



City of Portland Ad Hoc Committee Agenda

Charter Commission Elections Committee
December 7, 2021 at 6:00 PM

1. Call the Meeting to Order

a. a.

[Due to the existence of an "emergency or urgent issue", the Charter Commission Committees will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403 -B and the Charter Commission Remote Participation Policy.](#)

When: Dec 7, 2021 06:00 PM Eastern Time (US and Canada)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82716159476?pwd=VDNGV3BxTzN0RkhhVHNxWERTT2xJQT09>

Passcode: 106363

Or One tap mobile :

US: +13126266799,,82716159476#,,,,*106363# or +16465588656,,82716159476#,,,,*106363#

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US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 720 707 2699 or +1 253 215 8782

Webinar ID: 827 1615 9476

Passcode: 106363

International numbers available: <https://us06web.zoom.us/j/82716159476>

2. Approval of the prior meeting minutes

- a. Approval of the Draft November 30, 2021 Charter Commission Elections Committee Meeting Minutes

3. Workshop: Draft Clean Elections Proposal- Commissioner Buxton

- a. a. Public Comment Period on Draft Clean Elections Proposal

4. Workshop: Draft Elections Commission Proposal- Commissioner Chann

- a. a. Public Comment Period on Draft Elections Commission Proposal

5. Workshop: Draft Universal Resident Voting Proposal- Commissioner Washburn

- a. a. Public Comment Period on Draft Universal Resident Voting Proposal

6. New Business
7. Adjournment



City of Portland
Charter Commission Ad Hoc
Elections Committee Meeting Minutes
November 30, 2021 at 6:00 PM

Present: Chann, Buxton, Washburn^[L]_[SEP]

Guests: Jen Thompson, Interim Corporation Counsel
Will Hayward, League of Women Voters of Maine
Deb McDonough
Jim Katsifiacas, counsel to Charter Commission

Chann calls meeting to order 6:03 p.m.
Minutes of previous meeting approved unanimously

Ms. Thompson thanks committee for giving her time to finish reporting on issues arising from the at-large City Council race

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Mr. Katsifiacas:

Can a municipality amend its charter to make changes to election laws?

Municipalities have home-rule charter authority. The residents have the power to alter and amend charters on all matters not prohibited by state law or Constitution. That's a broad authority, but it has limits.

Title 30A has most of the state's municipality-related laws. Section 25-01 establishes primacy of state law over municipal elections. To vote in state races, you have to be a US citizen. Is there a legal way for a municipality to amend its charter to allow for universal resident voting in municipal elections?

Last charter commission looked at this and the then-city attorney gave 60-40 odds that courts would overturn such a charter proposal.

Has anything changed from 2009-2010? No. If anything, the climate at the state level appears to be increasingly in favor of citizen voting only.

Also, voter rolls for non-citizens are a matter of public record unless the state acts to protect that information.

Ms. Thompson: There is some legal protection for non-citizens' information in relation to law enforcement, but not for voting.

Chann: Can a city have a different voter registration card from other municipalities? Jim K thinks no.

(Jim K: MMA has training on election laws in case we're interested.)

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Q&A with Jen Thompson

Clean elections: To what extent can we implement clean elections within the confines of the current system? What changes do we need to make to make this happen?

Jim K: Your charter is your constitution, keep it as clean as possible

Jen T: Note that this is a matter of pending litigation

However, I don't know of any objection to including clean elections in the charter

MMA guidance from 1992 suggests the charter is really not the place to correct personality conflicts or personnel issues

Chann: We have a draft from the LWV (a "large paragraph") which will provide a starting point

What about the council race tie? Is there anything we can do to make this easier for the city?

Jen T: I don't know that the process was all that flawed

Buxton: Maybe skip the drawing of lots and proceed to an automatic recount?

Jen T: State law says there cannot be a recount unless there is an apparent winner and an apparent loser. So the tie has to be resolved so that the loser can then request the recount.

At the state level, ties are resolved by holding another election but there is a cost to that.

Buxton: Withdrawal of candidates — what is the advice on changing that language?

