



City of Portland Charter Commission Agenda

Location, Date, etc.

1. Call to Order

- 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.

You are invited to a Zoom webinar.

When: Feb 1, 2022 06:00 PM Eastern Time (US and Canada)

Topic: Charter Commission Elections Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83533818485?pwd=cDI3OHJoQ1pVa2U3MDFZM05Qb2hSUT09>

Passcode: 108697

Or One tap mobile :

US: +13126266799,,83533818485#,,, *108697# or
+16465588656,,83533818485#,,, *108697#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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: 835 3381 8485

Passcode: 108697

International numbers available: <https://us06web.zoom.us/j/83533818485?pwd=cDI3OHJoQ1pVa2U3MDFZM05Qb2hSUT09>

2. Approval of Minutes

- a. Approval of draft January 18, 2022 meeting minutes.

3. Workshop on Council Districts

- a. Council Districts Proposal Sponsored by Commissioner Chann
 - i. Overview of Proposal by Commissioner Chann
 - ii. Discussion and Clarifying Questions with:
 - a. Jennifer Thompson, Corporation Counsel for the City of Portland
 - b. James Katsiaficas, Attorney with Perkins, Thompson

4. Public Comment Period on Council Districts Proposals

5. Committee Deliberations
6. New Business
7. Adjourn

Elections Committee Jan. 18

Present: Chann, Buxton, Washburn

Chairman Chann called the meeting to order 6:06 p.m.

Minutes approval moved by Washburn, seconded by Buxton; passed unanimously.

Workshops:

Universal Resident Voting After hearing public comment, commissioners expressed unanimous consent to schedule a public hearing at a date to be chosen later.

Elections Commission After hearing public comment, commissioners expressed unanimous consent to schedule a public hearing at a date to be chosen later.

Council Districts Commissioner Chann will revise and bring to a future workshop. He will also connect with people in Burlington, Vt., which has a similar district plan, and the Governance Committee.

New Business:

Proportional Ranked-Choice Voting (see next page)

Washburn moved, Buxton seconded moving this proposal to full commission immediately.

Chann moved, Buxton seconded an amendment adjusting the formula for deciding multi-winner elections.

Unanimous vote to move it forward to the full commission.

Washburn moved to adjourn, Buxton seconded. Meeting adjourned unanimously 8:43 p.m.

Proportional Ranked Choice Voting Proposal
Sponsored by Commissioner Marpheen Chann (At-Large)

The purpose of this proposal is to address the issue of which ranked choice voting system is optimal in the event of an election where there are multiple candidates to be elected to one seat or constituency. Although elections for multi-winner seats do not occur often in the city of Portland, the recent Charter Commission election and the upcoming at-large school board elections, where multiple candidates are elected to one at-large constituency, are examples of when a multi-pass ranked choice voting method with a threshold of 50% can create issues.

A proportion ranked choice system, rather than requiring one candidate to reach a winner-takes-all threshold of 50%, usually through multiple rounds and tabulations, puts in place a method that allows for multiple candidates to cross a lower threshold depending on the number of candidates. The result of PRCV is fairer representation in the case of multi-winner elections.

Proposal:

Section 3. Ranked choice voting; instant runoff tabulation.

(f) In the event of a multi-winner election, the City Clerk may administer a proportional ranked choice voting method similar to the guidelines above except that the threshold for a candidate to be elected shall be equal to the total number of valid votes cast in the election divided by the sum of the number one and the required number of winning candidates with respect to the election, rounded up to four decimal places.

CITY OF PORTLAND
MEMORANDUM

TO: Mayor Snyder and Members of the City Council
FROM: Jen Thompson, Acting Corporation Counsel
DATE: January 27, 2022
RE: Redistricting

As you are likely aware, the City will soon be required to adjust the lines of its election districts to ensure that they align with the results of the 2021 Census. This memo is intended to provide a broad overview of that legal requirement and the process the Council must undertake to achieve it.

