

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

JANE P. PRINGLE, individually and in her)
capacity as a registered voter and Elector,)

KENNETH FLETCHER, individually and in his)
capacity as a registered voter and Elector,)

BONNIE S. GOULD, individually and in her)
capacity as a registered voter and Elector,)

BRENDA GARRAND, individually and in her)
capacity as a registered voter and Elector,)

and)

LAWRENCE WOLD, individually and in his)
capacity as a registered voter and Elector,)

Plaintiffs,)

vs.)

AARON FREY, Attorney General of the State of)
Maine,)

MAINE COMMISSION ON GOVERNMENTAL)
ETHICS AND ELECTION PRACTICES,)

and)

WILLIAM J. SCHNEIDER, chairman, DAVID R.)
HASTINGS, III, member, SARAH LECLAIRE,)
member, DENNIS MARBLE, member, STACEY)
D. NEUMANN, member, in their official)
capacities as members of the Commission on)
Governmental Ethics and Election Practices,)

Defendants.)

**DECLARATORY AND
INJUNCTIVE RELIEF SOUGHT**

Civil Action No. _____

INTRODUCTION

This is an action for declaratory and injunctive relief challenging recently enacted legislation that impermissibly infringes upon the First Amendment cognate rights of Maine residents who serve as Electors.

VERIFIED COMPLAINT

NOW COME, Plaintiffs, Jane Pringle, Kenneth Fletcher, Bonnie Gould, Brenda Garrand, and Lawrence Wold, as residents of the State of Maine and political subdivisions thereof and as Electors within the meaning of Article II of the Maine Constitution (“Electors”), by and through their attorneys, and hereby complain against Defendants, Aaron Frey, in his capacity as Attorney General of the State of Maine (“the Attorney General”), and the Maine Commission on Governmental Ethics and Election Practices (“the Commission”), and William J. Schneider, David R. Hastings, III, Sarah LeClaire, Dennis Marble, and, Stacey D. Neumann, in their capacity as members of the Commission, as follows:

SUMMARY

On November 7, 2023, Maine voters approved an initiative proposed for approval pursuant to Article IV, Part Third, Section 18 of the Constitution of Maine. The initiative was entitled “An Act to Prohibit Campaign Spending by Foreign Governments and Promote and Anti-Corruption Amendment to the Constitution of the United States” (“the Initiative”). A copy of the Initiative is attached hereto as Exhibit A.

Section 1 of the Initiative amended Title 21- A of the Maine Revised Statutes by adding a new section—Section 1064. Section 1064 applies to “the nomination or election of a candidate” and to “the initiation or approval of a referendum.” Exhibit A, Sec. 1, § 1064(2). The term “Referendum” is defined as comprising six means by which, for example, voters may approve (or

not) proposed legislation, popular vetoes of legislation, as well as amendments to the Constitution of Maine. *Id.* at Sec. 1, § 1064(1)(I)(1)-(6).

Plaintiffs do not challenge the constitutionality of Section 2 of the Initiative. Plaintiffs do not challenge the constitutionality of Section 1 of the Initiative as it applies to “the nomination or election of a candidate.” Plaintiffs challenge the constitutionality of the Initiative as it applies to any “Referendum” as defined in Section 1064(1)(I)(1)-(6).

The Initiative would bar foreign entities, as defined in Section 1064(1)(E), from accepting contributions or making expenditures “to influence...the initiation or approval of a referendum.” *Id.* at Sec. 1, § 1064(2). The effect of Section 2 is to bar the “Foreign Entities” defined in Section 1064(1)(E) from producing and disseminating information relating to any referendum. The Initiative is not limited to Foreign Entities; it applies to all persons, including Plaintiffs as individuals and in their capacities as registered voters and Electors. *Id.* at Sec. 1, § 1064(11).

The Initiative would impose severe criminal and civil sanctions on Plaintiffs and all others for violating its terms by obtaining and disseminating information from Foreign Entities “to influence the initiation of approval of a referendum.” *Id.* at Sec. 1, § (8) (civil penalties); Sec. 1, § 1064(9) (Class C felony).

If enforced, the Initiative would bar Plaintiffs, individually and in their capacities as registered voters and Electors, from seeking or using information obtained from Foreign Entities for their own consideration with respect to any Referendum listed in Section 1064(1)(I)(1)-(6). It would also bar them from using such information to influence the public at large or any individual or group of registered voters or Electors with respect to the “initiation or approval of a referendum.” *Id.* at Sec. 1, §§ 1064(2)-(5).

The Initiative violates Plaintiffs' rights to Petition the Government and, as Electors, to be petitioned, to Free Speech, and to Freedom of Assembly, including related rights of association as guaranteed by the First Amendment as made applicable to the States by the Fourteenth Amendment to the United States Constitution, and by Article I, Sections 4 and 15 of the Constitution of Maine.

The Initiative also imposes burdens and restrictions on the press with respect to information from Foreign Entities. *Id.* at Sec. 1, § 7. If enforced, those burdens and restrictions would chill the press from reporting, broadcasting, or otherwise making available to the public at large information from Foreign Entities that may "influence...the initiation of approval of a referendum." *Id.*, at Sec. 1, § 1064(2). Section 1064(7) would deprive Plaintiffs, individually and as registered voters and Electors, of information which otherwise the press would be free to publish, broadcast or otherwise disseminate to Plaintiffs and the public at large in violation of the Freedom of the Press as guaranteed by the First Amendment as made applicable through the Fourteenth Amendment to the United States Constitution and Article I, Section 4 of the Constitution of Maine.

As the Initiative would, if enforced, expose Plaintiffs to civil and criminal sanctions, it must meet basic Due Process standards. In both its terms and standards, the Initiative is also unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article I, Sections 6 and 6-A of the Constitution of Maine.

I. THE PARTIES

1. Jane Pringle is a resident of and registered voter in the Town of Windham, County of Cumberland, State of Maine. Dr. Pringle currently serves in the Maine House of Representatives.

2. Plaintiff, Kenneth Fletcher is a resident of and a registered voter in the Town of Winslow, County of Kennebec, State of Maine. Mr. Fletcher has served in the Maine House of Representatives and as the Director of the Governor's Energy Office.

3. Plaintiff, Bonnie Gould, is a resident of and a registered voter in the Town of Cornish, County of York, State of Maine. Ms. Gould has served in the Maine House of Representatives and as Assistant Secretary of the Maine Senate.

4. Plaintiff, Brenda Garrand, is a resident of and a registered voter in the City of Rockland, County of Knox, State of Maine.

5. Plaintiff, Lawrence Wold, is a resident of and a registered voter in the Town of Falmouth, County of Cumberland, State of Maine.

6. Aaron Frey is the Attorney General of the State of Maine pursuant to and under the authority of Article IX, Section 11 of the Constitution of Maine. In that capacity, and among other things, Attorney General Frey is responsible for enforcing and, when challenged, defending the laws of Maine, including those approved by Maine Electors pursuant to the initiative process.

7. Attorney General Frey is sued in his official capacity as Attorney General of the State of Maine.

8. The Commission on Governmental Ethics and Election Practices has been established and assigned duties and responsibilities pursuant to 1 M.R.S. § 1001, *et seq.* The Initiative authorizes the Commission to exercise jurisdiction over alleged violations of the Initiative and empowers the Commission to impose civil penalties for violations of the Initiative. Exhibit A at Sec. 1-§ 1064(8). The Initiative authorizes the Commission to oversee compliance with the Initiative and to adopt rules governing the Initiative. *Id.* at Sec. 1-§ 1064(10). The

Initiative designates the Commission to receive reports from the Press of any Foreign Entity Information that any member of the Press determines that it has distributed. *Id.* at Sec. 1-§ 1064(7).

