

From: [Deb McDonough](#)
To: [Joey Brunelle](#)
Cc: [Anna Kellar](#); [Marpheen Chann](#); [Charter@portlandmaine.gov](#); [April Fournier](#); [Pious Ali](#); [Andrew Zarro](#); [Tori Lyn](#); [Roberto Rodriguez](#); [Maria Testa](#)
Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Tuesday, November 30, 2021 4:37:48 PM

So. I should point out that I'm not a Portland resident and don't actually have a dog in this fight - and am not fluent in Portland politics. This will be a decision for Portland residents to make. My role is informational.

I think that I understand your concerns and agree that Portland could benefit from a larger council, but I wonder to what degree geography is a stand-in for the other descriptors you mentioned about density and the like, which do tend to be geographically separated in Portland. The questions would be how possible it would be to draw districts in response to those descriptors and to what degree those descriptors are the primary criteria that voters find important in selecting their representatives.

Peaks (and other tiny neighborhoods) pose an extra tricky situation. If I'm reading the populations properly, Peaks has ~1k residents and Portland ~66k. If Portland were to redistrict such that Peaks gets a district, you might need a 60-seat council?

In any case, no election method is perfect and there are trade-offs. It can be worth understanding which aspects are important and how best to achieve them. Hoping we can find a time to talk through these issues in a public forum.

deb

On Tue, Nov 30, 2021 at 2:52 PM Joey Brunelle <joey.brunelle@gmail.com> wrote:

Thank you Deb, this is very interesting. I still maintain that geography **does** make a huge difference in Portland - being significantly larger and having a much wider spectrum of density and physical environments than Cambridge - and in this way it's less suited to this kind of system.

From the LWV memo: **"The use of single member districts ensures geographical representation but may not reflect ideological diversity."**

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of voters see one of their top-3 candidates elected, most residents will have a counselor that they think of as representing them.

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My support for PRCV comes from my belief that it is the best way to ensure two of the biggest goals of our democracy: majority rule and minority representation. I believe representative government works the best when the majority opinion holds the majority of seats, but that substantial minority voices also have a seat at the table. I know we all can think of times when it felt very painful to have no advocate at all pushing for our positions and saying the things that we felt needed to be said at city council. My support for PR isn't meant as a criticism of the charter commission election at all, but rather a direction I'd like to see all representative bodies moving for the health of our democracy. I would put up with there being 1 or 2 members on an elected body who I disagreed with, knowing that in the long run, I will be glad to have those 1 or 2 on my side if the political tables turn.

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In terms of representation for the purposes of constituent services, this is a good question, and something I'm planning to look into before the charter commission meeting tomorrow night. I am very curious how this is working in other cities without single-member districts.

Joey, I'm happy to talk more directly, too, just give me a call.

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On Fri, Nov 26, 2021 at 9:03 AM Marpheen Chann <mchann@portlandmaine.gov> wrote:

Forgot to attach the FairVote

link:

https://www.fairvote.org/what_is_proportional_representation_and_why_do_we_need_this_reform

Best,
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Note the language that I've suggested in terms of 3 seats per council district. Reworking the language in this regard lays the ground for language for proportional ranked choice and fairer representation - like they have in Cambridge.

Multiwinner districts are far more democratic than winner take all districts, from what has been presented by LWV and FairVote.

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Many of you campaigned on platforms which included lowering the barriers to public service. **These changes will have the opposite effect.** Larger districts and much more difficult signature requirements will favor people who have established name recognition, entrenched power, or significant fundraising ability. These changes will also make it a lot easier for established politicians to hand-pick their successors, because anyone not already affiliated with power will have a much harder time collecting signatures and getting their name out to a larger district.

The little guy - the neighborhood activist, young community minded people like Nyalat Biliew, working moms like April, or essential workers like Anthony Emerson - will be totally swamped by these changes.

This is the wrong direction. Please, please, please - don't do this.

Many of you campaigned on more districts, smaller districts. You did that for a reason: you supported that because smaller districts makes it easier for regular folks to get involved. Please don't go back on that.

