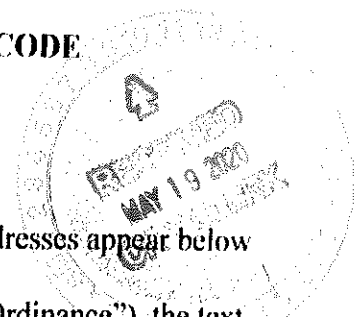


**AFFIDAVIT FILED PURSUANT TO §9-36 OF PORTLAND CITY CODE  
SEEKING PETITIONS FOR INITIATION OF ORDINANCE**



The undersigned hereby depose and say as follow:

- (1) The undersigned are registered voters of the City of Portland, whose respective addresses appear below next to their names;
- (2) The undersigned file this affidavit for the purpose of initiating an ordinance ("the Ordinance"), the text and a summary of which is annexed to this Affidavit as Exhibit A;
- (3) The undersigned will constitute the Petitioners' Committee and circulate the citizen initiative petition;
- (4) All notices to the Committee are to be sent to DSA the following address:

P.O. Box 11345, Portland, ME 04104

Dated at Portland, this 15 day of May 2020.

✓ <u>Brendan McQuade</u> (Print) Name	<u>4 Cordlewyck Ter</u> Address	<u>Brendan McQuade</u> Signature
✓ <u>Sydney Avitia-Jacques</u> (Print) Name	<u>180 State St #301</u> <u>Portland 04101</u> Address	<u>Sydney Avitia-Jacques</u> Signature
✓ <u>Jacob Karaisz</u> (Print) Name	<u>123 Sherman St #13</u> Address	<u>Jacob Karaisz</u> Signature
✓ <u>Jessica Faber</u> (Print) Name	<u>9 C St #2</u> Address	<u>Jessica Faber</u> Signature
✓ <u>Alexandria Cleveland</u> (Print) Name	<u>439 Congress St</u> Address	<u>Alexandria Cleveland</u> Signature
✓ <u>MARCELLA MARINO</u> (Print) Name	<u>226 SHERIDAN ST</u> Address	<u>Marcella Marino</u> Signature
✓ <u>Jonathan Distalari</u> (Print) Name	<u>29 Fessenden St #2</u> Address	<u>Jonathan Distalari</u> Signature
✓ <u>Elisabeth Ames</u> (Print) Name	<u>29 Fessenden St #2</u> Address	<u>Elisabeth Ames</u> Signature
✓ <u>Glen Galtik</u> (Print) Name	<u>63 Danforth St.</u> Address	<u>Glen Galtik</u> Signature
✓ <u>Kathryn Wilton</u> (Print) Name	<u>814 Congress St #2</u> Address	<u>Kathryn Wilton</u> Signature

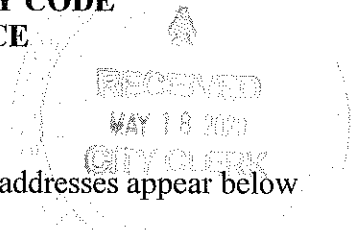
Subscribed and sworn to before me this 14 day of May, 2020.

Jonathan Distalari  
Signature of Notary Public/Attorney-at-law

8/19/2026  
Date Commission Expires/Date Entered the Bar

JONATHAN DISTALARI  
Printed Name

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Dated at Portland, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

<u>Brendan McQuade</u> (Print) Name	<u>4 Cordlewyck Ter</u> Address	<u>Bolan Melale</u> Signature
<u>Sydney Avitia-Jacques</u> (Print) Name	<u>180 State St #301 Portland 04101</u> Address	<u>Sydney-Jacques</u> Signature
<u>Jacob Kyrnysz</u> (Print)Name	<u>123 Sherman St #13</u> Address	<u>Jacob Kyrnysz</u> Signature
<u>Jessica Faber</u> (Print)Name	<u>9 C St #2</u> Address	<u>Jessica Faber</u> Signature
<u>Alexandria Cleveland</u> (Print)Name	<u>439 Congress St</u> Address	<u>Alexandria Cleveland</u> Signature
<u>MARCELLA MARINO</u> (Print) Name	<u>226 SHERIDAN ST</u> Address	<u>Marcella Marino</u> Signature
<u>Jonathan DiStefano</u> (Print) Name	<u>29 Fessenden St #2</u> Address	<u>Jonathan DiStefano</u> Signature
<u>Elisabeth Ames</u> (Print)Name	<u>29 Fessenden St #2</u> Address	<u>Elisabeth Ames</u> Signature
<u>Glen Galtik</u> (Print)Name	<u>63 Danforth St.</u> Address	<u>Glen Galtik</u> Signature
<u>Kathryn Wilson</u> (Print)Name	<u>814 Congress St #2</u> Address	<u>Kathryn Wilson</u> Signature

Subscribed and sworn to before me this 14 day of May, 2020.

