ITEM #14B – Resolution establishing ballot question

Attached are forms of ballot questions that have been submitted for the council's consideration, with legal comments. The goal is to provide the voter with the essential purpose of the amendment, without showing favor toward one position over the other.

Staff provided two proposals.

TO: City Manager Mike Funk and City Council

FROM: Corrine Heine, City Attorney

DATE: July 31, 2023

SUBJECT: Agenda Item 14B, Resolution establishing ballot question

A petition to amend the city charter has been submitted and verified as sufficient. State law requires the city council to determine the wording of the ballot question, and the council is asked to adopt a resolution establishing that wording at the July 31 regular meeting. Under law, the wording must be submitted to the county auditor at least 74 days prior to the election, which would be August 25, 2023. If the council is unable to decide the wording at the July 31 meeting, it could table this item to the August 14 meeting and still meet strict legal requirements. However, Hennepin County Elections Division has encouraged the city clerk to submit the ballot wording at the earliest possible date.

As noted in the staff report, the ballot question must be worded to fairly express the clear and essential purpose of the proposed amendment. The wording of the question should be impartial and should not suggest either a "yes" or a "no" vote.

Attached to this memo are forms of ballot questions that have been submitted for the council's consideration, with comments. Staff has also submitted two alternate wordings for the ballot question.

There is likely no way to perfectly summarize the differences between ranked choice voting and a primary-general election system in an easy-to-understand question. The goal is to provide the voter with the essential purpose of the amendment, without showing favor toward one position over the other. The campaign committees proposing and opposing the amendment will have ample opportunity to elaborate on the pros and cons of each system.

PROPOSED FORMS OF BALLOT QUESTIONS

	Ballot question wording	Comment
A	FOR REFERENCE: Shall the Minnetonka City Charter be amended to adopt Ranked Choice Voting as the method for electing the mayor and city councilmembers without a separate primary election and with ballot format and rules for counting votes to be adopted by ordinance?	This was the wording used for the adoption of ranked choice voting in the 2020 election.
B	Shall the Minnetonka City Charter be amended to require that the method for electing the Mayor and City Council members be changed from ranked choice voting, which does not have a separate primary election, to a process using primary and general elections?	This was staff's original proposed wording. It could be criticized as implying that there are always two elections – if the voter is not familiar with the primary system.
C	Shall the Minnetonka City Charter be amended to repeal Ranked Choice Voting, reinstate the municipal primary and require the city to hold two elections instead of one for electing the mayor and city council members?	This wording was proposed by the committee opposing the ballot question. City attorney comment: the wording suggests that a primary is always required, which is not correct. This wording is biased toward a "no" vote.
D	Shall the Minnetonka City Charter be amended to repeal Ranked Choice Voting and reinstate the municipal primary thereby requiring the city to hold two elections instead of one when there are more than two candidates for a mayoral or city council seat?	This wording is more accurate than C but is slanted toward a "no" vote.
E	Shall the Minnetonka City Charter be amended to repeal Ranked Choice Voting, which is the current method for electing the Mayor and City Council members and which does not have a separate primary election, and return to a process using primary and general elections?	Like B, this could imply that there are always two elections.
F	Shall the Minnetonka City Charter be amended to change the current rank choice voting method for electing the Mayor and City Councilmembers that ranks all candidates in 1 open general election to an open primary plus general election voting method where the top 2 primary vote candidates advance to a final general election round?	This accurately describes the process but is lengthy and may be difficult for some readers to follow.
G	Shall the Minnetonka City Charter be amended to repeal Ranked Choice Voting, reinstate the municipal primary, which may require the city to hold two elections instead of one for electing the mayor and city council members?	This is more accurately stated than C above, but still biased in favor of a "no" vote.

H	Shall the Minnetonka City Charter be amended to require that the method for electing the Mayor and City Council members be changed from ranked choice voting, which does not have a separate primary election, to a process using both a primary election and general election?	This suggests that a primary and general election will always be required, which is not true. It is biased in favor of a "no" vote.
I	Shall the Minnetonka City Charter be amended to repeal ranked choice voting in municipal elections and return to the formerly used system involving a general election and a primary election, if needed?	It is possible that some voters will not know that "municipal elections" refers to the election of the mayor and council members. It is better to make that explicit. The language about a "primary election, if needed," is more accurate than the staff's proposed language.

Staff's revised proposals:

Shall the Minnetonka City Charter be amended to change the method of electing the mayor and city council, from ranked choice voting to a primary (if needed) and general election?

OR

Shall the Minnetonka City Charter be amended to repeal ranked choice voting as the method for electing the mayor and city council and reinstate the use of a primary (if needed) and general election?