Please. I beg you. This will do enormous damage to democracy in Portland. Don't do it.

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Clarification: "In discussions during Charter Commission campaigns, some folks (including some candidates) discussed the possibility of redistricting so that Peaks has its own dedicated councilor. This system would pit Peaks Island voters against the voters of the rest of the city, and the rest of the city could easily swamp their votes." << these are two separate thoughts."This system" refers to the proposed PRCV system.

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Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Tuesday, November 30, 2021 1:37:48 PM
Attachments: [PCC-ElectionMethods.pdf](#)
[cambridge2017.png](#)

Joey - Here's the Elections Methods memo I mentioned - and my favorite Cambridge map.

The memo walks through some of the concerns regarding single-winner districts, both in terms of representation and also in terms of how and where to draw the lines. In particular, it is difficult to draw lines that don't cut some neighborhoods. It is also difficult to predict what the issues will be in future years, and it may be that the neighborhood needing to affect change has been split between two districts, such that they can't elect representation of their choosing in either of them.

The map shows the home address of each Cambridge counselor and the colors represent the wards where each got the most votes. You'll notice that most counselors were elected -regionally - despite not having run in pre-defined districts. I'm most interested in red, dark green and dark purple, who each represent two distinct regions. We would never draw district boundaries this way, but this is where the natural affiliations lie.

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Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Tuesday, November 30, 2021 11:10:50 AM

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On Fri, Nov 26, 2021 at 9:03 AM Marpheen Chann <mchann@portlandmaine.gov> wrote:

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link:

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Portland Charter Commissioner, At-Large

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From: [Deb McDonough](#)
To: [Anna Kellar](#)
Cc: [Marpheen Chann](#); [Joey Brunelle](#); Charter@portlandmaine.gov; [April Fournier](#); [Pious Ali](#); [Andrew Zarro](#); [Tori Lyn](#); [Roberto Rodriguez](#)
Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Tuesday, November 30, 2021 10:37:03 AM

I'll jump in as well. First, I want to provide a little more League context for non-League folks on the thread, as the intricacies of our position statements tend to confuse even ourselves. . .

The League of Women Voters of the US does have a position in support of proportional representation. This national position does not specify an election mechanism. The League of Women Voters of Maine has a position in support of single-winner RCV, but has not completed the required local study to have developed a consensus position among our members with regard to the use of Proportional RCV in the election of legislative bodies. We are currently engaged in this work and can share our findings, but we aren't yet able to 'recommend' Proportional RCV as a position of the League of Women Voters of Maine, though many of us are ready to advocate as individuals. The work with Portland's Charter Commission happens to be occurring in this space.

Joey - Have you had an opportunity to review the memo on election methods that the League prepared for the Charter Commission? I'd be happy to go through it with you, if that would be helpful.

We can certainly put you in touch with some folks from Cambridge, MA, which has been using Proportional RCV to elect their 9-seat council at-large since the 1940s. In their case, all 9 seats are elected at once from a single candidate list. It is my understanding that residents can contact whichever counselor they are most comfortable with - and given that 95% of voters see one of their top-3 candidates elected, most residents will have a counselor that they think of as representing them.

deb

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From: [Damon Yakovleff](mailto:Damon.Yakovleff)
To: mchann@portlandmaine.gov; cbuxton@portlandmaine.gov; pwashburn@portlandmaine.gov
Cc: charter@portlandmaine.gov
Subject: Support for Smaller Council Districts, not Larger Ones
Date: Monday, November 29, 2021 9:56:11 PM

Dear Charter Commission Elections Committee Members,

Thank you all so much for all your hard work and time spent on your Charter review! It is difficult for me to attend meetings due to child care constraints, but I have done what I can to follow along through reading the minutes.

I wanted to share some concerns over the latest recommendations included in the packet for the Nov. 30th meeting. In particular, I am concerned that reducing the number of Council Districts will create increased barriers to participation by raising logistical challenges for candidates, with the unintended consequence of favoring those with greater resources. While I understand that the proposal would allow for eventual multi-candidate proportional representation, it does not guarantee this, nor does it negate the challenges of a larger geography.