9. Defendants William J. Schneider, David R. Hastings, III, Sarah LeClaire, Dennis Marble, and, Stacey D. Neumann are members of the Commission on Governmental Ethics and Election Practices and each is sued in his or her official capacity as a member of that Commission.

II. JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343, which confer original jurisdiction on federal district courts over actions arising under the Constitution and laws of the United States. This case arises under the First Amendment of the United States Constitution including the right to freedom of speech, freedom of association, the right to petition the government and the freedom of the press and the Due Process Clause of the Fourteenth Amendment which makes each of the foregoing First Amendment rights binding on the States, all of which, in accordance with the Supremacy Clause, Article VI of the United States Constitution, are the supreme law of the land.

11. This suit is brought pursuant to Section 1983 of Title 42, United States Code, which provides, in part, as follows: “Every person who under color of any statute, ordinance, regulation, custom, or usage of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to a deprivation of any rights, privileges, immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law or equity or other proper proceedings for redress.” 42 USC § 1983.

12. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over the State law claims listed herein because, individually and collectively, those State law claims are so

related to Plaintiffs' claims under the First and Fourteenth Amendments to the United States Constitution and brought pursuant to 42 U.S.C. § 1983, that they form a part of that case and controversy under Article III of the United States Constitution.

13. Venue is proper in the District of Maine pursuant to 28 U.S.C. § 1391 because Plaintiffs and Defendants are all located in the District of Maine.

14. This Court has authority to enjoin the enforcement of the Initiative pursuant to 42 USC §1983 and to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

III. STATEMENT OF THE CASE

15. On November 7, 2023, Maine voters approved an initiative originated under Article IV, Part Third, Section 18 of the Constitution of Maine, entitled “An Act to Prohibit Foreign Campaign Spending by Foreign Governments and to Promote an Anticorruption Amendment to the United States Constitution” (“the Initiative”), Exhibit A.

16. The Initiative will become effective on January 5, 2024.

17. The Initiative is composed of two sections. Section 1 amends Title 21-A of the Maine Revised Statutes by adding a new section—Section 1064. *See* Exhibit A, Section 1. Section 2 purports to direct the Maine Congressional Delegation to support an anti-corruption amendment to the United States Constitution. *See* Exhibit A, Sec. 2.

18. Plaintiffs' challenge as set forth below, is limited to the constitutionality of the Initiative as it applies to any “Referendum” and the use of information from Foreign Entities “to influence...the initiation or approval of a referendum.” *Id.*, at Sec. 1, § 1064(1)(I)(1)-(6) (listing “referendum”); § 1064(2) (“prohibited spending”); *see also*, § 1064(3)-(5).

Terms of the Initiative

Foreign Entities and Persons Subject to Initiative—In General

19. The Initiative applies to any “Foreign government-influenced entity” and any “Foreign government-owned entity” as defined at Sections 1064(1)(E) and 1064(1)(F) respectively. *Id.* at Sec. 1-§ 1064(1)(E), (F). The entity or entities, so defined, are referred to hereinafter as either “Foreign Entity” or “Foreign Entities.”

20. The Initiative applies to any information produced or otherwise in existence due to a contribution, expenditure or other donation made directly or indirectly by a Foreign Entity and which may be employed for the purpose of influencing the initiation or approval of a Referendum. *Id.* at Sec. 1-§ 1064(2); *see also, Id.* at Sec. 1-§ 1064(1)(I)(1)-(6). Such information is hereinafter referred to as “Foreign Entity Information.”

21. The Initiative subjects Foreign Entities to civil and criminal sanctions to place them at risk for any violation of the conduct which the Initiative bars. *Id.* at Sec. 1-§§ 1064(8), 1064(9). The purpose of these severe penalties is to deter Foreign Entities from producing or sharing Foreign Entity Information that may influence the initiation or approval of a Ballot Measure with individuals or the general public, including Plaintiffs in their capacities as registered voters and Electors.

22. In addition to Foreign Entities, the Initiative also applies, without limitation, to “all persons”, including Plaintiffs. *Id.* at Sec. 1-§ 1064(11).

23. The Initiative applies to Plaintiffs and exposes each of them to its regime of criminal and civil sanctions and, by so doing, intends to place Plaintiffs at risk for the imposition of criminal and civil sanctions and, thereby, to discourage Plaintiffs from seeking, supporting, reviewing, or

sharing Foreign Entity Information as it may pertain to the initiation or approval of any Referendum. *Id.* at Sec. 1-§ 1064(2); *see also, Id.* at Sec. 1-§ 1064(1)(I)(1)-(6).

Ballot Measures Covered by Initiative

24. The Initiative defines “Referendum” to include any of the following: (1) a people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17; (2) a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18; (3) a popular vote on an amendment to the Constitution of Maine under Article X, Section 4; (4) a referendum enacted on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19; (5) the ratification of bonds by the State or any state agency; and, (6) any county or municipal referendum. *Id.* at Sec. 1-§ 1064(1)(I)(1)-(6). (The “Referendum” so defined are hereafter at times referred to as “Ballot Measures”.)

25. Each of the Ballot Measures included in the Initiative’s definition of “Referendum” involves the exercise by the Maine voters and Electors of their sovereign lawmaking powers. *Id.* at Sec. 1-§ 1064(1)(I)(1)-(6).

26. The Initiative applies not only to “any referendum” as formally proposed to the Electors for decision, but also to the “initiation” of any such referendum measure. *Id.* at Sec. 1-§ 1064 (1)(E)(2)(b); § 12); §1064(1)(A) (“contribution”); *see also, 21-A M.R.S. § 1052(4-B).*

Prohibited Conduct

27. The Initiative bars any Foreign Entity from “directly or indirectly” making a “contribution, expenditure...or any other donation or disbursement to influence...the initiation or approval of a referendum.” *Id.* at Sec. 1-§ 1064 (2).

28. The Initiative applies to the “initiation” of a Referendum. *Id.* at Sec. 1-§ 1064(2); *see also*, 21-A MRS §1052(4-B). It also applies to the “approval” of a Referendum. *Id.* at Sec. 1-§ 1064(2). Thus, the Initiative comprehensively applies to the entirety of the process by which each Referendum listed in Section 1064(1)(I)(1)-(6) is initiated through its approval (or not) by voters at a general election. There is no aspect of the process governing each such Referendum that is not covered by the Initiative, including the Initiative’s criminal and civil punitive regimes.

29. Although ostensibly directed at Foreign Entities, the Initiative applies, without limitation, to “all persons”. *Id.* at Sec. 1-§ 1064(11); *see also Id.* at Sec. 1-§§ 1064(3), 1064(4), and 1064(5) (each applying to “[a] person”).

30. The Initiative bars “[a] person” from soliciting, accepting, or receiving a contribution or donation prohibited by Section 1064(2). *Id.* at Sec. 1-§ 1064 (3).

31. The Initiative bars “[a] person” from providing “substantial assistance”, whether compensated or not, in soliciting, accepting or receiving a contribution or making an expenditure in violation of Section 1064(2). *Id.* at Sec. 1-§ 1064 (4)(A)-(b).

32. In addition to the foregoing, the Initiative bars “[a] person” from “structur[ing] or attempt[ing] to structure a solicitation, contribution, expenditure...or disbursement or other transaction to evade the prohibitions and requirements of this section.” *Id.* at Sec. 1-§ 1064(5).

Application of and Sanctions under the Initiative

33. The Initiative prohibits “[a] person” from “knowingly solicit[ing], accept[ing] or receiv[ing] a contribution or donation prohibited by [Section 1064(2)].” *Id.* at Sec. 1-§ 1064(3); *see also*, 17-A M.R.S. § 35(2) (“knowingly”).

