



Legislative Committee Meeting
Meeting
October 15, 2019

AGENDA

- I. Call to Order**
- II. Approval of Meeting minutes**
 - a. Approval of October 7th, 2019 Meeting Minutes.
- III. RCV Discussion**
 - a. Public Hearing
 - b. Vote
- IV. Meeting Schedule**
- V. Adjournment**

CITY OF PORTLAND
LEGISLATIVE COMMITTEE
October 7th, 2019 MEETING MINUTES

The October 7th, 2019 Meeting was called to order by Committee Chair Ali at 8:19 a.m. in Room 209, Portland City Hall, Portland, Maine

A. Attendance/Introductions:

Committee Chair City Councilor Pious Ali; City Councilor Jill Duson; Ethan Strimling, Mayor; Kate Knox, Bernstein Shur team; Chris Feeney, Bernstein Shur; Laurie Davis, School Board Committee Chair; Jennifer Thompson, Corporate Counsel; Kathy Jones, City Clerk; Jon Jennings, City Manager; Heather Brown, Assistant City Manager and Deivy Periana (Staff).

B. Approval of minutes:

September 23rd, 2019 minutes - motion by Mayor Strimling; second by Councilor Ali; approved 2 -1 extension.

C. Legislative Updates:

Kate Knox mentioned that a list of final title re-class requests was emailed out late Friday or Saturday morning. There are not any details about them at this point, aside from being organized by subject. The City bill in regards to Safety Municipal Buildings is included. We will continue reviewing the list. Nothing of major concern was noticed. There are a lot of healthcare reform and gun control issues which are the things we anticipate you will see there. Legislative Council will meet on October 24th to do the initial pass through to let these in or out, and they can appeal in November. At that point we will have a list of what it is actually in. Kate asked for the committee to review the list, and if there is anything of interest or concern to flag it so they can review and get more information.

Councilor Duson requested a paper copy of the list which was provided by Kate Knox.

D. Discussion of Ranked Choice Voting:

Councilor Ali directed the committee to review the drafted ordinance for Ranked Choice Voting that was put together by the City Initiative and given to this committee. At the time the Mayor requested to hold on until the City Initiative has either passed or not. We have made the decision to bring it forward for discussion and take feedback to make recommendations at the Council.

Councilor Ali, my understanding is that we need to have a public hearing? Laurie Davis, this is an order change.

Councilor Duson said this is an action item, there is no public present.

Mayor Strimling , we didn't advertise a public hearing today so we can't and proposed for a public hearing to be at the next meeting.

Councilor Ali asked for Corporate Counsel to be present.

Mayor Strimling said that Corporate Counsel can be present at the public hearing. What was understood from Corporate Counsel is that there was no legal problem with the Ranked Choice Voting. The Mayor confirmed with Kathy Jones. She agreed that they have the signatures, and it has gone to the ballot.

Mayor Strimling stated that the language that he and Councilor Ali brought forward is slightly different than the City Initiative. They are pretty small changes and proposed to go through the language to make sure that it is good before the public hearing. Kathy Jones stated that the language is very clear.

Councilor Ali stated that the copy that the Committee has is different than what the City Initiative submitted. Mayor Strimling proposed copies of the language from the City Initiative be made. Councilor Duson asked if there was another proposal that is coming forward, Kathy Jones declined.

Councilor Duson said that she would like us to send forward what was requested versus what was drafted by the Mayor and Councilor Ali but would like to understand the difference. Councilor Duson requested the Mayor to walk the committee through the changes between the two drafted documents, and asked for Corporate Counsel to provide a new draft prior to the public hearing.

Mayor referred the committee to follow along using the Ranked Choice Voting draft and he walked the committee through the documents.

Mayor Strimling asked Laurie Davis for clarification in regards to using Board of Education versus School Board. Laurie stated that it is Portland Board of Public Education and in this case you will use the whole title and subsequently School Board. Laurie will have to look at the Charter to confirm.

Jennifer Thompson from Corporate Counsel arrived.

Mayor Strimling continued pointing out the difference between both documents and asked for clarification about using majority versus highest number. Mayor Strimling stated that the language in the drafted amendment Laurie clarified that the word majority is defined by 50 percent or more votes and suggested to continue using that term.