I also find it concerning that proportional ranked choice voting is suggested in the memo included with the meeting packing as a solution to "complications" with multi-winner elections like the June 2021 Charter election. The only "complication" was that the system worked, and Commissioners were elected who had broad support from the electorate, rather than unacceptable candidates. Just because a 20-30% minority of voters prefers candidates the broader electorate does not find acceptable does NOT mean we should create a system that guarantees conservative minority voices an opportunity to win elections. It is fundamentally undemocratic to game the system to guarantee a small majority with views the majority in a district finds unacceptable a seat on the Council. Creating more, smaller Districts will better accomplish the goal for increased diversity in representation.

One other potential issue is that the way the redline reads, it appears that each District Councilor would be elected by the residents of the entire City, as is the case in South Portland. Based on the minutes and the other redline edits, I do not believe that is the intention, but want to be clear I certainly do not support District Councilor elections by the city at-large.

Again, thank you for your work on this! I will try to catch meetings as much as possible in the future around my kid's schedules. That said, I hope you all realize there are a great number of people like me who can only weigh in on the Charter discussion on a constrained basis. Please do not place undue weight on a very loud but vocal minority of privileged people who are upset about not getting their way in recent local elections but also have the most time to participate in this process.

Sincerely,

Damon Yakovleff
Bolton St.
Portland

From: [Joey Brunelle](#)
To: [Anna Kellar](#)
Cc: [Marpheen Chann](#); Charter@portlandmaine.gov; [April Fournier](#); [Pious Ali](#); [Andrew Zarro](#); [Tori Lyn](#); [Roberto Rodriguez](#); [Maria Testa](#)
Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Monday, November 29, 2021 3:55:55 PM

Thank you for your perspective, Anna. It is appreciated, as always. :-) I have heard that this proposal is being framed by some as what the League wants, and so I think it's an important clarification that the League does not have an official opinion on this matter as it relates to the Charter Commission. I sincerely hope that I do not hear in the meeting tomorrow that this proposal is "supported by the League," since you have clarified that it is not, at least not directly.

Second, I actually support PRCV for **large representative bodies** - for example, the Maine Legislature or the Parliament of Canada. In these situations - where you have dozens or hundreds of members - PRCV ensures exactly what you said, Anna: "the majority opinion holds the majority of seats, but that substantial minority voices also have a seat at the table."

However the Portland City Council currently has just 9 seats, and Marpheen's proposal would keep that number. If those seats are divided into 3 districts, and we assume that candidates who get a minority of votes win the third slot in each of the districts, that gives those minority voices 3 out of 9 - very close to a majority bloc. At that point, all that would need to happen is for an allied entity with resources (the Chamber of Commerce, for example) to dump a ton of money on other candidates year after year and win just 2 other seats, and suddenly that minority has not only "a seat at the table" but full control. A Council of 9 could be dominated by a bloc of 5 -- 3 of whom may not have cleared 50% in their own district races.

This is not far-fetched. With the Chamber of Commerce able to pour unlimited amounts of campaign cash on their favored candidates, this scenario is actually quite possible.

Lastly (for this email anyway) I want to draw attention to the issue of where the lines of these three districts would be drawn. While the lines could be drawn almost anywhere, the configuration that most worries me most is the one where the Peninsula is one district, and off-Peninsula gets two districts. This would severely limit representation for Portland's core, which has a high proportion of the city's young, low income, and non-white voters. The Peninsula (plus the Islands, one would assume) would have exactly 3 seats out of 9, never more and never less. (With the current district configuration, the at-large seats and the Mayor, the Peninsula could have between 2-6 representatives on the Council.) Moving to three larger districts might give off-peninsula voices (who skew whiter, older, and higher-income) a permanent majority on the Council.