Jonathan P. Torsch  
Signature of Notary Public/Attorney-at-law

8/19/2026  
Date Commission Expires/Date Entered the Bar

JONATHAN P TORSCH  
Printed Name

## **An Act To Ban Facial Surveillance by Public Officials in Portland**

An Act to Ban Facial Surveillance by Public Officials in Portland will ban the city of Portland and its departments and officials from using or authorizing the use of any facial surveillance software on any groups or members of the public, and provides a right to members of the public to sue if facial surveillance data is illegally gathered and/or used.

1. That the Code of Ordinances, City of Portland, Maine, is hereby amended by adding a section to be numbered Chapter 17, Article XI, which said article reads as follows:

### **ARTICLE XI. FACIAL SURVEILLANCE TECHNOLOGY**

#### **Sec. 17-129. Purpose.**

The purpose of this Article is to protect the privacy and civil liberties of the residents of Portland.

#### **Sec. 17-130. Definitions.**

For the purposes of this Article, the following terms have the following meanings:

Face surveillance means an automated or semi-automated process that assists in identifying or verifying an individual, or captures information about them, based on the physical characteristics of their face.

Face surveillance system means any computer software or application that performs face surveillance.

City of Portland means any department, agency, bureau, and/or subordinate division of the City of Portland.

City of Portland official means any person or entity acting on behalf of the City of Portland, including any officer, employee, agent, contractor, subcontractor, or vendor.

#### **Sec. 17-131. Facial Surveillance Technology Prohibition.**

It shall be unlawful for the City of Portland or any City of Portland official to:

- (a) Obtain, retain, store, possess, access, use, or collect:

1. any face surveillance system; or

2. any data or information derived from a face surveillance system or other use of face surveillance;

(b) Enter into a contract or other agreement with any third party for the purpose of obtaining, retaining, storing, possessing, accessing, using, or collecting, by or on behalf of the City of Portland or any City of Portland official:

1. any face surveillance system; or

2. any data or information derived from a face surveillance system or other use of face surveillance; or

(c) Issue any permit or enter into a contract or other agreement that authorizes any third party to obtain, retain, store, possess, access, use, or collect:

1. any face surveillance system; or

2. any data or information derived from a face surveillance system or other use of face surveillance.

**Sec. 17-132. Enforcement.**

(a) Suppression. No data or information that is obtained, retained, stored, possessed, accessed, used, collected, or derived from any face surveillance system or other use of face surveillance in violation of this article, and no evidence derived therefrom, may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority. Any data or information that is obtained, retained, stored, possessed, accessed, used, collected, or derived in violation of this article shall be considered unlawfully obtained, and shall be deleted upon discovery.

(b) Private cause of action.

1. Any violation of this article constitutes an injury and any person so injured may institute proceedings in the Maine Superior Court in a civil action seeking injunctive relief, declaratory relief, damages, and attorney's fees. Any action instituted under this paragraph shall be brought against the City of

Portland. If applicable, such action may also be brought against any third party with whom the City of Portland contracted or entered into an agreement, or to whom the city of Portland issued a permit, in violation of subsections (b) or (c) of Section 17-131 of this article.

2. Any person who has instituted proceedings under the previous paragraph and is found to have been subjected to face surveillance in violation of this article, or about whom data or information is found to have been obtained, retained, stored, possessed, accessed, used, or collected in violation of this article, shall be entitled to recover actual damages not less than the greater of:

a. \$100 for each violation of this article; or

b. \$1,000.

3. Any prevailing plaintiff in any action brought under this subsection shall be entitled to the award of costs and reasonable attorney's fees.

(c) Violation of this ordinance by any official or employee of the city of Portland is grounds for suspension or termination. The violator may also be required to participate in retraining.

#### **Sec. 17-132. Exceptions and Safe Harbors**

Nothing in this article shall be construed to:

(a) limit any individual's rights under state or federal law;

(b) prohibit the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure to protect the privacy of a subject depicted in the recording;

(c) prohibit the use of facial recognition or similar biometric technique on privately owned consumer devices for personal use or security, or for commercial use or security; or

(d) prohibit the use of facial recognition or similar biometric technique in managing secure entry or access to restricted buildings, rooms, or other secure spaces, devices, or things, provided that:

1. any data or information derived from such a system is only obtained, retained, stored, possessed, accessed, used, or

collected with the knowledge and consent of any person authorized for such entry or access; and

2. no data or information derived from such a system about any persons not authorized for such entry or access may be obtained, retained, stored, possessed, accessed, used, or collected.