Laurie, in general what you are trying to do is to amend the Charter to include more people under the same provisions that the Charter was written. I would change only the offices, and I will recommend against getting into adding anything else unless there is some unclear reason in the past two elections and I don't think that has been the case.

Mayor Strimling, the reason why this context was added to the draft is because we want to make sure other elections that happen in the City of Portland, such as Water District, are included. Mayor stated that if the language is clearly defined in the beginning then we will remove it.

Laurie stated that the School Board is not governed by the Charter. This is only any position that is governed by the Charter, elected by the Charter, it is a defined universe. The amendment is simply the addition of the council, the school board and the Mayor and have them elected the same way.

Jennifer Thompson asked for clarification about the language in regards to majority versus highest number. Laurie provided clarification.

Mayor asked Jennifer Thompson to clarify that there was no legal problem with the language about Ranked Choice Voting. It was just a matter of not getting enough signatures, and this is considered an amendment not a revision. Jennifer Thompson stated that she was only present for note taking She doesn't have any prior background in regards to the matter.

Jennifer said that her understanding is that Ranked Choice Voting can go on the ballot as an amendment initiated by the Council, and it was confirmed by Danielle. Jennifer asked if the committee was going to make a recommendation to the Council. Councilor Ali confirmed.

Mayor Strimling stated that the councilors voted to indefinitely postponed the City Initiative and what Danielle has communicated to us is that the City Initiative couldn't be brought back for a year , but the councilors could move a Charter of amendment. Now we have presented a council initiated Charter of amendment sort of the direction we are going now, then have a public hearing and take the votes; and move forward.

Jennifer Thompson, my understanding is that there is another public hearing scheduled on October 21st about the Charter of commission. Councilor Duson presented the idea that maybe both items should have a public hearing at the same time, but Mayor Strimling said he doesn't think it is a good idea to have both items tied together.

Councilor Duson said that the councilors discussed this at night, and there was a general consensus, even though we voted to indefinitely postponed it, that we wanted to move this forward as a council initiative.

Mayor requested for the next meeting to be at a later time to allow the public to attend the public hearing.

Councilor Ali asked if a public hearing will be at the next committee meeting as well as the council meeting. The Mayor replied yes, at the council meeting action will be taken.

E. Next Meeting Date

October 15th at noon time in Council Chambers

F. Adjournment

Councilor Ali moved to adjourn; seconded by Mayor Strimling; vote 3-0 and the meeting was adjourned at 8:50AM.

PROPOSED PORTLAND CHARTER AMENDMENT TO BE PLACED ON THE NOVEMBER 5,
2019, MUNICIPAL BALLOT

RE: RANKED CHOICE VOTING.

Sponsored by Mayor Ethan Strimling and Councilor Pious Ali

PART I CHARTER

ARTICLE II. CITY COUNCIL

Amend--

Section 3. Ranked choice voting; instant runoff tabulation.

For the positions of mayor, city councilors, and school board members only, the city clerk shall implement a ranked choice voting protocol according to these guidelines:

Comment [JT1]: "school board" is contemplated in Article I, Section 2, above, so this is o.k.

(a) The ballot shall give voters the option of ranking ~~mayoral~~ candidates in order of choice.

(b) If a ~~mayoral~~ candidate receives a majority, i.e. at least one more than fifty percent (50%) of the first ~~—~~choice votes cast, that candidate is elected.

(c) If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the city clerk and completed within five (5) business days of the election. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In each successive round, each voter's ballot shall count as a single vote for

whichever candidate the voter has ranked highest who has not been eliminated in a prior round, if any.

(d) After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the votes cast for a remaining candidate in a particular round.

(e) The city clerk may adopt additional regulations consistent with this subsection to implement these provisions. The ballot shall contain instructions on how to vote for each office. (Referendum 11/2/10)

ARTICLE IV. ELECTIONS

Section 7. Form of ballot.