I just want to reiterate one last time that many Charter Commissioners ran on a platform of expanding the number of districts in order to expand access to public service. This proposal does the opposite, by increasing the costs (in money, time, volunteer hours, etc) of running. It would favor people with the most name recognition, establishment connections, and access to wealthy campaign donors. Please don't.

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To: [Marpheen Chann](#)
Cc: [Joey Brunelle](#); Charter@portlandmaine.gov; [April Fournier](#); [Pious Ali](#); [Andrew Zarro](#); [Tori Lyn](#); [Roberto Rodriguez](#)
Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Monday, November 29, 2021 1:35:47 PM

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Subject: Re: Elections Committee - Wrong Direction with Districts/Signatures
Date: Friday, November 26, 2021 9:25:55 AM

Marpheen, thank you for your quick reply.

First, thank you for clarifying that the signature increase would be for the Mayor - however I still disagree with it. Again, why are we **raising** a barrier? This new requirement would make it harder for people like Travis Curran to run for Mayor. Does the Commission really think that Travis's voice should not have been part of the 2019 Mayoral race?

Second, I did see that the suggestion was to use proportional representation to elect 3 seats per enlarged district, however there are some serious problems with this:

1. The fact that the districts are larger still makes it difficult for regular folks with jobs and families to campaign. Instead of having to knock on 2-3 neighborhoods worth of doors to win, you will have to knock on 5-8 neighborhoods. That alone raises the barrier to entry significantly. But more than that, think about mailers, literature, facebook ads - all of that becomes MUCH more expensive in a larger district than a smaller one. This will favor candidates who are able to raise huge quantities of cash from real estate developers and the Chamber of Commerce.
2. Proportional representation is billed as a solution to party monopolies - sometimes gerrymandered into existence - in single-seat districts, however Portland school board and city council races are explicitly non-partisan, and the districts are not and cannot be gerrymandered. This is a solution to a problem that Portland does not have.
3. Logistically, how are you going to have three people represent a single district? How are they going to share the responsibility of constituent services - which of your district councilors should you route requests to, and how will it be decided which ones handle those requests? What if power struggles exist between councilors representing a single district?

In your minutes you wrote that proportional representation "was recommended by the Ranked Choice Resource Voting Center to City Clerk Katherine Jones as a solution to complications with multi-winner elections such as the June 2021 Charter Commission Election." What complications? The people who got the most votes in RCV won. I am aware that some people who have become very accustomed to holding power in Portland were unhappy with that outcome - candidates supported by the Chamber of Commerce like Cheryl Leeman, Steve Dimillo, Mony Hang - but this is not a "complication" - this is democracy. Making these sweeping changes to our elections based on their feedback is literally changing the system because they are being particularly loud sore losers.

Let me ask this of the other members of the commission: do you think *for a single second* that Cheryl Leeman and Mony Hang and Steve Dimillo would be suggesting proportional representation so that progressive voices could be better represented? Of course not! Those folks have been LOSING election after election after election since RCV was implemented because an overwhelming majority of

Portlanders actually vote for progressive candidates, and this proposal is a trojan horse attempt to change the way elections are structured to give them power again.

I call upon the other commissioners, once again: many of you campaigned on creating more, smaller districts. That was part of your platforms for a reason: it's a way to lower the barrier for people to participate in city government. Please, don't go back on that now.

- Joey

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Thanks Joey for your comment. But please look through the entire record to see how the redistricting actually would fit into a Proportional Ranked Choice model, as recommended by folks from Ranked Choice Voting Resources Center and FairVote.

Note the language that I've suggested in terms of 3 seats per council district. Reworking the language in this regard lays the ground for language for proportional ranked choice and fairer representation - like they have in Cambridge.

Multiwinner districts are far more democratic than winner take all districts, from what has been presented by LWV and FairVote.

In addition, the increase in signatures is only a suggestion for the mayor's position.

