

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHENNA BELLOWS, in her official capacity
as the Secretary of State of Maine, and the
STATE OF MAINE

Defendants.

Case No. 1:25-CV-0468-LEW

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF
AMERICAN CIVIL LIBERTIES UNION OF MAINE**

The American Civil Liberties Union of Maine (ACLU-ME) respectfully moves the court to grant it “amicus plus” status in this matter. If granted, ACLU-ME intends to file an *amicus curiae* brief in support of Defendants’ motion to dismiss and Proposed Defendant-Intervenors’ proposed motions to dismiss, and to participate in oral arguments to the extent that such participation is helpful to the Court. Counsel for Defendants consents to this motion, while counsel for Plaintiffs takes no position on it.

This motion is based on the supporting Legal Memorandum. The proposed *amicus* brief is attached as Exhibit 1 to this motion. No counsel for any party authored this brief in whole or in part, no such counsel or party made a monetary contribution to fund the preparation or submission of this brief, and no one other than the *amici curiae* and their counsel made any monetary contribution.

LEGAL MEMORANDUM

I. Introduction

Proposed *amicus curiae*, ACLU-ME seeks leave to file the attached brief in support of Defendants’ motion to dismiss (Dkt. No. 54). Proposed *amicus* devotes substantial work to safeguarding the right to privacy, and to ensuring a just and equitable democracy, in Maine. ACLU-ME is a membership organization with members across the state who are registered voters, whose data is at risk of disclosure in the instant action. As such, proposed *amicus* has an interest in this case, and expertise in both voting and privacy regulation, which could assist the Court in its evaluation of the pending motions to dismiss.

II. Legal Standard

While there is no Federal Rule of Civil Procedure that applies to amicus briefs at the district court level, federal district courts possess the inherent authority to accept *amicus* briefs. *See, e.g., Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970) (“the acceptance of amicus briefs is within

the sound discretion of the court”); *In re Bayshore Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249n.34 (11th Cir. 2006) (“[D]istrict courts possess the inherent authority to appoint ‘friends of the court’ to assist in their proceedings.”); *Jin v. Ministry of State Security*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008) (“[D]istrict courts have inherent authority to appoint or deny *amici* which is derived from Rule 29 of the Federal Rules of Appellate Procedure”); *Bos. Gas Co. v. Century Indem. Co.*, No. CIV 02-12062-RWZ, 2006 WL 1738312, at *1 n.1 (D. Mass. June 21, 2006) (“Although . . . no procedural rule provides for filing of amicus briefs in federal district court, courts have inherent authority and discretion to appoint amici.”).

The “classic role of *amicus curiae*” is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of Lab. & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982). District courts in the First Circuit grant leave for *amicus curiae* to appear particularly when the issues are of importance to the public. *See, e.g., United States v. Maine*, No. 1:24-CV-00315-SDN, 2025 WL 2582122, at *2 (D. Me. Sept. 5, 2025) (granting leave for amici to appear where issues “are of the utmost importance and are in the public’s interest”); *Portland Pipe Line Corp. v. City of S. Portland*, No. 2:15-CV-00054-JAW, 2017 WL 79948, at *5 (D. Me. Jan. 9, 2017) (finding amici briefs “desirable because they represent third parties whose particular interests may be affected by the Court’s ruling and whose particular interests are echoed in broader public interests”). Courts within this district have repeatedly pointed to then-Judge Alito’s perspective on liberally granting leave to file *amicus* briefs, which “essentially suggested that, assuming the other criteria are met, the court could grant the motion for leave to file an amicus brief and take the brief for what it is worth.” *Portland Pipe Line Corp.*, 2017 WL 79948, at *5; *United States v. Maine*, 2025 WL 2582122, at *2.

This Court has consistently embraced that perspective, granting leave to ACLU of Maine to participate as *amicus curiae* in cases concerning a wide range of civil rights and civil liberties issues. *See, e.g., ACA Connects - America's Communications Association v. Frey*, No. 1:20-CV-55-LEW (Dkt. No. 31) (granting ACLU of Maine leave to file an *amicus curiae* brief in defense of a Maine privacy statute). At times, the Court has gone further, permitting the ACLU of Maine to both file an *amicus curiae* brief and to participate in oral argument. *See, e.g., Carson as Next Friends of Their Child, OC v. Hasson*, No. 1:18-CV-327-DBH, 2018 WL 6382055, at *2 (D. Me. Dec. 6, 2018) (permitting ACLU of Maine to “bring all their civil liberties skills to bear on the case as *amicus* (or *amici curiae*)” and to participate in oral arguments).