All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city, consistent with the voting machines used and the form of any state ballot(s), and the use of ranked choice voting. ~~for mayor, councilor and member to the board of education.~~ Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates, and instructions on how to mark the ballot. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be as many blank spaces under the name of each office as there are vacancies to be filled. The procedure for counting write-in votes shall be governed by Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern. Notwithstanding the foregoing, in the event of an emergency such as the illness, death or disqualification of a nominee for municipal office prior to the general election, the time frame for accepting a declared write-in candidate may be shortened by the city clerk. Such ballots may also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames. (Referendum 11/2/10)

Section 10. Canvass of returns.

The city clerk shall examine the records of the several voting places and within forty-eight (48) hours after such election shall determine and declare the successful candidates as follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the majority highest-number of votes cast at such election, shall be determined and declared to be elected. ~~Notwithstanding the foregoing, i-~~ If no candidate for mayor, city councilor, or the board of education school board has a majority of the votes cast as provided in article II, section 3, the city clerk shall conduct an instant runoff tabulation as provided in such section until the candidate ~~for mayor, councilor or board of education~~ with the majority of votes cast is determined. Succcessful candidates for other municipal offices shall be determined based on their receiving the highest number of votes cast. The city clerk shall provide written notice of the election results to all candidates. (Referendum 11/6/01; 11/2/10)

TO: Members of the Legislative Committee, Danielle West-Chuhta, Jon Jennings

FROM: Councilor Belinda Ray

DATE: September 27, 2019

RE: Portland City Charter Amendments to Art. IV. Section 12 (Public Campaign Financing) and Art. II, Section 3 (Ranked Choice Voting)

Please find below information regarding the work that has been done to date by Councilors Costa and Ray to fulfill their publicly stated commitment to getting ballot questions for public campaign financing and ranked choice voting before the voters of the City of Portland.

At this point, we are on track to have both items before the Council in time to place them on the ballot at the March 2020 Presidential Primary, provided the Council approves them.

There are three items included in this memo:

- A timeline of significant events
- The Public Campaign Financing Charter Amendment language proposed by Councilors Costa and Ray
- The Ranked Choice Voting Charter Amendment language proposed by Councilors Costa and Ray

ITEM 1: TIMELINE OF SIGNIFICANT EVENTS

September 4, 2019: At the City Council meeting, Councilors Costa and Ray commit to working together to pursue a path to bring forward charter amendments for both Ranked Choice Voting and Public Financing of Municipal Campaigns.

September 10, 2019: Councilor Ray sends draft language for a charter amendment for public financing of municipal campaigns to Corporation Counsel and receives a tentative okay on the language, although Corporation Counsel reserves the right to further review the language and propose other changes.

Councilors Costa and Ray meet with Anna Kellar and John Brautigam of Maine Citizens for Clean Elections to discuss next steps. Kellar and Brautigam indicate that they are still reviewing their options and may consider filing a lawsuit. For that reason, Councilors Costa and Ray decide to finish preparing their language for both RCV and Public Financing, prepare an agenda request form for the items, and wait for MCCE, et al to make a decision regarding legal action.

September 16, 2019: At the City Council meeting, Councilors Ray and Costa summarize their meeting with representatives from MCCE and outline the steps they have taken to date. They also state they are confident that both charter amendments will be ready to be added to the ballot for a special municipal election to be held in conjunction with the March 2020 presidential primary, but that before taking action, it will be important to determine whether or not a lawsuit will be filed, and if a lawsuit is filed, to await its outcome.

September 20, 2019: Ten Voters of the City of Portland file a lawsuit against the City regarding the Public Financing Charter Amendment. Corporation Counsel advises Councilors Costa and Ray that they should wait to file their agenda request forms for these items until there is further news on the lawsuit and its potential outcome.

September 24, 2019: Councilors Costa and Ray issue a press release to reaffirm their commitment to getting these items before voters, state that the items will be ready for the March 2020 ballot, and make it known that they are looking forward to working with their colleagues on the Council to get these items on the ballot.

Ongoing: Throughout this timeframe, Councilors Costa and Ray have continued discussions with Corporation Counsel and the City Clerk to ensure that the items are ready to come before the council when the time is right.