Best,
Marpheen Chann
Portland Charter Commissioner, At-Large

On Nov 26, 2021, at 8:49 AM, Joey Brunelle
<joey.brunelle@gmail.com> wrote:

Commissioners,

I was stunned to see some of [the recommendations being discussed by the Elections Committee](#) chaired by Marpheen Chann. Specifically they have been discussing:

- SHRINKING the number of districts from 5 to 3
- DRAMATICALLY INCREASING the number of signatures required to get on the ballot from 75/300 (district/at large) to 500/700.

Many of you campaigned on platforms which included lowering the barriers to public service. **These changes will have the opposite effect.** Larger districts and much more difficult signature requirements will favor people who have established name recognition, entrenched power, or significant fundraising ability. These changes will also make it a lot easier for established politicians to hand-pick their

successors, because anyone not already affiliated with power will have a much harder time collecting signatures and getting their name out to a larger district.

The little guy - the neighborhood activist, young community minded people like Nyalat Biliew, working moms like April, or essential workers like Anthony Emerson - will be totally swamped by these changes.

This is the wrong direction. Please, please, please - don't do this.

Many of you campaigned on more districts, smaller districts. You did that for a reason: you supported that because smaller districts makes it easier for regular folks to get involved. Please don't go back on that.

Please. I beg you. This will do enormous damage to democracy in Portland. Don't do it.

- Joey

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

From: [Joey Brunelle](#)
To: charter@portlandmaine.gov
Cc: [April Fournier](#); pali@portlandmaine.gov; [Andrew Zarro](#); [Tori Lyn](#); [Roberto Rodriguez](#)
Subject: Elections Committee - Wrong Direction with Districts/Signatures
Date: Friday, November 26, 2021 8:49:01 AM

Commissioners,

I was stunned to see some of [the recommendations being discussed by the Elections Committee](#) chaired by Marpheen Chann. Specifically they have been discussing:

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- Joey

From: [BobLevin.writer](#)
To: charter@portlandmaine.gov
Subject: Note from Bob Levin to your Facebook Page Chart the Future with the Portland Charter Commission.
Date: Tuesday, November 23, 2021 9:44:04 PM

Are you the group dealing with Portland, Oregon or Portland, Maine?

Bob

Sent from my Galaxy

From: [Jayne Sawtelle](#)
To: charter@portlandmaine.gov
Subject: Proposed change
Date: Monday, November 22, 2021 11:21:19 AM

Dear Charter Commission Members:

I have been a teacher in the Portland Schools since 1994. I'm writing in strong opposition to the change in the charter that reads: *Allow the School Board to make a nomination to fill any open school board seat with an interim appointment until the next election, provided the open seat would remain unfilled for more than 60 days.*

This is a TERRIBLE idea. Not only does it put into place the procedure for a complete "power grab" by members of the school board (specifically the chair), but it also removes another layer of incentives for school boards members to finish what they had committed to when running in the first place. One may agree with the current school board chair or not, but it isn't difficult in this age of divisiveness in politics to see the potential for a takeover by some extreme wing of a party, and to give them the power to appoint like-minded people with impunity, and even a little bit of incentive to make life miserable for other board members so that they WILL quit. I refer you to the school board takeover in East Ramapo, NY for example. Or to this article <https://www.nytimes.com/2021/10/27/us/the-conservative-school-board-strategy.html>

Thank you for your consideration of this matter.

Jayne Sawtelle

From: Joey Brunelle
To: charter@portlandmaine.gov
Cc: [Anna Kellar](#); [Kate Sykes](#)
Subject: Re: Please ban campaign donations from businesses/non-persons
Date: Tuesday, November 16, 2021 10:24:42 AM

PS - It is too early to know the degree to which companies/businesses donated to the 2021 races. Candidates are not required to file final finance reports until 42 days after the election, but I will look at those reports as soon as they come out and report back about what I find.

On Tue, Nov 16, 2021 at 3:22 PM Joey Brunelle <joey.brunelle@gmail.com> wrote:
Charter Commissioners,

As you continue your deliberations, I urge you to include a revision that bans campaign donations from non-persons.

