

**§337. Review and challenge of petitions**

**1. Review.** When presented with a primary petition, the Secretary of State shall review it and, if the petition contains the required minimum number of certified names and is properly completed, shall accept and file it. If a petition contains more valid signatures than the maximum set forth in section 335, subsection 5, the Secretary of State may not validate any signatures above the maximum. [PL 2025, c. 397, §21 (AMD).]

**2. Challenges.** The procedure for challenging the validity of a primary petition or of names upon a petition is as follows.

A. Only a registered voter residing in the electoral division of the candidate concerned may file a challenge. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State before 5 p.m. on the 5th business day after the final date for filing petitions under section 335, subsection 8. [PL 1989, c. 166, §2 (AMD).]

B. Within 5 business days after the final date for filing challenges and after due notice of the hearing to the candidate and to the challenger, the Secretary of State shall hold a public hearing on any challenge properly filed. The challenger has the burden of providing sufficient evidence to invalidate the petitions or any names upon the petitions. [PL 2025, c. 397, §22 (AMD).]

C. The Secretary of State shall rule on the validity of any challenge within 5 business days after the completion of the hearing described in paragraph B. [PL 2025, c. 397, §22 (AMD).]

D. [PL 2025, c. 397, §22 (RP).]

E. Any aggrieved party may appeal the decision of the Secretary of State to the Law Court, on questions of law, by filing a notice of appeal within 3 business days of that decision in the same manner as an appeal taken from a judgment of the Superior Court in a civil action. The appeal must be conducted in accordance with the following procedures.

(1) Any person who participated in the hearing held under paragraph B, and who is adversely affected by the final decision of the Secretary of State, is considered a party for purposes of taking an appeal. The court may allow other parties to the hearing before the Secretary of State to participate in the appeal.

(2) When a law or rule regulating the taking of an appeal from the Superior Court in a civil action uses the terms "the court," "the clerk," "the clerk of the courts" or a similar term, for purposes of an appeal from the Secretary of State, those terms mean "the Secretary of State" or other appropriate term.

(3) The notice of appeal must be accompanied by a brief statement of the nature of the proceeding before the Secretary of State, a copy of the decision, order or ruling complained of, a statement of the grounds upon which the decision, order or ruling is claimed to be unlawful and a certificate that the attorney for the appellant is of the opinion that there is probable grounds for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay.

(4) The Law Court has exclusive jurisdiction over appeals under this paragraph.

(5) Upon receipt of a notice of appeal under this paragraph, the court shall issue a scheduling order that allows for final disposition of the appeal no later than 35 days after the date of the decision by the Secretary of State.

(6) An appeal under this paragraph does not automatically stay the ruling on appeal. The Chief Justice or, in the Chief Justice's absence, any other justice may enjoin or stay the effect of the ruling upon the terms and conditions as the Chief Justice determines proper.

(7) Upon motion by a party filed within 3 days of the filing of the administrative record, the court may order additional evidence it determines necessary for the determination of issues to be taken before the Secretary of State upon the terms and conditions the court determines proper. A motion to take additional evidence must be accompanied by a detailed statement, in the nature of an offer of proof, of the evidence intended to be taken. The Secretary of State may, after hearing the evidence, modify or add findings as to facts and amend the original decision or order by reason of the additional evidence taken, and the Secretary of State shall file with the court that amended decision or order and those modified or new findings. If the Secretary of State modifies findings or amends the original decision or order, the appealing party or any other party aggrieved by the modified findings or amended decision or order may file with the court, within such time as the court may allow, a specification of errors claimed to have been made by the Secretary of State in the amended decision or order, and the specification of errors must be considered by the court in addition to the errors asserted in the original complaint on appeal. Upon granting a motion to take additional evidence, the court shall establish deadlines that allow for final disposition of the appeal within 35 days of the Secretary of State's original decision.

(8) The clerk of the Law Court shall certify the result of the appeal to the Secretary of State no later than 35 days after the decision of the Secretary of State. [PL 2025, c. 397, §22 (AMD).]

[PL 2025, c. 397, §22 (AMD).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 166, §2 (AMD). PL 2003, c. 447, §11 (AMD). PL 2011, c. 342, §9 (AMD). PL 2025, c. 397, §§21, 22 (AMD).

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