



PRESS RELEASE
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PORTLAND CLEAN ELECTIONS ADVOCATES MAKE THEIR CASE TO STATE SUPREME COURT

[PORTLAND, ME] – Today, on behalf of more than 8,500 petition signers, attorneys presented their [legal brief](#) to the 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, first passed by Maine voters in 1996.

The proposal easily qualified for the ballot in August 2019, but a divided City Council voted not to place it on the ballot. After Fair Elections Portland initiated its lawsuit, the City still refused to place the amendment on the ballot, but instead ordered a public vote on a charter commission. It remains to be seen whether the charter commission, now postponed by the city until 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 have been controversial. Some have also voiced concerns about the City’s decision to ignore state law regarding the timing for electing members of the charter commission.

“Our democratic institutions have never been more vitally important than they are today,” said Anna Kellar, spokesperson for FEP. “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 Council is a willing participant in 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 before the end of the year.

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