II. Overview

Under the City's Charter, the City of Portland is "divided into five (5) districts to establish compact and contiguous districts of approximately equal population. The city council for voting purposes may by ordinance divide the election districts into voting districts." Portland City Charter, Article II, Section 1.¹ Under generally applicable constitutional principles as well as Maine State statute, when a municipality is divided into election districts, it will be called on to revisit and adjust those districts to reflect changes in the population and distribution of residents ("redistricting" or "reapportionment"). Maine

¹ Under Chapter 9, Section 9-16, the City's voting precincts align with the City's Council Districts such that a change in the Council districts will also impact voting districts and polling places.

Municipal Association explains the principles behind election districts and redistricting this way:

Many municipalities have voting districts (or wards) for purposes of electing municipal officers (select board members, councilors or aldermen). U.S. Supreme Court decisions interpreting the U.S. Constitution require equal weighting of votes. See *Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964); *Reynolds v. Sims*, 377 U.S. 533, 568 (1964); see also, *Evenwell v. Abbott*, 578 U.S. 54 (2016). Therefore, a municipality occasionally must redistrict — that is, redraw the lines of voting districts — to ensure that the population of each district is approximately equal to the population of the other districts.

As noted above, redistricting in Maine is governed by State statute. Specifically, Title 30-A, Section 2503 of the Maine Revised Statutes. The process for accomplishing the redrawing of the City's five voting districts will therefore need to be done in accordance with that statute and in a manner that ensures that the districts contain "as nearly as possible the same number of inhabitants" as outlined in State statute. 30-A M.R.S. 2503.

II. The Process.

When redistricting, the legal requirement is that the largest council district cannot be more than 10% larger than the smallest district in terms of population (not number of voters). The number of inhabitants in each district is based on the last official Census results.

Procedurally, redistricting is done by ordinance. The City's existing district lines are specified in Chapter 9 of the City's Code and it will be an amendment to those sections of Chapter 9 that the Council will need to adopt to accomplish the redistricting. I've attached the relevant portions of Chapter 9 for ease of reference.

As you'll see in a review of the existing ordinance, the descriptions of the district lines themselves are quite detailed and based on GIS mapping technologies. Staff in the City's Department of Public Works Engineering Division have begun work on outlining proposals to help start the discussion and will be available to help re-draw the lines and draft the descriptions of them when the time comes.

III. Timeline

The State statute requires that the redistricting ordinance be adopted no later than August 10, 2022, which is 90 days before the November 8, 2022 election. If the Council fails to timely amend its districts to comport with the Census results by that deadline, all open seats will be at-large. The relevant section of the redistricting statute reads:

...

2. Failure to enact ordinance. . . . If the legislative body fails to enact an ordinance within the 12-month period or at least 90 days before a regular election occurring after the 12-month period, all municipal officers to be elected must be elected at large and serve until their terms expire. Such at-large elections continue until the legislative body enacts an ordinance in accordance with subsection 1 at least 90 days before a regular municipal election.

30-A M.R.S. § 2503(2).

In addition to the 90-day (August 10, 2022) deadline imposed by State law, there are other logistical and legal requirements that dictate the timeline for Council action, including the City's need to amend the database of City streets to reflect shifts in Council districts and notify the Secretary of State's office of those changes to ensure that the State's Legislative Districts are also updated.

In order to timely complete this process and ensure that the City meets its legal obligations and provides ample notice to voters, we propose the following timeline:

(1) April, ____ [?] 2022. A Council workshop in April on proposed redistricting to provide the Council and the public with an opportunity to review the recommendation provided by the Redistricting Committee/working group [see below].

(2) May ____, 2022 [?]: Second council workshop if necessary to discuss Council proposals/amendments. If not, potential first reading on a regular Council agenda.

(3) June 6: If a first read does not happen in May, the June 6 Council meeting is the meeting at which a first reading of a proposed amendment to Chapter 9 (the "redistricting ordinance") should take place.

(4) June 20: Second Reading of the redistricting ordinance. Last regular council meeting at which redistricting and polling changes can be approved in order to go into effect before the

November 8 election and enable completion of other work to reflect those changes.