34. The Initiative provides that “[a] person who knowingly violates subsections [1064(2)-(5)] commits a Class C crime.” *Id.* at Sec. 1-§1064(9); *see also*, 17-A M.R.S. § 35(2)

(“knowingly”). A Class C crime is a felony and carries a prison sentence of up to five years and a fine of up to \$5,000. 17-A M.R.S. §§ 1604(1)(C), 1704(3).

35. The Initiative’s criminal sanctions apply fully to Plaintiffs as individuals and as Maine citizens, including those instances in which Plaintiffs are exercising their duties as voters and as Electors with respect to each type of Referendum listed in Section 1064(1)(I)(1)-(6).

36. The Initiative also provides for the imposition of civil penalties of “not more than \$5,000 or double the amount of the contribution, expenditure...donation or disbursement involved in the violation, whichever is greater, for a violation of [Section 1064].” *Id.* at Sec. 1-§ 1064(8). The Commission is authorized to adjudicate and impose fines pursuant to Section 1064(8). *Id.* at Sec. 1-§ 1064(8).

37. The Initiative’s civil sanctions apply fully to Plaintiffs as individuals and as Maine citizens, including those instances in which Plaintiffs are exercising their duties as voters and as Electors with respect to each type of Referendum listed in Section 1064(1)(I)(1)-(6).

38. The Initiative’s criminal and civil actions apply to Plaintiffs in their capacities as Electors seeking, receiving, and sharing public communications and other information from Foreign Entities or otherwise, directly or indirectly, derived from contributions or expenditures by Foreign Entities which pertain to any Ballot Measure and from disseminating or otherwise using that information to “influence...the initiation or approval of a referendum.” *Id.* at Sec. 1-§ 1064(2)

Criminal and Civil Enforcement of Initiative

39. The Attorney General of Maine is responsible for enforcing the criminal provisions of the Initiative against all persons to which it applies, which persons include Plaintiffs.

40. The Initiative charges the Commission with enforcing the civil sanctions set forth in Section 1064(8). *Id.* at Sec. 1-§ 1064(8).

41. The Initiative also empowers the Commission to “adopt rules to administer [Section 1064]”; providing further that such rules shall be “routine technical rules” within the meaning of 5 M.R.S. §8071, *et seq.* *Id.* at Sec. 1-§ 1064(10).

The Press

42. The Initiative also imposes affirmative “due diligence” obligations on television and radio broadcasters as well as providers of cable or satellite television, print news outlets and Internet platforms “to establish due diligence policies, procedures and controls that are reasonably designed to ensure that [that medium] does not broadcast, distribute or otherwise make available to the public a public communication” which a Foreign Entity has made possible or supported through “an expenditure...or disbursement in violation of [Section 1064].” *Id.* at Sec. 1-§ 1064(7); *see also, Id.* at Sec. 1-§ 1064(H) (“public communication”).

43. In addition to the foregoing, the Initiative imposes a further obligation on “Internet platforms” which, in the event that such Internet platform “discovers that it has distributed a public communication for which [a Foreign Entity] has made an expenditure...or disbursement in violation of [Section 1064] the Internet platform must immediately remove the communication and notify the [C]ommission.” *Id.* at Sec. 1-§ 1064(7).

Powers and Duties of Electors in General

44. Article II of the Constitution of Maine provides that Maine residents who are registered voters are Electors and in the exercise of their voting rights and duties are constitutional officers exercising constitutionally protected powers. Me. Const., art. II.

45. Under the Constitution of Maine, Electors are empowered to vote for representatives and senators to the Maine Legislature and to vote for the Governor of Maine. Me.

Const., art. IV, Pt 1, § 2 (House of Representatives); Me. Const., art. IV, Pt. 2, § 1 (Senate); Me. Const., art. V, Pt., § 2 (Governor).

46. The Constitution of Maine provides that “the Legislature...shall have the full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.” Me. Const., art. IV, Pt. 3d, § 1.

47. In 1909, the Maine Constitution was amended to provide Maine Electors with the power to propose legislation and to enact such proposed legislation into law and to repeal legislation passed by the Legislature. Me. Const. art. IV, pt. 3, §§17-18. The Constitution was also amended to authorize municipalities to provide similar powers to the residents and voters of those municipalities. Me. Const., art. IV, Pt. 3d, §21. These and related amendments are set forth in Sections 17 through 22 of Article IV, Part Third of the Constitution of Maine.

48. Under the 1909 amendments to the Maine Constitution, the Maine Electors reserved the right to propose laws and enact laws without the approval of the Legislature and, thereby, took back a power which, when Maine became a state, the Electors had vested in the Legislature. *Farris ex rel. Dorsky v. Goss*, 143 Me. 227, 230 (1948).

49. Subject to and in accordance with the aforementioned 1909 amendments, the authority of Maine Electors to enact or reject laws is “absolute and all embracing.” *Town of Warren v. Norwood*, 138 Me. 180, 192-193 (1941).

Article IV, Part Third, Section 17—Peoples’ Veto

50. The Initiative applies to Article IV, Part Third, Section 17 of the Constitution of Maine, which is known as “the People’s Veto” and is also known as a “referendum.” Exhibit A. Sec. 1-§ 1064(1)(I)(1).

51. The People’s Veto is directed at laws enacted by the Legislature. It empowers the Electors to petition to suspend the effectiveness of a newly approved law in order to provide the Electors at large with the independent opportunity to approve or disapprove that law. Me. Const., art. IV, Pt. 3d, § 17.

52. The process by which a veto may be placed before Maine Electors requires a “written petition of electors, the number of which shall not be less than 10% of the total vote for Governor in the last gubernatorial election preceding the filing of such petition and addressed to the Governor.” *Id.*

53. The People’s Veto is an absolute right and cannot be abridged directly or indirectly by the Legislature. *Farris ex rel. Dorsky v. Goss*, 143 Me. 227, 231 (Me. 1948).

54. The People’s Veto was intended to apply to acts, resolves, and resolutions of the Legislature having the force of law. *Moulton v. Scully*, 111 Me. 428, 89 A. 944, 953 (1914).

55. During the period in which a law has been suspended by the People’s Veto, that law cannot be modified by the Legislature or any State official before the date of submission to the people. *Opinion of the Justices*, 132 Me. 512 (1933).

Article IV, Part Third, Section 18—Popular Initiation of Legislation

56. Article IV, Part Third, Section 18 of the Constitution of Maine authorizes the Electors at large to originate proposed legislation. This authority is known as “the Direct Initiative of Legislation” (“Initiative”). Exhibit A, Sec. 1-§ 1064(1)(I)(2).

57. Article IV, Part Third, Section 18 requires that the initiative process commence by “written petition addressed to the Legislature”. Me. Const., art. IV, Pt.3d, § 18(1). Article IV, Part Third, Section 18 specifies that “the number of signatures shall not be less than 10% of the total

vote for the Governor cast in the last gubernatorial election preceding the filing of such petition.”
Id., art. IV, Pt. 3d, § 18(2).

58. The Initiative authority applies only to the making of laws. *Avangrid Networks, Inc. v. Secretary of State*, 2020 ME 109, ¶ 27, 237 A.3d 882.

59. The Initiative power reserves to the people the right to legislate by direct initiative the constitutional conditions provided that the constitutional prerequisites are satisfied. *McGee v. Secretary of State*, 2006 ME 50, ¶ 25, 896 A.2d 933. By the Initiative amendment, the people have retaken unto themselves the right to legislate. *Opinion of the Justices*, 275 A.2d 800, 803 (Me. 1971).

