

MAX P. LINN

v.

SECRETARY OF STATE et al.

Argued May 7, 2018
Decided May 8, 2018

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD,* GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Max P. Linn appeals from a judgment entered pursuant to 21-A M.R.S. § 337(2)(D) (2017) and Rule 80C of the Maine Rules of Civil Procedure by the Superior Court (Kennebec County, *Stokes, J.*). The judgment affirmed the Secretary of State's decision dated April 5, 2018, as supplemented by a second decision issued on April 24, 2018, invalidating a number of individual signatures along with a number of full petitions submitted in support of Linn's primary nomination petition for election to the United States Senate, resulting in Linn's ineligibility to appear on the ballot. *See* 21-A M.R.S. § 337(2)(E) (2017).

"We review the decision of the Secretary of State directly, reviewing for abuse of discretion, errors of law, or findings not supported by evidence." *Me. Taxpayers Action Network v. Sec'y of State*, 2002 ME 64, ¶ 7, 795 A.2d 75 (quotation marks omitted); *see also* 21-A M.R.S. § 337(2)(E) (limiting the Law

* Although not available at oral argument, Justice Mead participated in the development of this decision. *See* M.R. App. P. 12(a)(1).

Court's review of the Secretary of State's action to "questions of law"). We also review for abuse of discretion, *see Forest Ecology Network v. Land Use Regulation Comm'n*, 2012 ME 36, ¶¶ 63-65, 39 A.3d 74, or otherwise for error of law the decision of the Superior Court directing the Secretary of State to take additional evidence. Given the arguments of the parties, Linn has not demonstrated that either the Secretary of State or the court committed an abuse of discretion or any error of law, or that the Secretary of State made findings unsupported by competent record evidence.

The entry is:

Judgment affirmed.

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