



SHENNA BELLOWS
SECRETARY OF STATE

STATE OF MAINE
DEPARTMENT
OF THE
SECRETARY OF STATE

April 28, 2026

By Email and U.S. Mail

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AMENDED NOTICE OF HEARING

In re: Remand of *Gilbert v. Bellows*, No. PORSC-AP-2026-10 (Cumb. Cty. Super. Ct.)

Dear Attorneys Dodge, Monteleone, and Woodcock:

In the above action, Petitioners Jane Gilbert, Mark Sayre, and Kaitlin Webber (collectively, “Gilbert”), represented by Attorneys Dodge and Monteleone, challenged the Secretary of State’s determination that the citizen-initiated petition to enact “An Act to Designate School Sports Participation and Facilities by Sex,” contained a sufficient number of valid signatures to be transmitted to the Legislature. The Superior Court permitted the ballot question committee Protect Girls Sports in Maine (“PGS”), represented by Attorney Woodcock, to intervene in support of the petition’s validity. On April 24, 2026, the Court remanded the action “for further proceedings consistent with this Order, which may include correcting the concessions identified [in the Court’s decision and order], taking new evidence, and

developing further findings of fact as necessary.” The Court directed the Secretary to issue a new Determination of Validity by May 26, 2026.

Pursuant to the Court’s authorization to allow the taking of new evidence and 21-A M.R.S.A. § 905, an adjudicatory hearing will be held on Tuesday, May 12, 2026, beginning at 10:00 am, in Room 127 (Taxation Committee Room) of the State House in Augusta, Maine. The hearing will be conducted in accordance with the Maine Administrative Procedure Act, 5 M.R.S. §§ 9051 *et seq.* Chief Deputy Secretary of State Katherine McBrien will serve as the Presiding Officer at the Hearing, and Assistant Attorney General Jonathan Bolton will assist the Chief Deputy as legal counsel.

At the hearing, the parties may present evidence and argument on the following matters:

- Whether the circulators described in Gilbert’s Challenge No. 2 engaged in conduct contrary to their circulator’s oath and, if so, the effect of such failure on the validity of signatures collected;
- Whether the 31 individual signatures identified as “suspicious” in Gilbert’s Challenge Table 19a should be invalidated;
- Whether the two circulators identified in Gilbert’s Challenge 19 engaged in misconduct implicating the validity of signatures that they collected and, if so, the effect of such misconduct on the validity of signatures collected;
- Whether the Secretary should, consistent with the Court’s legal rulings, correct any of the concessions contained in her Rule 80C brief, including but not limited to whether the Secretary should or should not accept corrected forms from circulators regarding their consent to personal jurisdiction in Maine after the petition’s filing (pursuant to Challenge 3) and whether specific signatures identified in Challenges 12, 14, 15, and 16 should be treated as valid or invalid.

At the hearing there will be an opportunity for all parties to present oral testimony of witnesses as well as additional documentary evidence, and to make oral argument pertaining to the issues above. Written affidavits from witnesses will not be accepted as evidence in this matter unless those witnesses are available for cross-examination, pursuant to 5 M.R.S. § 9057(5). Witnesses will be permitted to appear by videoconference if they are not otherwise available to attend the hearing.

At the start of the hearing, the full Agency Record, filed with the Court on April 6, 2026, and supplemented by court order issued April 24, 2026, will be admitted into the hearing record. The parties will be permitted to file a written closing arguments, which may rely upon both the Agency Record and any evidence and testimony admitted at hearing.

The parties shall exchange and file by email with the Secretary of State’s Office lists of expected exhibits and witnesses as well as copies of listed exhibits, no later than **Tuesday, May 5, 2026**. Witness lists should specify if a proposed witness wishes to testify by videoconference and provide an email address to which the videoconference invitation should be sent. The parties are also encouraged to exchange information in advance of the hearing. All filings should be emailed to SOS.Office@maine.gov and jonathan.bolton@maine.gov, and should be copied to all parties.

If you wish to request this office to issue a subpoena for the attendance of any witness pursuant to 5 M.R.S. § 9060(1) please notify us as soon as possible. Please also let us know if you will need copies of any public records within the custody of the Elections Division for the hearing.

Any person seeking to intervene in this matter shall file a written request with the Secretary of State, copying the parties, no later than **4:00 p.m. on Friday, May 1, 2026.**

Pursuant to 5 M.R.S. § 9053(3), a party's failure to take action required by this letter may be grounds for disposition of this proceeding by default.

Finally, under 5 M.R.S. § 9055, any communications to me, my staff, or AAG Bolton concerning any issue of fact, law or procedure in this proceeding must be in writing, copied to all parties, or following notice and opportunity for all parties to participate.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine McBrien". The signature is fluid and cursive, with a long horizontal flourish at the end.

Katherine McBrien
Chief Deputy Secretary of State

cc: Jonathan Bolton, Assistant Attorney General