ITEM TWO: PUBLIC CAMPAIGN FINANCING CHARTER AMENDMENT

NOTE: Below are three versions of the language for the Public Campaign Financing amendment, in order from top to bottom:

1. The charter amendment language proposed by Councilors Ray and Costa
2. The Redline Copy, which details the changes made to the language proposed by the Citizen's Initiative for this item; and
3. The original language as proposed in the Citizen's initiative

Public Campaign Financing Charter Amendment Sponsored by Councilor Belinda Ray and Councilor Costa)

Art. IV. Elections

Section 12. Public Campaign Financing

The city council shall establish a program providing public campaign funds to qualified candidates for mayor, city council, and school board. Candidate participation in the public financing program must be voluntary. The program should seek to provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns, limit the amount of private funds a candidate may raise, only be available to candidates who demonstrate public support, and be limited to candidates who enter into a binding agreement not to accept contributions other than those allowed by the public funding program. The City Council should seek to have the program available by the November 2021 municipal election.

Redline Copy of Public Campaign Financing Charter Amendment (Ray-Costa)

Art. IV. Elections

Section 12. Public Campaign Financing

The city council shall establish ~~and fund a~~ mechanism program providing public campaign funds to qualified candidates for mayor, city council, and school board. Candidate participation in the public financing program must be voluntary. The ~~mechanism program must should seek to~~ provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns, ~~must be voluntary, must~~ limit the amount of private funds a candidate may raise, ~~must~~ only be available to candidates who demonstrate public support, and ~~must~~ be limited to candidates who enter into a binding agreement not to accept ~~private~~ contributions other than those allowed by the public funding program. The ~~mechanism must~~ City Council should seek to

have the program ~~be~~ available by the November 2021 municipal elections.

Original Language from Citizen's Initiative

Art. IV. Elections

Section 12. Public Campaign Financing

The city council shall establish and fund a mechanism providing public campaign funds to qualified candidates for mayor, city council, and school board. The mechanism must provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns, must be voluntary, must limit the amount of private funds a candidate may raise, must only be available to candidates who demonstrate public support, and must be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program. The mechanism must be available by the 2021 municipal elections.

ITEM 3: RCV CHARTER AMENDMENT

NOTE: The language suggested below by Councilors Ray & Costa is identical to the language used in the proposed Citizen's Initiative.

Ranked Choice Voting Additions to the Portland City Charter

Section 3. Ranked choice voting; instant runoff tabulation.

~~For the position of mayor only, t~~The city clerk shall implement a ranked choice voting protocol for elections for mayor, city council, and the Board of Public Education according to these guidelines:

- (a) The ballot shall give voters the option of ranking ~~mayoral~~ candidates in order of choice.
- (b) If a ~~mayoral~~ candidate receives a majority, i.e. at least one more than fifty percent (50%) of the first choice votes cast, that candidate is elected.
- (c) If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the city clerk and completed within five (5) business days of the election. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In each successive round, each voter's ballot shall count as a single vote for whichever candidate the voter has ranked highest who has not been eliminated in a prior round, if any.
- (d) After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the votes cast for a remaining candidate in a particular round.

- (e) The city clerk may adopt additional regulations consistent with this subsection to implement these provisions. The ballot shall contain instructions on how to vote for each office.

...

Section 7. Form of ballot.

All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city, consistent with the voting machines used and the form of any state ballot(s), and the use of ranked choice voting ~~for mayor~~. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates, and instructions on how to mark the ballot. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be as many blank spaces under the name of each office as there are vacancies to be filled. The procedure for counting write-in votes shall be governed by Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern. Notwithstanding the foregoing, in the event of an emergency such as the illness, death or disqualification of a nominee for municipal office prior to the general election, the time frame for accepting a declared write-in candidate may be shortened by the city clerk. Such ballots may also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames.

...

Section 10. Canvass of returns.

The city clerk shall examine the records of the several voting places and within forty-eight (48) hours after such election shall determine and declare the successful candidates as follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the highest

number of votes cast at such election, shall be determined and declared to be elected. Notwithstanding the foregoing, if no candidate for mayor, city council, or the Board of Public Education has a majority of the votes cast as provided in article II, section 3, the city clerk shall conduct an instant runoff tabulation as provided in such section until the candidate ~~for mayor~~ with the majority of votes cast is determined. The city clerk shall provide written notice of the election results to all candidates.