60. The right of the people to initiate and enact legislation is an absolute right and cannot be abridged directly or indirectly by the Legislature. *McGee v. Secretary of State*, 2006 ME 50, ¶ 21, 896 A.2d 933.

61. Once the Initiative is before the Legislature, the Legislature may enact the Initiative without change, issue a competing measure for consideration by the Electors, or take no action. Me. Const., art. IV, Pt. 3d, §18.

62. When the Legislature does not enact an Initiative, Article IV, Part Third, Section 18 authorizes the Legislature to offer a competing measure for consideration by the Electors. The competing measure must differ from the initiated proposal to such an extent that they cannot stand together. *Farris ex rel. Dorsky v. Goss*, 143 Me. 227, 229-30 (Me. 1948).

63. In the event that the Legislature enacts the proposed legislation unchanged, the Governor may veto it and if the Governor’s veto is sustained, the proposed legislation must be presented to the Electors at the next general election. Me. Const., art. IV, Pt. 3d, §§ 18, 19.

Article X, Section 4—Amendment to the Constitution of Miane

64. The Initiative applies to amendments to the Constitution of Maine as proposed by the Legislature. Exhibit A, 1-§ 1064(1)(I)(3).

65. Amendments to the Constitution of Maine are governed by Article X, Section 4 of the Constitution of Maine. Me. Const., art. X, §4.

66. Under this provision, constitutional amendments must originate with the Legislature and may only be presented to the Electors, referred to in Article X, Section 4 as “inhabitants”, by a two-thirds vote of both House of the Legislature. *Id.*

Conditional Legislation

67. The Initiative applies to Article IV, Part Third, Section 19 of the Constitution of Maine, which authorizes the Legislature to pass legislation and submit it to the Electors for approval. Exhibit A, Sec. 1-§ 1064(1)(I)(4).

68. Article IV, Part Third, Section 19 empowers the Legislature to pass legislation expressly conditioned on that legislation being approved by the Electors, but such legislation must first be presented to the Governor, who may veto the legislation before it is submitted to the Electors. Me. Const., art. IV, Pt. 3d, § 19; *Opinion of the Justices*, 231 A.2d 671, 618-619 (Me. 1967).

Ratification of Bonds

69. The Initiative applies to ratification of bonds passed by the Legislature and submitted to the Electors for approval. Exhibit A, Sec. 1-§ 1064(1)(I)(5).

70. The authority of the Legislature to propose bonds subject to the approval of the Electors is governed by Article IX, Sections 14.

71. Article IX, Section 14 was added to the Constitution of Maine as a “perpetual check on the rashness and improvidence” of the Legislature. *Opinion of the Justices*, 53 Me. 587, 588 (1867).

72. Article IX, Section 14 is intended to provide the Electors with information on the present and potential debt status of the State as the moment when the Electors must decide whether to approve or not the issuance of bonds initiated by the Legislature. *Opinion of the Justices*, 261 A.2d 250, 253 (Me. 1970).

Municipal Referenda

73. The Initiative applies to any municipal and county referendum. Exhibit A, Sec. 1-§ 1064(1)(I)(6).

74. Under Article VIII, Section 2 of the Constitution of Maine, municipalities exercise authority over “all matters which . . . are local and municipal in character.” Me. Const., art. VIII, § 1. In addition, municipalities exercise governmental powers, including the power to enact local laws, pursuant to 30-A MRS § 3001. Section 3001 “constitutes an independent and plenary grant of power to municipalities to legislate on matters beyond exclusively ‘local and municipal.’” *School Committee of Town of York v. Town of York*, 626 A.2d 935, 939 (Me. 1993).

75. Municipalities are authorized to establish direct initiatives and the people’s vetoes pursuant to Article IV, Part Third, Section 21 of the Constitution of Maine.

76. The rights of municipalities to legislate pursuant to home rule provisions of the State Constitution are coextensive with the rights of voters under Direct Initiatives. *Portland Regional Chamber of Commerce v. City of Portland*, 2021 ME 34, ¶ 14, 253 A.3d 586.

77. Laws enacted pursuant to municipal initiative are subordinate to the Constitution of Maine. *LaFleur ex rel. Anderson v. Frost*, 146 Me. 270, 280 (1951); (see also, *Avangrid*

Networks, Inc. v. Secretary of State, 2020 ME 109. ¶ 30, 237 A.3d 882; *see also*, *Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290, 295 (1981)).

78. Plaintiff Elector Jane Pringle resides in Windham, Maine, which provides in its municipal charter for a local Initiative and Referendum process by voters. *See* Town of Windham, Maine Charter Article IX (“Initiative and Referendum”). Plaintiff Elector Kenneth Fletcher resides in Winslow, Maine, which also provides in its municipal charter for a local Initiative and Referendum process by voters. *See* Town of Winslow, Maine Charter Article X (“Referendum and Initiative”). Plaintiff Elector Brenda Garrand resides in Rockland, Maine which provides in its charter for a local Initiative and Referendum process by voters. *See* City of Rockland, Maine Charter Article VII, Section 701 (“Initiative and Referendum”). Plaintiff Elector Lawrence Wold resides in Falmouth, Maine which provides in its charter for a local Initiative and Referendum process by voters. *See* Town of Falmouth, Maine Charter Article IX (“Initiative and Referendum”).

IV. CLAIMS FOR RELIEF

COUNT I

(Right to Petition the Government—U.S. Constitution)

79. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 78 as if fully set forth herein.

80. The First Amendment to the Constitution of the United States provides that “Congress shall make no law abridging...the right of the people...to petition the Government for a redress of grievances.” U.S. Const., 1st Am.

81. By operation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, said Right to Petition Clause of the First Amendment is made applicable to and binding on the States. U.S. Const., 14th Am.

Statewide Ballot Measures

82. The legislative process for each of the Ballot Measures listed in Section 1064(1)(I)(1)-(5) is set forth in pertinent provisions of the Constitution of Maine as supplemented by pertinent standards and processes.

83. When any of the Ballot Measures listed in Section 1064(1)(I)(1)-(5) is initiated for the purpose of seeking sufficient signatures to present it to the Legislature and, if not enacted by the Legislature without change, to Maine Electors for their consideration at a general election, in considering such Ballot Measures from the moment of their initiation, through their presentation to the Legislature, to their consideration by Maine voters in a general election, Plaintiffs are at all times acting in their capacities as Electors under Article II and Article IV, Part Third, Sections 17-22 of the Constitution of Maine.

84. When enrolled Maine voters vote on a proposed amendment pursuant to Article X, Section 4 of the Constitution of Maine, they are exercising a constitutionally assigned power and the amendments they approve, as part of the Constitution of Maine, become the fundamental law of the land.

85. In the exercise of powers set forth in Article IV, Part Third, Section 18, Maine Electors are acting in their sovereign lawmaking capacity and the laws they enact pursuant to that authority have the force of law and are of equal dignity and effect with laws enacted by the Legislature.

86. When Maine Electors initiate and approve or reject proposed legislation pursuant to Article IV, Part Third, Section 18 of the Constitution of Maine, they are exercising lawmaking authority that is of equal dignity and effect with laws enacted by Maine Legislature; when Maine

Electors, acting pursuant to Article IV, Part Third, Section 17 of the Constitution of Maine, they are exercising an authority to negate otherwise valid laws enacted by the Legislature.

87. When Maine voters exercise the powers and duties attendant to the Ballot Measures set forth in the Initiative at Section 1064 (1)(I)(1)-(6), Maine voters, including Plaintiffs, are “the government” within the meaning of First Amendment to the Constitution of United States.

