

Bond Case Briefs

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FIRST AMENDMENT - MAINE

Callaghan v. City of South Portland

Supreme Judicial Court of Maine - September 10, 2013 - A.3d - 2013 ME 78

Two part-time city employees filed § 1983 civil rights action against city, seeking declaratory and injunctive relief with regard to provisions of city's personnel policy prohibiting a city employee from seeking election to or serving on city school board, and from engaging on their own time in certain political activity in regard to school board elections

The Supreme Judicial Court of Maine held that, as applied to the two employees, city's personnel policy violated First Amendment protections of free speech. Running for election to school board was speech involving a matter of public concern, and city failed to demonstrate an actual impact on municipal government operations that would outweigh employees' First Amendment interest. City could lawfully prohibit certain employees, including city manager, from running for the board, and it was best left to city officials than to Supreme Judicial Court to draw dividing line separating those employees who could lawfully be barred from running from those who could not.