III. Argument

Proposed *amicus*, a membership organization that works to advance Maine’s democracy and protect the civil liberties of Mainers, plainly have an interest in this action, which places sensitive voter data at risk of disclosure. Proposed *amicus* is a long-time stakeholder in issues surrounding Maine’s democracy and consistently work to protect voters and expand participation in the state. In addition, proposed *amicus* has long championed legislation and policy initiatives to safeguard the privacy and personal information of people in Maine, on the basis that people are more likely to have trust in government operations when they are assured that the government is taking care with their personal data.

Proposed *amicus* is also the affiliate of a national organization that has been addressing these issues alongside comparable state affiliates in other states. The threats to election operations and personal privacy at issue in this case are also being addressed in litigation across the country, where the United States has sought the same information. The ACLU is involved in most of those

cases, as counsel for amici or intervenors, and so has familiarity with and expertise related to the issues presented in this case. Thus, the Court should exercise its discretion and grant this motion.

First, as further detailed in the attached proposed Brief, proposed *amicus* has a strong interest in ensuring that the voting and privacy rights of their members and other Maine voters are not infringed upon by the disclosure of sensitive personal voter information in contravention of Maine state law. ACLU and ACLU of Maine championed many of these privacy laws, which were adopted with broad bipartisan support. As a membership organization, proposed *amicus* can stand in the shoes of its members to ensure this perspective is brought to the Court. Any decision other than dismissal would imperil voter privacy as well as chill voter participation, including among their members. Proposed *amicus* has a unique perspective as membership organizations that work directly to advance both privacy and democracy, the two key values at risk by the expansive disclosure authority claimed by Plaintiff in this case.

ACLU affiliates are presently participating in numerous lawsuits brought by the United States against other states seeking unredacted voter records. *See, e.g., United States v. Oregon*, No. 6:25-cv-1666 (D. Or. filed Sept. 16, 2025) (ACLU of Oregon filed an *amicus* brief); *United States v. Amore*, No. 1:25-cv-639 (D.R.I. filed Dec. 2, 2025) (counsel with ACLU of Rhode Island and ACLU represent proposed intervenors); *United States v. Simon*, No. 0:25-cv-03761 (D. Minn. filed Sept. 25, 2025) (counsel with ACLU of Minnesota and ACLU represent proposed intervenors); *United States v. Pennsylvania*, No. 2:25-cv-01481 (W.D. Pa. filed Sept. 25, 2025) (counsel with ACLU of Pennsylvania and ACLU represent proposed intervenors); *United States v. Weber*, No. 2:25-cv-9149 (C.D. Cal. filed Sept. 25, 2025) (counsel with ACLU of Northern California, ACLU of Southern California, and ACLU represent intervenors); *United States v. Page*, No. 8:25-cv-1370 (C.D. Cal. filed June 25, 2025) (counsel with ACLU of Northern California, ACLU of Southern

California, and ACLU represent intervenors). Proposed *amicus* is well versed on the law and the arguments that will be brought before the Court and have expertise on voting-related issues that would benefit the Court.

Finally, the proposed participation of *amicus* will not disrupt the briefing schedule. Dkt. 38. Defendants filed their motion on December 12, 2025, and the proposed *amicus* filed the present motion, with the attached proposed brief on the same day. Plaintiff will have ample opportunity to review the proposed brief prior to filing its anticipated opposition brief on January 2, 2025. Dkt. 38. Because proposed *amicus* does not seek to add claims or to participate in discovery, no parties would be prejudiced by their participation.

IV. Conclusion

For the foregoing reasons, the Court should grant ACLU-ME's motion for leave to file an *amicus curiae* brief in support of the pending motions to dismiss.

Dated: December 12, 2025

Respectfully submitted,

/s/ Carol Garvan

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** motion for admission pro hac vice
forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically filed the foregoing document, Motion for Leave to File Amicus Curiae Brief of American Civil Liberties Union of Maine, via the Court's CM/ECF system, which will provide notice to all counsel of record.

Dated: December 12, 2025

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