

FAIR ELECTIONS PORTLAND

PRESS RELEASE

Feb 11, 2021

Contact: Anna Kellar, Chairperson

Anna@fairelectionsportland.org

207-252-9248

PORTLAND CLEAN ELECTIONS ADVOCATES MAKE THEIR CASE TO STATE SUPREME COURT

[PORTLAND, ME] – Today, on behalf of more than 8,500 petition signers, attorneys representing [Fair Elections Portland](#) (FEP) presented oral arguments to Maine Supreme Judicial Court in a case challenging the City of Portland’s 2019 decision to block their charter amendment proposal from the ballot.

“This case raises issues going far beyond bringing Clean Elections to Portland campaigns,” said legal counsel John Brautigam. “This case will decide whether or not cherished mechanisms of direct democracy will continue to function in the cities and towns of Maine.”

The petition sought a public vote on a local campaign funding program, modeled on the state Clean Elections Act, which was first passed by Maine voters in 1996.

The proposal easily qualified for the ballot in August 2019, but a divided City Council voted to not place it on the ballot. After Fair Elections Portland initiated its lawsuit, the City still refused to place the amendment on the ballot, and instead ordered a public vote on a charter commission. It remains to be seen whether the charter commission, which will elect the majority of its members in 2021, will support or even consider a Clean Elections proposal.

The lawsuit comes at a time when [Portland is under increasing scrutiny](#) for its approach to elections. Previous decisions in which the city obstructed citizens’ democratic rights have been rebuked by Maine’s courts, and some of the City’s proposals for handling in-person voting during the pandemic were controversial. Some have also voiced concerns about the City’s decision to wait almost a year between approval of a charter commission and the election of commissioners.

“Our democratic institutions have never been more vitally important than they are today,” said Anna Kellar, spokesperson for Fair Elections Portland. “We are asking the Court to uphold this fundamental rule that all Mainers have the right to propose changes in local government, even when local officials don’t like those changes.”

The city has argued that the City Council has discretion to choose what charter amendments may appear on the ballot and that petitioners have no right to challenge the Council's refusal.

"The law here is clear: the constitution gives voters the right to use the citizen initiative process to amend the city charter," said Fair Elections Portland legal counsel Benjamin Gaines. "Once the petition signatures were certified, the City had no right to block this proposal. The City's refusal amounts to nothing less than an unlawful attack on Portland voters' constitutional rights."

In [September 2019](#), some City Councilors said they supported the measure, but were advised by city staff to withhold the measure from the voters.

The Court is likely to rule in the next few months.

###

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