

Bond Case Briefs

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CHARTER AMENDMENT - MAINE

Fair Elections Portland, Inc. v. City of Portland

Supreme Judicial Court of Maine - January 26, 2023 - A.3d - 2023 WL 407801 - 2023 ME 9

Voters petitioned for review of city's decision to classify their proposed modification to city charter establishing public financing mechanism for city elections as revision of charter requiring recommendation of charter commission for submission to voters, instead of amendment to charter requiring direct submission to voters.

The Superior Court denied petition. Voters appealed.

The Supreme Judicial Court held that:

- Issue of whether proposed modification was revision or amendment was moot, and
- Exception to mootness for questions of great public concern did not apply.

Issue on appeal of whether voters' proposed modification to city charter establishing public financing mechanism for city elections was revision of charter requiring recommendation of charter commission for submission to voters or amendment to charter requiring direct submission to voters was rendered moot by voters' approval of ballot question establishing mechanism for public campaign financing that was proposed by charter commission; commission's ballot question was substantially similar to voters' proposed modification, despite broadening scope of funding mechanism, and difference between fully funding program, as required by commission's ballot question, and sufficiently funding program, as required by voters' proposed modification, was inconsequential because outcome was same.

Exception to mootness for questions of great public concern did not apply, on appeal by voters from denial of their petition for review of city's decision to classify their proposed modification to city charter establishing public financing mechanism for city elections as revision of charter requiring recommendation of charter commission for submission to voters, instead of amendment to charter requiring direct submission to voters; framework for determining whether a proposed charter modification was amendment or revision that was mixed question of fact and law was more than adequate guidance for municipalities.