88. When Maine voters exercise the powers and duties attendant to the Ballot Measures set forth in the Initiative at Section 1064 (1)(I)(1)-(6), Maine voters, including Plaintiffs, are “the government” within the meaning of Article I, Section 15 of the Constitution of Maine.

89. In its application to “any referendum”, the Initiative is intended to and will, in fact, violate Plaintiffs’ right to both petition the government, including associational rights inherent therein, by obtaining and using, as they may choose, Foreign Entity Information to influence others, including other Electors and, where the Constitution of Maine so provides, their elected representatives in the Legislature and the Governor.

90. If enforced, the Initiative would prohibit Plaintiffs, individually and in their capacities as registered voters and Electors, from lawfully gaining access to Foreign Entity Information, reviewing and considering Foreign Entity Information in determining their position on the initiation or approval of a Ballot Measure; would prohibit them from lawfully sharing Foreign Entity Information with the public, including other Electors, members of the Legislature, and the Governor; and would prohibit them from lawfully exercising their legal right to join, as they may choose, with a Foreign Entity to influence the initiation or approval of a Ballot Measure.

91. The Initiative denies, impedes, impairs, inhibits, and defeats Plaintiffs’ right to petition the government and, as Electors, to be petitioned, including related associational rights, by denying, impeding, and impairing their ability to discharge their Constitutional duties as

Electors acting in their sovereign and legislative capacities under the Constitution of Maine in the consideration and approval or rejection of any Referendum listed in Section 1064(I)(1)-(6) of the Initiative.

92. If enforced, the Initiative would violate Plaintiffs' right to petition the government and, as Electors, to be petitioned, by among other things: 1) barring a certain class of entities—that is, Foreign Entities—from directly or indirectly, lawfully providing information to Plaintiffs; 2) barring Plaintiffs from, directly or indirectly, lawfully receiving information from said class of entities; 3) barring Plaintiffs from, directly or indirectly, lawfully disseminating information received from or on behalf of said entities; and, 4) imposing civil and criminal sanctions on Plaintiffs in the event that, in fulfilment of their duties as registered voters and Electors, they were to violate any of the conduct prohibited by Section 1064(1)-(11) of the Initiative. *Id.* at Sec. 1-§ 1064(5), (8)-(9).

93. The ability to gather information from all sources Plaintiffs may choose for their consideration of Ballot Measures as individuals and in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

94. The ability to gather information from all sources Plaintiffs may choose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters

and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

Municipal Referenda

95. All voters who cast a vote with respect to such referendum are at all times acting as Electors within the meaning of Article II, and Article IV, Part Third, Section 21 of the Constitution of Maine exercising sovereign and legislative duties in the respective municipality in which they reside and are registered to vote.

96. Laws adopted by municipal initiative have the force of law and are of equal dignity and effect with laws enacted by the elected representatives of each municipality acting in their legislative capacity. *Friends of Congress Square Park v. City of Portland*, 2014 ME 63, ¶ 10, 91 A.3d 601.

97. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the First Amendment to the Constitution of the United States and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT II
(Freedom of Speech—U.S. Constitution)

98. Plaintiffs repeat and reallege the allegations set forth in Paragraphs 1 through 97 as if fully set forth herein.

99. The First Amendment to the United States Constitution provides that “Congress shall make no law...abridging the freedom of speech.” U.S. Const., 1st Am.

100. By operation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, said Free Speech Clause of the First Amendment is made applicable to and binding on the States. U.S. Const., 14th Am.

101. In its application to “any referendum”, the Initiative is intended to and will, in fact, violate Plaintiffs’ right to freedom of speech, including related associational rights inherent therein, by obtaining and using, as they may choose, Foreign Entity Information to influence others, including other Electors and, where the Constitution of Maine so provides, their elected representatives in the Legislature and the Governor.

102. If enforced, the Initiative would violate Plaintiffs’ rights, as individuals and as registered voters and Electors, to Free Speech as guaranteed by the First Amendment to the United States Constitution including related associational rights, by prohibiting Plaintiffs from lawfully gaining access to Foreign Entity Information; would prohibit them from lawfully reviewing and considering such Foreign Entity Information in determining their position on the initiation or

approval of a Ballot Measure; would prohibit them from lawfully sharing Foreign Entity Information with the public, including but not limited to other Electors, members of the Legislature, and the Governor; and would prohibit them from lawfully exercising their legal right to join, as they may choose, with a Foreign Entity to influence the initiation or approval of a Ballot Measure.

103. In the Electors' exercise of the powers and duties to initiate, approve or disapprove as set forth in the definition of "Referendum" in Section 1064((1)(H), the Electors' right to choose what sources of information they consider, and the content of that information is a right protected by the Free Speech Clause of the First Amendment to the Constitution of the United States.

104. The ability to gather information from all sources Plaintiffs may choose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the First Amendment to the Constitution of the United States and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT III
(Freedom of Assembly—U.S. Constitution)

105. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 104 as if fully set forth herein.

106. The First Amendment to the United States Constitution provides that “Congress shall make no law...abridging the right of the people to peaceably assemble.” U.S. Const., 1st Am.

107. By operation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, said Free Association Clause of the First Amendment is made applicable to and binding on the States. U.S. Const., 14th Am.

108. In the Electors’ exercise of the powers and duties to initiate, approve or disapprove as set forth in the definition of “Referendum” in § 1064(1)(H), the Electors’ right to choose what sources of information they consider, and the content of that information, is a right protected by the Free Association Clause of the First Amendment to the Constitution of the United States.

109. In its application to “any referendum,” the Initiative is intended to and will, in fact, violate Plaintiffs’ right to freedom of assembly, including related associational rights inherent therein, by obtaining and using, as they may choose, Foreign Entity Information to influence others, including other Electors and, where the Constitution of Maine so provides, their elected representatives in the Legislature and the Governor.

110. If enforced, the Initiative would violate Plaintiffs’ rights as individuals and as registered voters and Electors to Freedom of Assembly as guaranteed by the First Amendment to the United States Constitution, including related associational rights, by prohibiting Plaintiffs from lawfully gaining access to Foreign Entity Information, would prohibit them from lawfully reviewing and considering such Foreign Entity Information in determining their position on the initiation or approval of a Ballot Measure; would prohibit them from lawfully sharing Foreign

Entity Information with the public, including other Electors, members of the Legislature, and the Governor; and would prohibit them from lawfully exercising their right, as they may choose to exercise it, to join in and cooperate with a Foreign Entity to influence the initiation or approval of a Ballot Measure.

111. The ability to gather information from all sources Plaintiffs may choose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the First Amendment to the Constitution of the United States and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT IV

(Freedom of the Press—U.S. Constitution)

112. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 111as if fully set forth herein.

113. The First Amendment to the United States Constitution provides that “Congress shall make no law ... abridging the freedom ... of the press.” U.S. Const., 1st Am.

114. A free press is essential to the Electors' exercise of the powers and duties to initiate, approve or disapprove as set forth in the definition of "Referendum" in Section 1064(1)(H). The proper exercise of the powers and duties by the Electors is dependent on the free ability of the Press to make public communications available to the Electors. Section 1064(7) imposes duties on the Press to develop internal standards to screen public communications prohibited by the Initiative and to report to the Commission when the Press discovers that it has disseminated a prohibited public communication.

115. If enforced, the Initiative would impose conditions, obligations, and restrictions on the Press which could chill the Press from communicating Foreign Entity information to the public, including but not limited to, through broadcasting stations, cable television systems, satellite, newspapers, and magazines. Such conditions, obligations, and restrictions could have the effect of diminishing the Foreign Entity Information Plaintiffs would otherwise receive from the Press and impair Plaintiffs' discharge of their duties, as registered voters and Electors, in informing themselves and others, including their fellow electors, on the initiation or approval of a Ballot Measure.