Jen T: Voter information is probably the biggest concern, and also printing deadlines for ballots

Public comment period on issues discussed so far

Joey Brunelle: try to find a way that you can do URV or clean elections

Kate Sykes: you're looking a little mopey! You're doing great work!
Nothing has changed since 2010
Fear should not get in the way of our convictions

Phil Steele: Charter commission should take a role in elections laws that would affect city councilors

Consider the wishes of the voters

Proportional RCV

Chann: already lowered the number of required signatures

Hayward supports election commission idea
Concerned about oversight and appeals role (fold in with clean elections?)

Washburn: wants more smaller districts

Buxton: question about effectiveness of volunteer commission vs. paid staff

Hayward: Both models have pros and cons

Chann: Providing stipends for volunteers may be a solution

Buxton: Connect with Departments Committee re ombudsman program

Chann: Voting Rights Act has some provisions about language access

Jen T: How would proposed commission interact with state laws specifying how city clerks should administer elections?

Break

Chann introduces proportional RCV language

Chris Hughes, RCVRC

Deb M: Single-winner RCV is not designed for multi-winner elections

Presentation on RCV

Suggests automatic recounts

There are a lot of models out there for election commissions

Maine LWV has not taken a formal stand on proportional RCV

No requirement for party affiliations

No changes to ballot or voting process, but to tabulation process

Example of vegetable balloting

“Vote for N” system can have effect of excluding minority populations

“Can you draw a circle around them”? (i.e. are plurality blocs geographically clustered?)

Discussion.

Public comment on PRCV

Joey Brunelle: opposes larger districts and citywide candidate list

People do not have equal access to voters

Phil Steele: districting is a different question vs. whether to use PRCV in multi-winner races. Favors electing 3 councilors from each of existing 5 districts.

Dave Aceto: Access to City Hall. What are we doing to make it easier and more desirable to run for office? The city can do better to help streamline the process and attract more people to the process.

Damon Yakovleff: Agree that there are barriers to running for office, supports more and smaller districts and a larger council. This country has a fascist problem. Also pay the councilors more.

Kate Sykes: concern about fascist getting elected. Clean elections are important to keep money out of the process. I do not support putting clean elections on the ballot in a chunk with PRCV.

Chris, brief presentation on Voting Rights Act

Clean elections on next meeting agenda

Meeting adjourned 9:20 p.m.

Language suggested by the League:

Section 12. Public Financing of Municipal Elections

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.

CB Edits

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- Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns,
 - Be voluntary.
 - Limit the amount of private funds a candidate may raise.
 - Only be available to candidates who demonstrate public support.
 - Be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program.
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- Be limited to candidates who agree to participate in at least one city-sponsored debate or voter education event.

The mechanism must be available by the **2023** municipal elections.

The mechanism shall be administered by paid staff within an Office of Elections & Voter Engagement, in conjunction with City Clerk and municipal elections officials. Oversight of the Office of

Elections & Voter Engagement will be performed by the Elections Commission, as established in Section 3 of this article.

Section 2. Election participation and education a priority.

The city shall ensure that all residents are able to participate and exercise their right to vote in the city's elections. To this end, the city shall ensure that information about voting and elections are, to the extent practicable, accessible in multiple languages, platforms, devices, and forms of media.

An elections commission of five (5) members shall be established and its members appointed by the city council from among the residents of the city. The duties of the elections commission shall be to support the city clerk in the oversight of elections, not inconsistent with applicable state law, to hear appeals or make determinations on issues referred to the commission by the city clerk regarding election matters and clean elections and campaign finance violations, to provide an annual report on voter turnout and participation, and to provide recommendations to the city clerk and city council when necessary.

The city council may, by ordinance, adopt additional regulations and guidance on the duties and responsibilities of the elections commission not inconsistent with this section.

Section 4. Universal Resident Voting.

The right of all adult residents of Portland to vote in municipal elections and on municipal initiatives is established, regardless of citizenship status. City officials will take all due care to ensure that exercising this right does not allow non-citizen voters to violate federal or state laws or expose them to legal jeopardy.