IV. The Redistricting Committee

Historically, the Mayor and/or City Manager have created an initial committee/working group comprised of at-large City Councilors (to avoid concerns about self-interest) and various members of City staff with relevant expertise to help formulate an initial proposal. That committee/working group's initial recommendation is then presented to the full Council for its consideration. Ultimately, the full Council will adopt the redistricting in the form of an amendment to Chapter 9 of the City Code. It is my understanding that the Mayor intends to create a redistricting committee/working group and name its members at the February 7 meeting. My further expectation is that that group can then begin its work with an eye toward finalizing a recommendation in advance of a workshop in April.

Chapter 9 ELECTIONS*

*Charter reference(s)--Elections, art. IV.

Cross reference(s)--Administration, Ch. 2.

State law reference(s)--Elections generally, 21 M.R.S.A. § 1 et seq.; city officials and elections, 30 M.R.S.A. § 5351 et seq.

Art. I. In General, §§ 9-1--9-15

Art. II. Precincts, §§ 9-16--9-35

Art. III. Initiation and Referendum, §§ 9-36--9-47

Art. IV. Peaks Island Council, §§ 9-51-9-60

ARTICLE I. IN GENERAL

Sec. 9-1. Council districts.

(a) *Map included.* The districts and precincts of the City for all elections of the City shall be as shown on the map dated January 29, 2014, on file in the Office of the City Clerk.

(b) *Narrative description of districts.* The districts shown on the map as enacted by this section are further described below. Any reference to Census Tracts, Block Groups, and/or Blocks refers to Census 2010 defined areas. The descriptions are as follows:

District 1. Beginning at the center of the mouth of Back Cove at the centerline of Tukey's Bridge and I-295; thence easterly, southeasterly, and then southerly along the northerly and easterly edges of Census Tracts 1, 2, and 3, around the northeasterly end of the Portland Peninsula, until it intersects with the Portland/South Portland boundary near the mouth of the Fore River in Portland Harbor, said point being southerly of Fish Point and northwesterly of Bug Light; thence following the Portland/South Portland boundary southwesterly to the centerline of Casco Bay Bridge; thence northwesterly along the centerline of the Casco Bay Bridge to a point directly above the shoreline of Portland Harbor; thence northeasterly along the shore of Portland Harbor and the southeasterly edge of the piers, bulkheads, and wharfs to Hobson's Wharf; thence northwesterly along the street on Hobson's Wharf to Commercial Street; thence southwesterly along the

centerline of Commercial Street until it intersects the centerline of High Street; thence northwesterly along the centerline of High Street to the centerline of Park Avenue; thence northwesterly along the centerline of the extension of High Street, that passes through Deering Oaks, to the centerline of Forest Avenue; thence northwesterly along the centerline of Forest Avenue to the centerline of Dartmouth Street; thence northeasterly along the centerline of Dartmouth Street to the centerline of Baxter Boulevard; thence easterly along the centerline of Baxter Boulevard to a point on said centerline that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence northerly to Back Cove along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence westerly and northwesterly along Back Cove which is also the northeasterly edge of Census Block 003, of Census Tract 15, Block Group 1 to a point along Back Cove, that is easterly of the intersection of Belmont Street and Baxter Boulevard; thence northeasterly along the boundary between Census Tract 15 and 18 to a point in Back Cove; thence southeasterly following the boundary between Census Tract 15 and 18 to a point in Back Cove where the boundaries of Census Tracts 15, 18, and 5 intersect; thence northeasterly along the boundary between Census Tract 18 and 5 to a point in Back Cove where the boundaries of Census Tracts 23, 18, and 5 intersect; thence continuing northeasterly along the boundary between Census Tracts 23 and 5 to the centerline of I-295 on Tukey's Bridge; thence southerly along the centerline of I-295 to the point of beginning. In addition to this area, District 1 includes all islands within the City limits.

