

## MEMORANDUM

TO: City of Ramsey Charter Commission

FROM: Fritz Knaak, City Attorney

DATE: October 21, 2022

RE: City of Ramsey Charter Election Provisions

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For some years now, the City of Ramsey and, more specifically, the Ramsey Charter Commission, has been engaged in a review of the Ramsey Charter's election provisions. In particular, Section 4 of the City Charter appeared to contain inconsistencies with State Law. While no legal challenges had been made to the City Charter, prior counsel stated that "...in accordance with Minnesota Election Law, it is possible that a court would determine that state law 'fully occupies (the) particular field of 'municipal election law'' and would invalidate the Charter provision.

In a thorough analysis of the conflicts that contained suggested changes, Mister Langel, the former City Attorney, noted the following:

"Since 1959, state law has dictated that municipal elections are controlled by state election law. Minn.Stat. §205.02, subd. 1. Since then, the legislature further clarified that, "(i)n all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public question relating to the city shall be held as provided in (chapter 205)" *Id.* subd. 2. In addition to the city-specific election chapter, other election statutes that apply to municipalities will generally control in the City, regardless of the Charter. *See, e.g.* Minn.Stat. §204B.16, subd. 1 (requiring that each "municipality" designate polling places according to a certain schedule); *see* Minn.Stat.200.02, subds. 8,9 (defining the term municipality" to include charter cities). Further, state law identifies only a handful of statutory exceptions that do not apply to charter cities. Minn.Stat.§205.02, subd. 2 ("(Sections 205.065, subdivision 4. 5\to 6; 205.07, subdivision 3; 205.10; 205.121; and 205.17, subdivision 3, do not apply to a city who charter provides the manner of holding its primary, general, or special elections").

Inexplicably, and critically, not listed among the exceptions are the provisions of Minn.Stat.§410.21, which is located under the chapter of the statutes dealing solely with charter cities. That provision provides:

#### 410.21 APPLICATION OF GENERAL ELECTION LAWS.

The provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control *as to nominations, primary elections, and elections for municipal offices*, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

The apparent conflict between these provisions would be resolved under the interpretive provisions of Chapter 645 of Minnesota Statutes, which states, as a general rule, more specific statutes prevail over general ones. Since Chapter 410 deals only with charter cities and the other statutes deal with all “municipalities”, the usual rules of statutory construction would mean that the provisions of Minn.Stat.§410.21, above, unless specifically superseded elsewhere, would prevail. Moreover, Minn.Stat.§410.21 expressly states that its provision prevail over any general laws (including those related to elections).

The provisions of Minn.Stat.§410.21 essentially stand the usual presumption of state law always superseding municipal law, including for charter cities, on its head. In the usual case, the state law and charter provisions are interpreted, to the extent possible, harmoniously, with state law prevailing in cases where the provisions are irreconcilable. Under the provisions of this statute, *on matters related to nominations, primary elections and elections for municipal offices*, the provisions would again be interpreted, to the extent possible, harmoniously. The important difference is that on these specific matters, *the charter language would prevail in cases where provisions might be irreconcilable*.

The key takeaway from this analysis is that while it may be a matter of good policy to have the city and state election regulations as consistent with each other as possible, **State law does not compel the city to make changes to its charter where inconsistencies related to municipal elections, including primaries, are believed to exist.**

The record indicated that the concerns raised by the City Council members in not adopting the earlier proposed language changes related to timing of primaries and the length of council appointments to vacancies. These matters are all fully within the City’s discretion to determine under its charter and there is no requirement that those provisions be changed because they do not appear to be consistent with state law. Conversely, of course, the City is free to do so if it chooses.

F.K.