THE PROBLEM: In the past, some business owners in Portland have used the ability to donate as their businesses as well as individually to effectively donate multiple times, well in excess of the legal limit. For example, both Councilor Mavodones's campaign in 2018 and Councilor Thibodeau's mayoral campaign in 2019 benefitted from this. Local real estate developer Tom Watson, owner of Port Property Management and a number of subsidiaries, donated multiple times the maximum allowed donation of \$500, so that his total contribution was in the thousands of dollars. There are other examples of this as well - I researched this extensively in past election cycles, and would be happy to dig those details up for you upon request.

WHY THIS IS A PROBLEM: When an individual can use companies they control to donate multiple times and get around the state-mandated limits on campaign contributions, they are subverting the democratic process and attempting to exert outsized influence on both the candidates that they donate to, and the races where they get involved. This gives business owners and the wealthy more power in our elections than regular folks. It's not fair and it's not just.

HOW YOU CAN FIX IT: Luckily, there is a simple solution available. You can simply ban campaign contributions from businesses/non-persons. You would not be the first city to do so - San Francisco did this years ago. Here's the language that they used, which you can just copy-paste:

[1.114] PROHIBITION ON CONTRIBUTIONS FROM CORPORATIONS. No corporation, limited liability company, or limited liability partnership organized pursuant to the laws of the State of California, the United States, or any other state, territory, or foreign country, whether for profit or not, shall make a contribution to a candidate committee, provided that nothing in this subsection (b) shall prohibit such a corporation, limited liability company, or limited liability partnership from establishing, administering, and soliciting contributions to a separate segregated fund to be utilized for political purposes by the corporation, limited liability company, or limited liability partnership, provided that the separate segregated fund complies with the requirements of Federal law including Sections 432(e) and 441b of Title 2 of the United States Code and any subsequent amendments to those

Sections.

(e) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

(1) **General Rule.** For purposes of the contribution limits imposed by this Section 1.114 and Section 1.120, the contributions of an entity whose contributions are directed and controlled by any individual shall be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual.

(2) **Multiple Entity Contributions Controlled by the Same Persons.** If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(3) **Majority-Owned Entities.** Contributions made by entities that are majority-owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decisions to make contributions.

The first section prohibits donations from companies to candidate campaigns, but does not prohibit donations from companies to independent PACs - because it can't, due to federal law/"Citizens United." This means that, for example, it would not prohibit donations from companies to independent PACs such as the PAC that Commissioner Waxman led in 2019 to run negative ads against Ethan Strimling in the mayoral race. That, unfortunately, cannot be prevented. But it - along with the second section - would still prevent individuals like Tom Watson from effectively donating multiple times to city council and school board races.

This would be a popular reform. The people of Portland have already voted overwhelmingly in favor of clean elections programs at the state and local level, in part because they see and disagree with the undo influence that business/corporate donations have on our politics. I urge you to include a provision like this in your recommendations.

- Joey

From: [Joey Brunelle](#)
To: charter@portlandmaine.gov
Cc: [Anna Kellar](#); [Kate Sykes](#)
Subject: Please ban campaign donations from businesses/non-persons
Date: Tuesday, November 16, 2021 10:22:47 AM

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- Joey

From: [Theresa Nappi](#)
To: charter@portlandmaine.gov
Subject: comments
Date: Monday, November 15, 2021 5:27:10 PM

In reviewing the highlights of the school board recHighlights of school board to the Charter Commission:

1. Autonomy for the school board to pass school budget directly to the voters without city council review - **I feel we need the city councils input prior to passing onto voters any budget.**
2. Grant the school board authority to place bond question on the ballot for school construction or renovation - **Any bonds headed to voters should be reviewed by city council.**

1. Allow school board to fill open/vacated seat with interim appointment - **with city council approval.**

1. If a candidate wins an election to fill vacated seat that expires in November, candidate does not have to run for re-election for the new 3 year term - **too long of a period - 24 months at max.**

1. Permit non-citizens the right to vote in elections - **Only American citizens should have the right to vote!!!!**

**Thank you
Theresa Nappi
District 4**