District 2. Beginning at the intersection of the Casco Bay Bridge and the boundary between Portland and South Portland; thence following the Portland/South Portland boundary southwesterly, westerly, northwesterly along the Fore River until said Portland/South Portland boundary intersects a projection of Danforth Street's centerline to the southwest of the intersection of Danforth Street and West Commercial Street; thence following said projection of Danforth Street and the centerline of Danforth Street itself in a northeasterly direction to where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13; thence northerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence along the

northwesterly edge of Census Tract 13 and along the railroad tracks of the Union Branch to the centerline of Deering Avenue; thence northwesterly along the centerline of Deering Avenue to the intersection of Dartmouth St. Thence northeasterly along the centerline of Dartmouth Street to the centerline of Forest Avenue; thence southwesterly along the centerline of Forest Avenue to its intersection with the centerline of the extension of High Street, that passes through Deering Oaks; thence southeasterly along the centerline of said extension of High Street, to the intersection of High Street and Park Avenue; thence southeasterly along the centerline of High Street to the centerline of Commercial Street; thence northeasterly along the centerline of Commercial Street to its intersection with the street on Hobson's Wharf; thence southeasterly along the street on Hobson's Wharf to the end of said wharf; thence southeasterly along the piers, wharfs, bulkheads, and shore of Portland Harbor, such that the piers, wharfs, and bulkheads in their entirety will be contained in District 2, to the Casco Bay Bridge; thence along the centerline of the Casco Bay Bridge to the Portland/South Portland boundary and the point of beginning.

District 3. Beginning on the Portland/South Portland boundary where it would intersect a projection of Danforth Street's centerline if projected southwesterly of the intersection of Danforth Street and West Commercial Street; thence northwesterly and westerly along the Portland/South Portland boundary, in the Fore River, to the centerline of I-295 as it crosses the Fore River; thence westerly along the Portland/South Portland boundary to the point where the Portland/South Portland and the Portland/Westbrook boundaries meet; thence northerly along the Portland/Westbrook boundary to where said town line intersects the Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the Boston and Maine Railroad's location to where it crosses Capisic Brook; thence westerly and southerly along the Capisic Brook to where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel with Birchwood Drive in a northwesterly to southeasterly orientation and lies southerly of the homes on the southerly side of Birchwood Drive; thence southeasterly, then northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said Census Tract boundary and the southerly boundary of Evergreen Cemetery; thence southeasterly along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Ludlow Street,

said line is also the boundary between Census Tracts 21.02 and 20.01, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southeasterly along Wayside Rd. to Brighton Avenue. Thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 to a point on the shore of Back Cove; thence southeasterly along the shore of Back Cove, which is also the easterly edge of Census Block 003, of Census Tract 15, Block Group 1, to a point that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 at the shore of Back Cove; thence southerly to the centerline of Baxter Boulevard and along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence westerly along the centerline of Baxter Boulevard to the centerline of Dartmouth Street; thence southwesterly along the centerline of Dartmouth Street to the centerline of Deering Avenue; thence southeasterly along the centerline of Deering Avenue to the railroad tracks of the Union Branch at the northerly edge of Census Tract 13; thence southwesterly along the railroad tracks of the Union Branch and the northwesterly edge of Census Tract 13 to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence southerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13 and said point is southeasterly of the easterly end of Veterans Memorial Bridge; thence southwesterly along the centerline of Danforth Street and a projection of Danforth Street's centerline to the Portland/South Portland boundary and the point of beginning.

District 4. Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 to a point on the shore of Back Cove; thence northeasterly along the boundary between Census Tract 15 and 18 to a point in Back Cove; thence southeasterly following the boundary between Census Tract 15 and 18 to a point in Back Cove where the boundaries of Census Tracts 15, 18, and 5 intersect; thence northeasterly along the boundary between Census Tract 18 and 5 to a point in Back Cove where the boundaries of Census Tracts 23, 18, and 5 intersect; thence continuing northeasterly along the boundary between Census Tracts 23 and 5 to the centerline of I-295 on Tukey's Bridge; thence northerly to a point at the northerly shoreline at the mouth of Back Cove; then easterly and northeasterly along the shoreline of Casco Bay, between the mouth of Back Cove and the mouth of the Presumpscot River, to the Portland/Falmouth boundary at the Presumpscot River and the Route 1 Bridge at Martins Point; thence northwesterly by the Falmouth/Portland boundary and the Presumpscot River to a point easterly of the intersection of Interstate 295 and the Portland/Falmouth boundary; then westerly along the Portland/Falmouth boundary, crossing Interstate 295, and continuing in a generally westerly direction by the Portland/Falmouth boundary until said town boundary intersects the centerline of Allen Avenue; thence southwesterly along the centerline of Allen Avenue to the centerline of Forest Avenue; thence southerly along the centerline of Forest Avenue to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Pleasant Avenue; thence easterly along the centerline of Pleasant Avenue to the centerline of Lawn Avenue; thence southerly along the centerline of Lawn Avenue to the point of beginning.

