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Judge rules against South Portland plan for gay vote

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SOUTH PORTLAND - A judge ordered city officials to open at least five polling places for a Feb. 10 vote on whether to repeal a new law extending equal rights to homosexuals.

The city had decided earlier to open only one polling place to save money because officials expected low voter turnout.

The Maine Civil Liberties Union and two city residents filed suit, saying one place made it too hard to cast their ballots.

In a written decision filed late Friday afternoon in Cumberland County Superior Court, Justice Roland A. Cole granted a temporary restraining order against the city.

The judge ordered the city to establish at least one polling place in each of the city's five voting districts and also to make sure voters know where the polling places are, the judge said.

"We're very pleased," David A. Lourie, the attorney representing the MCLU in the case, said on Friday.

Cole, the judge, agreed with the MCLU's arguments that the city hadn't adequately informed residents that there would be a public hearing before a divided council took the vote on the polling places Dec. 8.

And the judge also agreed that the city violated its own charter because the charter does not say it may consolidate its five polling places.

The two residents who sought the injunction along with the MCLU, Nancy Crowell and Judy G. Kimball, added that there was not enough parking at the one polling place the City Council had approved, the main branch of the public library on Broadway.

Councilor Kevin J. Glynn, who voted against having one polling place and brought the issue to the attention of the media, said on Friday: "It was a loss for the city but it was a win for the people. What the court said is that the city can't put a price on democracy and the right to vote."

Mary Kahl, the city attorney, hadn't received a copy of the judge's decision Friday evening.

"Not having seen it," she said, "really the only response I can give is that it perplexes me."

She had argued that the city charter does not state that the polling places couldn't be consolidated for special state elections. And she had said the city properly advertised the Dec. 8 meeting in newspapers and such public places as City Hall and the city swimming pool, and that residents know they can speak at such meetings.

Kahl also said the state attorney general's office had told the city that the council couldn't reconsider its one polling place vote at its Dec. 15 meeting - when Glynn and others asked the council to rethink the issue - because that was only 57 days before the election. State law says polling places have to be consolidated 60 days before an election.

Mayor Susan B. Avery, who supported consolidation, said Friday, "I'm kind of shocked."

She said she believed the council acted legally and in the best interests of the public. Avery has said she was concerned because there were other events scheduled at three of the regular polling places during the vote.

Kahl said that the vote on establishing the five polling places will tentatively be set for the council's Jan. 21 meeting.

But Glynn said he wants the council to take emergency action Monday to approve six polling places - the five regular ones plus the library because that spot has already been advertised as the polling place.

Although the injunction granted Friday was a temporary one, Lourie, the attorney representing the MCLU, said a more permanent ruling is not likely to be scheduled in sufficient time before the election.

Polling places have to be advertised at least 30 days before an election. And Lourie said it's likely Judge Cole will make the later ruling.

The town of Harpswell also has voted to consolidate its polling place from three to one at Town Hall for the Feb. 10 vote. But the MCLU has said no one publicly complained about that situation.

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