116. The burdens that Section 1064(7) imposes on the Press, create the substantial likelihood that Plaintiffs' access to Foreign Entity information will be diminished which, in turn, would impair their ability to fulfill their roles as registered and Electors with respect to Ballot Measures in violation of the First Amendment to the United States Constitution.

117. The ability to gather information from all sources Plaintiffs may choose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a

Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the First Amendment to the Constitution of the United States and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT V
(Due Process—Insufficiency of Notice—U.S. Constitution)

118. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 117 as if fully set forth herein.

119. The Initiative applies to “all persons”, including Plaintiffs. *See Exhibit A*, Sec. 1-§ 1064(11). The Initiative imposes criminal sanctions on all persons, including Plaintiffs. *Id.* at Sec. 1-§ 1064(3)-(5). The Initiative imposes civil sanctions on all persons, including Plaintiffs. *Id.* at Sec. 1-§ 1064(8).

120. The Initiative bars Foreign Entities from making an expenditure or a contribution, whether directly or indirectly, “to influence ... the initiation or approval of a referendum.” *Id.* at Sec. 1-§ 1064(2).

121. The Initiative imposes criminal sanctions on all persons, including Plaintiffs, if they “knowingly solicit, accept or receive a contribution or donation prohibited by [Section 1064(2)].” *Id.* at Sec. 1-§ 1064(3).

122. The Initiative imposes criminal sanctions on all persons, including Plaintiffs, if they “knowingly or recklessly provide substantial assistance, with or without compensation” with respect to the making of contributions or donations or with respect to making expenditures or disbursements. *Id.* at Sec. 1-§ 1064(4).

123. The Initiative imposes criminal sanctions on all persons, including Plaintiffs, if they “structure or attempt to structure a solicitation, contribution, expenditure...donation, disbursement or other transaction to evade the prohibitions and requirements of [Section 1064].” *Id.* at Sec. 1-§ 1064(4).

124. For each of the criminal violations set forth in Sections 1064(2)-(5), all persons, including Plaintiffs, are at risk of civil sanctions pursuant to Section 1064(8). *Id.* at Sec. 1-§ 1064(8).

125. Because the Initiative places all persons, including Plaintiffs, at risk for serious criminal and civil sanctions, it must meet basic notice standards imposed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution as well as the Due Process and Law of the Land provisions of the Constitution of Maine. U.S. Const., XIV Am.; Me Const., art. I, §§ 6, 6-A.

126. In particular, the Initiative must set standards with sufficient clarity so that the general public, including Plaintiffs, have “fair notice of what is prohibited”, and prevents discriminatory, standardless enforcement. *Federal Communications Commission v. Fox Television Stations, Inc.*, 567 U.S. 239, 253-254 (2012); *see also, Connally v. General Construction*, 269 U.S. 385, 393 (1926).

127. The Initiative fails these Due Process notice standards including but not limited to, the following particulars:

- A. The Initiative lists the entities that may qualify as “Foreign government-influenced entities.” This list includes “[a] firm, partnership, corporation, association, organization or other entity.” Exhibit A, Sec. 1-§ 1064(1)(E)(2). The terms “association”, “organization”, and “other entity” lack any specific meaning under Maine law and are, therefore, inherently ambiguous. The Initiative provides that if a “foreign government” or “[a] firm, partnership, corporation, association, organization or other entity” that “[h]olds, owns, controls, or otherwise has direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units or other applicable ownership interests,” it is subject to the Initiative. *Id.* at Sec. 1-§ 1064(1)(E)(2)(a).
- B. The Initiative applies to “[a] firm, partnership, corporation, association, organization or other entity” that “[d]irects, dictates, controls or, directly or indirectly participates in the decision-making process with the regard to the activities of the firm, partnership, corporation, association, organization or other entity.” Exhibit A, Sec. 1-§ 1064(1)(E)(2)(B). The foregoing standard lacks any reference to an authoritative source by which a person, including Plaintiffs in their capacities as registered voters and Electors, can obtain the information necessary to make this determination. Likewise, this standard provides no reliable source on which State officials may rely to initiate criminal or civil proceedings, raising the risk of arbitrary and discriminatory enforcement.

128. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs’ fulfillment of their duties as registered voters

and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Due Process Clause of the Fourteenth Amendment to Constitution of the United States and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT VI
(Right to Petition the Government—Maine Constitution)

129. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 128 as if fully set forth herein.

130. Article I, Section 15 of the Maine Constitution provides that “[t]he people have a right all times . . . to give instructions to their representatives, and to request, of either department of government by petition or remonstrance, redress of their wrongs or grievances.” Me. Const., art. 1, § 15.

131. The right to petition the government under Article I, Section 15 is coextensive with the right to free speech under Article I, Section 4. *See State v. Armen*, 437 A.2d 1143, 1145 (Me. 1988); *State v. Maine State Troopers Association*, 491 A.2d 538, 542 (Me. 1985).

132. In its application to “any referendum”, the Initiative is intended to and will, in fact, violate Plaintiffs’ right to both petition the government, including related associational rights inherent therein, by obtaining and using, as they may choose, Foreign Entity Information to

influence others, including other Electors and, where the Constitution of Maine so provides, their elected representatives in the Legislature and the Governor.

133. If enforced, the Initiative would violate Plaintiffs' rights as individuals and as registered voters and Electors to Petition the Government and, as registered voters and Electors to be petitioned, as guaranteed by Article I, Section 15 of the Constitution of Maine, including related associational rights, by prohibiting Plaintiffs from lawfully gaining access to Foreign Entity Information. The Initiative would prohibit Plaintiffs from lawfully reviewing and considering such Foreign Entity Information in determining their position on the initiation or approval of a Ballot Measure. The Initiative would prohibit Plaintiffs from lawfully sharing Foreign Entity Information with the public, including other Electors, members of the Legislature, and the Governor. Further, the Initiative would prohibit Plaintiffs from lawfully exercising their right, as they may choose to exercise it, to join in and cooperate with a Foreign Entity to influence the initiation or approval of a Ballot Measure.

134. The Initiative violates Plaintiffs' right to petition the government and their right, as registered voters and Electors, to be petitioned, including related associational rights, as provided in Article I, Section 15 of the Constitution of Maine in the same way and to the same extent as it violates Plaintiffs' right to petition the government as protected by the First Amendment to the United States Constitution as alleged in Count I above. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in

particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Constitution of Maine and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT VII
(Freedom of Speech—Maine Constitution)

135. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 134 as if fully set forth herein.

136. The Maine Constitution provides that “[e]very citizen may freely speak, write and publish sentiments on any subject, being responsible for the abuse of this liberty.” Me. Const., art. I, § 4.

137. The protection of freedom of speech under Article I, Section 4 of the Constitution of Maine is no less restrictive than the protections accorded to Free Speech under the First Amendment to the United States Constitution. *State v. Janiszak*, 579 A.2d 736, 730 (Me. 1990).

138. In the Electors’ exercise of the powers and duties to initiate, approve or disapprove as set forth in the definition of “Referendum” in Section 1064((1)(H), the Electors right to choose what sources of information they consider and the content of that information is a right protected by the Free Speech Clause of Article I, Section 4 of the Constitution of Maine.