District 5. Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence northerly along the centerline of Lawn Avenue to the centerline of Pleasant Avenue; thence westerly along the centerline of Pleasant Avenue to the centerline of Stevens Avenue; thence northerly along the centerline of Stevens Avenue to the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to the

centerline of Allen Avenue; thence northeasterly along the centerline of Allen Avenue to the Portland/Falmouth boundary; thence northwesterly and then northeasterly along the Portland/Falmouth boundary to the Presumpscot River; thence along the Portland/Falmouth boundary and the Presumpscot River to the Falmouth Spur of the Maine Turnpike; thence southwesterly along the Falmouth Spur of the Maine Turnpike to a point where the Portland/Falmouth boundary changes direction and heads northwesterly across the Falmouth Spur of the Maine Turnpike, this point being northerly of Alice Court; thence southwesterly along the Portland/Falmouth boundary, again crossing the Falmouth Spur of the Maine Turnpike, to a point on the Portland/Falmouth boundary where said town line boundary turns northwesterly; thence northwesterly along the Portland/Falmouth boundary to the Portland/Falmouth Boundary along the Presumpscot River; thence southwesterly along the Portland/Falmouth boundary and the Presumpscot River to the point where the Portland/Falmouth boundary intersects the Portland/Westbrook boundary along the Presumpscot River; thence continuing southwesterly along the Portland/Westbrook boundary and the Presumpscot River to the point where the Portland/Westbrook boundary along the Presumpscot River turns southeasterly and leaves the river; thence southeasterly along the Portland/Westbrook boundary to where said town line intersects the Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the Boston and Maine Railroad's location to where it crosses Capisic Brook; thence westerly and southerly along the Capisic Brook to where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel with Birchwood Drive; thence southeasterly, then northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said boundary and the southerly boundary of Evergreen Cemetery; thence southeasterly along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southwesterly to the centerline of Ludlow Street; thence northeasterly along the centerline of Ludlow Street to a point beyond the easterly side of Wayside Rd. to the intersection of Brighton Avenue; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the

centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street thence easterly along the centerline of Woodford Street to the centerline of Lawn Avenue and the point of beginning.

(c) *Conflicts between map and description.* In the event of any conflict between the above map and the preceding description, the map provision shall control.

(Ord. No. 375-84, § 1, 11-16-84; Ord. No. 219-93, § 1, 2-2-93; Ord. No. 81-93, 8-16-93; Ord. No. 191, 1-20-99; Ord. No. 124-99, 12-20-99; Ord. No. 36-01/02, 8-20-01; Ord. No. 174-01/02, 3-4-02; Ord. No. 25-02/03, 8-19-02; Ord. No. 145-03/04, 2-2-04; Ord. No. 20-04/05, 9-2-04; Ord. No. 149-08/09, 2-2-09; Ord. No. 144-13/14, 2-24-14)

Charter reference(s)--Election districts, Art. II, § 1.

Sec. 9-2. Reserved.
Sec. 9-3. Reserved.
Sec. 9-4. Reserved.
Sec. 9-5. Reserved.
Sec. 9-6. Reserved.
Sec. 9-7. Reserved.
Sec. 9-8. Reserved.
Sec. 9-9. Reserved.
Sec. 9-10. Reserved.
Sec. 9-11. Reserved.
Sec. 9-12. Reserved.
Sec. 9-13. Reserved.
Sec. 9-14. Reserved.
Sec. 9-15. Reserved.

