

FAIR ELECTIONS PORTLAND

PRESS RELEASE

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FAIR ELECTIONS PORTLAND CELEBRATES SUPREME COURT DECISION

[Portland, ME] — Today the Maine Supreme Judicial Court vacated a lower court decision, restoring the prospect of a long-delayed vote on a charter amendment for public funding of elections. A Superior Court opinion from 2020 had put Fair Elections Portland's charter amendment on hold following the City's refusal to place the measure on the ballot.

On Thursday, over two years after beginning the process of amending the Portland City Charter, the dedicated volunteers of Fair Elections Portland finally received vindication from the Maine Supreme Judicial Court.

In an opinion authored by Justice Andrew Horton, the Court explained that there was no justification for the City's refusal to place the simple, 100-word amendment on the ballot: "The petition requesting a vote on the question of whether to modify Portland's charter to provide public funding for municipal election candidates does not, on its face, purport to propose a fundamental change in the form, structure, or nature of the City's government."

A key legal question in the case is the extent to which the proposal affected city government. The Court was skeptical of the City's claims, stating that "it is not obvious why the mandate [to fund a Clean Elections program] would have the sweeping impact on City government that [the City's lawyers] attributed to it."

The Court further questioned the City's decision to toss aside petitions signed by over 6,800 voters without providing meaningful explanation: "If the City Council indeed deems the petition to propose a revision rather than an amendment of the charter, a statement of its basis in law and fact for doing so is essential to meaningful judicial review."

"We welcome the Court's decision. With this clarification of the law, there should be no question that the proposal brought forth by Portland voters belongs on the ballot," said John Brautigam, FEP attorney.

FEP attorney Benjamin Gaines pointed out that the Court rejected many of the arguments proffered by the City's legal counsel. "The Court set a much higher bar than the City recognized

and indeed articulated a test that the City cannot meet. Only a change in the form and structure of government constitutes a charter revision, and the Court said it is 'not obvious' how this measure meets that standard. This decision provides the roadmap for ultimate affirmation of the will of 6,800 Portland voters."

Volunteers for Fair Elections Portland welcomed the decision. "The City has been incredibly cavalier with the will of the people," said Maria Testa, one of the members of Fair Elections Portland's steering committee, and one of the plaintiffs in the lawsuit. "Now it's time for this new City Council to take swift action, clean up the mess left by its predecessor, and finally allow a vote on this amendment."

"The Council's draconian rejection of a clean elections mandate supported by 6,800 of their own constituents was wrong on the law, and one of the most divisive acts of local government in recent memory," said Anna Kellar, another of the group's leaders. "The Council can start to make things right by taking up this measure immediately."

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Fair Elections Portland is a campaign of the League of Women Voters of Maine and Maine Citizens for Clean Elections. For more about the campaign please email info@fairelections.org