139. If enforced, the Initiative would violate Plaintiffs rights as individuals and as registered voters and Electors to Free Speech as guaranteed by Article I, Section 4 of the Constitution of Maine including related associational rights, by prohibiting Plaintiffs from lawfully gaining access to Foreign Entity Information. The Initiative would prohibit Plaintiffs from lawfully

reviewing and considering such Foreign Entity Information in determining their position on the initiation or approval of a Ballot Measure. The Initiative would prohibit Plaintiffs from lawfully sharing Foreign Entity Information with the public, including other Electors, members of the Legislature, and the Governor. Further, the Initiative would prohibit Plaintiffs from lawfully exercising their right, as they may choose to exercise it, to join in and cooperate with a Foreign Entity to influence the initiation or approval of a Ballot Measure.

140. The Initiative violates Plaintiffs' right to Freedom of Speech, including related associational rights, as guaranteed by the Constitution of Maine in the same way and to the same extent it violates Plaintiffs' right to petition the government as protected by the First Amendment to the United States Constitution as alleged in Count I above.

141. The Initiative violates Plaintiffs' Free Speech rights in under the Article I, Section 4 of the Constitution of Maine in the same way in which it violates Plaintiffs' Free Speech rights as protected by the United States Constitution as alleged in Count II above.

142. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Constitution of Maine and to issue an order permanently enjoining the

Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT VIII
(Freedom of Assembly—Maine Constitution)

143. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 142 as if fully set forth herein.

144. Article I, Section 15 of the Constitution of Maine provides that “[t]he people have a right at all times in an orderly and peaceable manner to consult upon the common good.” Me. Const., art. I, §15.

145. Freedom of Assembly under Article I, Section 15 is coextensive with the right free speech under Article I, Section 4. *State v. Armen*, 437 A.2d 1143, 1145 (Me. 1988); *State v. Maine State Troopers Association*, 491 A.2d 538, 542 (Me. 1985).

146. If enforced, the Initiative would violate Plaintiffs rights as individuals and as registered voters and Electors to Freedom of Assembly as guaranteed by Article I, Section 15 of the Constitution of Maine, including related associational rights, by prohibiting Plaintiffs from lawfully gaining access to Foreign Entity Information. The Initiative would prohibit Plaintiffs from lawfully reviewing and considering such Foreign Entity Information in determining their position on the initiation or approval of a Ballot Measure. The Initiative would prohibit Plaintiffs from lawfully sharing Foreign Entity Information with the public, including other Electors, members of the Legislature, and the Governor. Further, the Initiative would prohibit Plaintiffs from lawfully exercising their right, as they may choose to exercise it, to join in and cooperate with a Foreign Entity to influence the initiation or approval of a Ballot Measure.

147. The Initiative violates Plaintiffs’ Right to Assemble, including related associational rights, as guaranteed by the Constitution of Maine in the same way and to the same extent it

violates Plaintiffs' right to petition the government as protected by the First Amendment to the United States Constitution as alleged in Count I above.

148. The Initiative violates Plaintiffs' right to petition the government and their right, as registered voters and Electors, to be petitioned in the same way it violates Plaintiffs' right to petition the government as protected by the First Amendment to the United States Constitution as alleged in Count III above.

149. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Constitution of Maine and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT IX
(Freedom of the Press—Maine Constitution)

150. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 149 as if fully set forth herein.

151. Article I, Section 4 of the Constitution of Maine provides that "no laws shall be passed regulating or restraining the freedom of the press." Me. Const., art. I, §4.

152. If enforced, the Initiative would impose conditions, obligations, and restrictions on the Press which could chill the Press from communicating Foreign Entity information to the public, including but not limited to, through broadcasting stations, cable television systems, satellite, newspapers, and magazines. Such conditions, obligations, and restrictions could have the effect of diminishing the Foreign Entity Information Plaintiffs would otherwise receive from the Press and impair Plaintiffs' discharge of their duties, as registered voters and Electors, in informing themselves and others, including their fellow electors, on the initiation or approval of a Ballot Measure.

153. The burdens that Section 1064(7) imposes on the Press, creates the substantial likelihood that Plaintiffs' access to Foreign Entity information will be diminished which, in turn, would impair their ability to fulfill their roles as registered and Electors with respect to Ballot Measures in violation of Article I, Section 4 of the Constitution of Maine.

154. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Constitution of Maine and to issue an order permanently enjoining the

Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT X
(Separation of Powers)

155. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 154 as if fully set forth herein.

156. The Maine Constitution provides that “[t]he powers of this government shall be divided into three distinct departments, the legislative, the executive, and judicial.” Me. Const., art. III, § 1. The Maine Constitution provides further that “[n]o person or persons, belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.” Me. Const., art. III, §2.

157. Certain constitutional provisions authorizing Electors to exercise sovereign lawmaking powers, also provide a role for the Legislature as well as the Governor. See, e.g., Me. Const., art. IV, Pt. 3d, § 18 (Legislature may enact an Initiative, produce a competing measure, or take no action); *Id.* at §19 (Legislature may originate an Initiative and Governor may veto it).

158. The Initiative covers the entirety of the process for each of the Ballot Measures to which it applies from the initiation of each through its approval, including those parts of the process that provide roles for the Legislature and the Governor. See Exhibit A, Sec. 1-§ 1064(E)(2)(b); § 1064(2); see also Me. Const., art. IV, Pt. 3d, §§ 18-19.

159. By barring persons, including Plaintiffs as registered voters and Electors, from sharing Foreign Entity Information with members of the Legislature and the Governor and, thereby attempting to influence them regarding a given Ballot Measure, the Initiative is interfering with and impeding the ability of the Legislators and the Governor to their discharge of their duties under Article IV, Part Third, Section 18 and Section 19.

160. The Initiative, therefore, purports to direct and limit the ability of the Legislature and the Governor to fulfill their duties to the Electors with respect to each Ballot Measure in which they must discharge constitutionally assigned duties.

161. Therefore, in these particulars, the Initiative violates the Separation of Powers provided by the Constitution of Maine.

162. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Constitution of Maine and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

COUNT XI
(Due Process—Maine Constitution)

163. Plaintiffs repeat and reallege the allegations set forth above in Paragraphs 1 through 162 as if fully set forth herein.

164. The Maine Constitution has two provisions that guarantee Due Process rights to all persons, including those accused of criminal wrongdoing. Me. Const., art. 1, § 6 (“law of the land”), § 6-A (“due process of law”).

165. The Maine Constitution's Due Process guarantees are no less protective than those of the Fourteenth Amendment to the United States Constitution. *State v. Aucoin*, 278 A.2d 395, 396-397 (Me. 1971).

166. The Due Process deficiencies set forth above in Count V are equally violative of Article I, Section 6 and Article I, Section 6-A of the Constitution of Maine.

167. The ability to gather information from all sources Plaintiffs may chose for their consideration of Ballot Measures in their capacities as registered voters and Electors, including Foreign Entity Information, is essential to Plaintiffs' fulfillment of their duties as registered voters and Electors. Therefore, notwithstanding the Initiative, as may be appropriate to the questions a Ballot Measure may present, Plaintiffs intend to seek, acquire, consider, and, at their discretion, share Foreign Entity Information, including, in particular, information covered by Section 1064(2) of the Initiative, publicly and privately, including with persons elected to the Legislature and to the Office of Governor.

WHEREFORE, Plaintiffs ask this Court to issue a judgment declaring the Initiative in its entirety as violative of the Constitution of Maine and to issue an order permanently enjoining the Attorney General and the Commission on Governmental Ethics and Election Practices from enforcing any part of the Initiative and to award Plaintiffs their attorney fees and costs.

PRAYER FOR RELIEF

Plaintiffs respectfully pray for judgment against Defendants and further relief as follows:

1. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Right to Petition the government as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Right to Free Speech as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

3. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Right to Freedom of Association as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

4. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Right to Freedom of the Press as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

5. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

6. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Right to Petition the Government as guaranteed by Article I, Section 15 of the Constitution of Maine.

7. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates Freedom of Speech guaranteed by Article I, Section 4 of the Constitution of Maine.

8. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the right to Freedom of Association as guaranteed by Article I, Section 15 of the Constitution of Maine.

9. A declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the right to Freedom of the Press as guaranteed by Article I, Section 4 of the Constitution of Maine.

10. A Declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Due Process Clause and the Law of the Land Clause of the Constitution of Maine.

11. A Declaration, pursuant to 28 U.S.C. § 2201 that the Initiative violates the Separation of Powers required of the Constitution of Maine.

12. The issuance of an injunction against the Attorney General of the State of Maine enjoining the Attorney General and the Office of the Attorney General from enforcing the Initiative as it applies to “any referendum” within the meaning of 21-A M.R.S. § 1064(1)(I)((1)-(6).

13. The issuance of an injunction against the Commission on Governmental Ethics and Election Practices and its members barring them from enforcing the Initiative as it applies to “any referendum” within the meaning of 21-A M.R.S. § 1064(1)(I)((1)-(6) and from formulating and adopting any regulations in relation thereto.

14. The award of attorney fees and costs, expenses and the like pursuant to 28 U.S.C. § 1988.

15. The award of such further relief as this Court deems just and proper.

DATED: December 13, 2023

By their attorneys,

/s/ Timothy C. Woodcock

Timothy C. Woodcock, Bar #1663

P. Andrew Hamilton, Bar #2933

Jonathan Pottle, Bar # 4330

Counsel for Plaintiffs

EATON PEABODY

80 Exchange Street

Bangor, ME 04401

(207) 947-0111

twoodcock@eatonpeabody.com

ahamilton@eatonpeabody.com

jpottle@eatonpeabody.com

VERIFICATIONS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

JANE PRINGLE, individually and in her capacity)
as a registered voter and Elector, *et al.*)

Plaintiffs,)

vs.)

AARON FREY, Attorney General of the State of)
Maine,)

MAINE COMMISSION ON GOVERNMENTAL)
ETHICS AND ELECTION PRACTICES, *et al.*)

Defendants.)

Civil Action No. _____

VERIFICATION

JANE P. PRINGLE, being duly sworn, deposes and says that I have authorized the filing of this complaint. I have reviewed the allegations made in the complaint, and as to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information from publicly available records and sources, and I believe them to be true.

Jane P. Pringle

Jane P. Pringle

STATE OF MAINE
Cumberland, ss

*District of
Columbia*

Personally appeared before me the above-named Jane P. Pringle and swore or affirmed that the statements made and verified by her herein are true.

Before me,

Birtukan Tadesse

Notary Public

My Commission expires: *05-31-2026*

Dated: December *13*, 2023



BIRTUKAN TADESSE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 31, 2026


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

JANE PRINGLE, individually and in her capacity)
as a registered voter and Elector, *et al.*)
)
Plaintiffs,)
)
vs.)
)
AARON FREY, Attorney General of the State of)
Maine,)
)
MAINE COMMISSION ON GOVERNMENTAL)
ETHICS AND ELECTION PRACTICES, *et al.*)
)
Defendants.)
_____)

Civil Action No. _____

VERIFICATION

KENNETH FLETCHER, being duly sworn, deposes and says that I have authorized the filing of this complaint. I have reviewed the allegations made in the complaint, and as to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information from publicly available records and sources, and I believe them to be true.



Kenneth Fletcher

STATE OF MAINE
Kennebec, ss

Personally appeared before me the above-named Kenneth Fletcher and swore or affirmed that the statements made and verified by him herein are true.

Dated: December 12, 2023

Before me,


Notary Public

My Commission expires:

VERONICA COSTA
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES: 9-23-29

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

JANE PRINGLE, individually and in her capacity)
as a registered voter and Elector, *et al.*)

Plaintiffs,)

vs.)

AARON FREY, Attorney General of the State of)
Maine,)

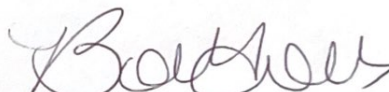
MAINE COMMISSION ON GOVERNMENTAL)
ETHICS AND ELECTION PRACTICES, *et al.*)

Defendants.)

Civil Action No. _____

VERIFICATION

BONNIE S. GOULD, being duly sworn, deposes and says that I have authorized the filing of this complaint. I have reviewed the allegations made in the complaint, and as to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information from publicly available records and sources, and I believe them to be true.



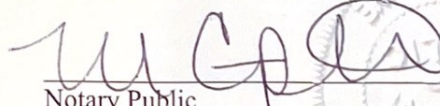
Bonnie S. Gould

STATE OF MAINE
York, ss

Personally appeared before me the above-named Bonnie S. Gould and swore or affirmed that the statements made and verified by her herein are true.

Before me,

Dated: December 13, 2023



Notary Public

My Commission expires: 4/1/2026



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

JANE PRINGLE, individually and in her capacity)
as a registered voter and Elector, *et al.*)
)
Plaintiffs,)
)
vs.)
)
AARON FREY, Attorney General of the State of)
Maine,)
)
MAINE COMMISSION ON GOVERNMENTAL)
ETHICS AND ELECTION PRACTICES, *et al.*)
)
Defendants.)
_____)

Civil Action No. _____

VERIFICATION

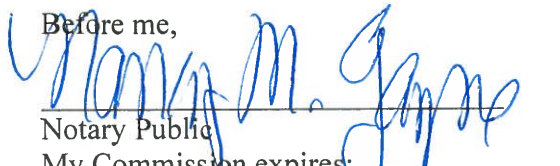
BRENDA GARRAND, being duly sworn, deposes and says that I have authorized the filing of this complaint. I have reviewed the allegations made in the complaint, and as to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information from publicly available records and sources, and I believe them to be true.


Brenda Garrand

STATE OF MAINE
Cumberland, ss

Personally appeared before me the above-named Brenda Garrand and swore or affirmed that the statements made and verified by her herein are true.

Dated: December 12, 2023

Before me,

Notary Public
My Commission expires:
NANCY M. GAGNE
Notary Public • State of Maine
My Commission Expires
September 15, 2026

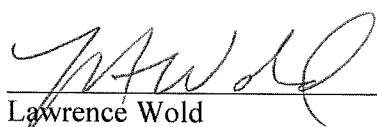
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

JANE PRINGLE, individually and in her capacity)
as a registered voter and Elector, *et al.*)
)
Plaintiffs,)
)
vs.)
)
AARON FREY, Attorney General of the State of)
Maine,)
)
MAINE COMMISSION ON GOVERNMENTAL)
ETHICS AND ELECTION PRACTICES, *et al.*)
)
Defendants.)

Civil Action No. _____

VERIFICATION

LAWRENCE WOLD, being duly sworn, deposes and says that I have authorized the filing of this complaint. I have reviewed the allegations made in the complaint, and as to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information from publicly available records and sources, and I believe them to be true.

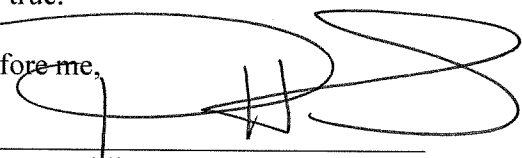


Lawrence Wold

STATE OF MAINE
Cumberland, ss

Personally appeared before me the above-named Lawrence Wold and swore or affirmed that the statements made and verified by him herein are true.

Dated: December 13, 2023

Before me, 

Notary Public
My Commission expires:

PAMELA HENNINGS
Notary Public - Maine
My Commission Expires Jun 12, 2028