ARTICLE II. PRECINCTS*

***Editor's note**--Ord. No. 375-84, §§ 2 and 3, adopted Nov. 16, 1984, amended § 9-16 in its entirety and repealed §§ 9-17--9-21, relative to election precincts. Formerly, §§ 9-16--9-21 derived from Code 1968, § 105.1 and Ord. No. 105-79, adopted Feb. 22, 1979.

Sec. 9-16. Generally.

The districts of the city established by section 9-1 of this

Code pursuant to section 1 of article II of the charter are for voting purposes divided into the precincts shown on the map incorporated into said section 9-1 with voting places within or near each such precinct as hereinafter designated by order of the council.

(Ord. No. 375-84, § 2, 11-16-84)

Sec. 9-17. Polling places.

The number of voting or polling places in any election shall be at least the number of voting places in each city council district as used in the June 10, 2008 election. The city council may consolidate voting places only in accordance with the provisions of 21-A M.R.S.A. § 631-A, after public notice and hearing, and consolidation shall be made only upon a specific finding that the voter turnout in the election is likely to be unusually small, as in the case of a special election for Portland Water District Trustee. There shall be no consolidation of voting places in any election where any state or federal office is to be filled, or in any state wide referendum.

(Ord. No. 25-A, 8-18-08)

***Editor's Note:** This ordinance preserves or restores the number of voting places prior to the planned reduction in voting places based on cuts adopted in the FY'09 budget. In 2017, it was renumbered from 9-48 to 9-17 to place it with appropriate and relevant subject matter in Article II.

Sec. 9-18. Reserved.
Sec. 9-19. Reserved.
Sec. 9-20. Reserved.
Sec. 9-21. Reserved.
Sec. 9-22. Reserved.
Sec. 9-23. Reserved.
Sec. 9-24. Reserved.
Sec. 9-25. Reserved.
Sec. 9-26. Reserved.
Sec. 9-27. Reserved.
Sec. 9-28. Reserved.
Sec. 9-29. Reserved.
Sec. 9-30. Reserved.
Sec. 9-31. Reserved.
Sec. 9-32. Reserved.
Sec. 9-33. Reserved.
Sec. 9-34. Reserved.

§2503. Reapportionment

1. Adoption by ordinance. Districts established for the purpose of electing, from each district, an equal number of municipal officers may be adjusted, by ordinance, by the municipal legislative body subject to the following conditions.

A. Each district must be formed of compact, contiguous territory. Its boundary lines may follow the center lines of streets. [PL 1987, c. 737, Pt. C, §2 and Pt (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Each district must contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts may not differ in number of inhabitants by more than 10% of the inhabitants in the smallest district created. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. The ordinance must include a map and a description of the districts. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. The ordinance takes effect on the 30th day after adoption by the legislative body. The new districts and boundaries, as of the effective date, supersede previous districts and boundaries for the purposes of the next regular municipal election, including nominations. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Failure to enact ordinance. The municipal legislative body must enact the reapportionment ordinance within 12 months after the Legislature has reapportioned the House and Senate districts pursuant to the Constitution of Maine, Article IV, Part First, Section 3 and Article IV, Part Second, Section 2 or after a court decision finalizing the reapportionment of districts. The ordinance must be enacted at least 90 days before a regular municipal election occurring within that 12-month period or the previous reapportionment ordinance applies to that election. If the legislative body fails to enact an ordinance within the 12-month period or at least 90 days before a regular election occurring after the 12-month period, all municipal officers to be elected must be elected at large and serve until their terms expire. Such at-large elections continue until the legislative body enacts an ordinance in accordance with subsection 1 at least 90 days before a regular municipal election.

[PL 2001, c. 537, §1 (AMD); PL 2001, c. 537, §2 (AFF).]

3. Referendum. Except when the municipal legislative body is the town meeting, the voters of the municipality may require the municipal legislative body to reconsider any ordinance adopted under subsection 1. If the legislative body does not repeal an ordinance so reconsidered, the voters may approve or reject it at a municipal election.

