In re N.W.*, 2013 ME 64, ¶ 11, 70 A.3d 1219, 1222; *see also Garrity v. Gallen*, 697 F.2d 452, 455 (1st Cir. 1983).

II. Alternatively, the Court should grant permissive intervention.

The Court also has broad discretion to grant permissive intervention, which permits intervention so long as “an applicant's claim or defense and the main action have a question of law or fact in common.” M.R. Civ. P. 24(b). As the attached pleading shows, Proposed Intervenor’s defenses raise common questions of law with those at issue in the action. *See Exhibit F*.

Federal courts have advised that Rule 24(b) “should be construed liberally.” *Animal Prot. Inst. v. Martin*, 241 F.R.D. 66, 68 (D. Me. 2007) (quotation and citation omitted), and therefore often grant permissive intervention to individuals and groups—including political committees—advocating for the voting rights of their members. *E.g.*, *RNC v. Aguilar*, No. 2:24-CV-00518-CDS-MDC, 2024 WL 3409860, at *3 (D. Nev. July 12, 2024); *RNC v. Chapman*, 447 M.D. 2022 (Pa. Common. Ct. Sept. 29, 2022); *Pub. Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 802 (E.D. Mich. 2020); *Kobach v. U.S. Election Assistance Comm’n*, No. 13-CV-4095-EFMDJW, 2013 WL 6511874, at *4 (D. Kan. Dec. 12, 2013). This Court should follow suit given Proposed Intervenor’s clear interests and the lack of any prejudice or delay.

CONCLUSION

For the foregoing reasons, Proposed Intervenor should be granted intervention.

Respectfully submitted,

Dated: May 20, 2025

/s/ James G. Monteleone

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*Motion for *pro hac vice* admission
forthcoming

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NOTICE

Pursuant to Rule 7(c) of the Maine Rules of Civil Procedure, any matter in opposition to this motion must be filed not later than twenty-one (21) days after the filing of this motion unless another time is provided by the rules or set by the Court. Failure to file timely opposition to this motion will be deemed a waiver of all objections to this motion, which may be granted without further notice or hearing.