A. Any 5 voters may commence referendum proceedings by filing an affidavit with the municipal clerk stating:

- (1) They will constitute the petitioners' committee;
- (2) They will be responsible for circulating the petition and filing it in proper form;
- (3) Their names and addresses;
- (4) The address to which all notices to the committee are to be sent; and
- (5) The ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Petitions under this subsection must meet the following requirements.

- (1) Petitions must be signed by a number of voters of the municipality equal to at least 15% of the total number of voters in the municipality at the last presidential election.
- (2) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the address of the person signing. While being circulated, petitions must have the full text of the ordinance sought to be reconsidered contained in or attached to the petition.
- (3) When filed, each paper of a petition must have an affidavit, executed by the circulator of the petition, attached to it stating:
 - (a) That the circulator personally circulated the paper;
 - (b) The number of signatures on the paper;
 - (c) That all the signatures were signed in the circulator's presence;
 - (d) That the circulator believes them to be the genuine signatures of the persons whose names they purport to be; and
 - (e) That each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.
- (4) Petitions must be filed within 30 days after the municipal legislative body adopts the ordinance sought to be reconsidered. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. The following procedure shall be followed after the petition is filed with the municipal clerk.

- (1) Within 20 days after the petition is filed, the municipal clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the clerk's certificate and files a supplementary petition upon additional papers within 10 days after receiving a copy of the certificate. This supplementary petition must comply with the requirements of paragraph B, subparagraphs (2) and (3). Within 5 days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of that certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend the petition or request review under subparagraph (2), within the time required, the clerk shall promptly present the clerk's certificate to the municipal legislative body and the certificate is then a final determination as to the sufficiency of the petition.
- (2) If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, within 2 days after receiving the copy of the certificate, may file a request that it be reviewed by the municipal legislative body. The legislative body shall review the certificate at its next meeting following the filing of the committee's request and approve or disapprove it. This determination is then final as to the sufficiency of the petition.

(3) A final determination as to the sufficiency of a petition is subject to court review. A final determination of insufficiency, even if sustained upon court review, does not prejudice the filing of a new petition for the same purpose. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. When a petition is filed with the clerk under this subsection, the ordinance sought to be reconsidered is suspended from taking effect. This suspension ends when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The council repeals the ordinance; or
- (4) Thirty days have elapsed after a vote of the municipality on the ordinance. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. The following procedure shall be followed if a petition is determined to be sufficient.

(1) When a petition has been finally determined sufficient, the municipal legislative body shall promptly reconsider the referred ordinance by voting its repeal. If the legislative body fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the voters of the municipality.

(2) The vote of the municipality on a referred ordinance shall be held at least 30 days and not more than one year after the municipal legislative body's final vote on the ordinance. If no regular municipal election is to be held within this period, the legislative body shall provide for a special election; otherwise the vote shall be held at the same time as a regular election occurring within this period, except that the legislative body, in its discretion, may provide for a special election at an earlier date within the prescribed period. Copies of the referred ordinance shall be made available at the polls.

(3) The form of the ballot for the repeal of the ordinance shall be substantially as follows:

"Shall the ordinance entitled '.....' be repealed?

YES / / NO / /"

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box opposite the words YES or NO.)

(4) A petition may be withdrawn at any time before the 15th day prior to the day scheduled for a vote of the municipality. The petitioners' committee must file with the municipal clerk a request for withdrawal signed by at least 4 members of the petitioners' committee. Upon filing this request, the petition has no further effect and all proceedings on the petition shall be terminated. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. If a majority of the voters who vote on a referred ordinance vote for its repeal, it is considered repealed upon certification of the election results. [PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. A, §16 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. A, §16 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Exception. This section does not apply to municipalities whose charters specify different methods of reapportionment.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§A116,C8,10 (AMD). PL 1989, c. 104, §§A116,C10 (AMD). PL 2001, c. 537, §1 (AMD). PL 2001, c. 537, §2 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 130th Maine Legislature and is current through October 31, 2021. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.