

Ordinance No. 1417

Amending the Nominations and Elections Chapter of the Fridley City Charter

The Fridley City Charter Commission has completed its review of Fridley City Charter Chapter 4 and has recommended an amendment of the City Charter by Ordinance to the City Council on November 6, 2023. The Fridley City Council hereby finds after review, examination and recommendation of the Charter Commission that the Fridley City Charter should be hereby amended and the City of Fridley does ordain:

Fridley City Charter Chapter 4. Nominations and Elections

Section 4.01. General Election Laws to Apply

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections ~~shall will~~ apply for all municipal elections of such ~~officers-office~~ as are specified in this Charter. The Council ~~shall will~~, through ordinances duly adopted in compliance with ~~such state laws~~ Minnesota Statute (M.S.) and this Charter, adopt suitable and necessary regulations for the conduct of such elections.

Section 4.02. Regular Municipal Elections

On the first Tuesday after the first Monday in November, municipal general elections ~~shall must~~ be held, at such place or places as the City Council may designate by resolution. General municipal elections ~~shall must~~ be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward ~~shall will~~ constitute at least one ~~(1)~~ voting precinct and no precinct ~~shall may~~ be in more than one ~~(1)~~ ward. At least ~~fifteen (15)~~ 14 days' notice ~~shall must~~ be given by the City Clerk of the time and places of holding such election, and of the ~~officers-offices~~ to be elected, by posting a ~~notice thereof~~ Notice of Election in at least one ~~(1)~~ public place in each voting precinct and by publishing a ~~notice thereof~~ Notice of Election at least once in the ~~official newspaper~~ Official Publication of the City, ~~but failure-~~ Failure to give such notice ~~shall will~~ not invalidate such election.

Section 4.03. Primary Elections

There ~~shall must~~ be a primary election, on the date established by ~~Minnesota State Law~~ M.S., for the selection of two ~~(2)~~ nominees for each elective office at the regular municipal election, unless only two ~~(2)~~ nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.

Section 4.04. Special Elections

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that a Notice of Election was published in the Official Publication three (3) weeks' published notice shall be given of prior to said special election. The procedure at such elections ~~shall must~~ conform with all election regulations established in M.S. as nearly as possible to that herein provided for other municipal elections and Minnesota Election Laws. Special elections for vacancies in the City Council ~~shall will~~ be held in accordance with provisions of Section ~~2.062.07.~~

Section 4.05. Judges of Election

- ~~The Council shall must~~ at least ~~twenty five (25)~~ days before each municipal election appoint ~~two (2) three~~ eligible voters for each voting precinct to be ~~election judges~~ Election Judges and one (1) registered voter to be ~~head election judge~~ Head Election Judge; or as many ~~election judges~~ Election Judges as may be determined by the ~~city clerk~~ City Clerk. ~~No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such election.~~ A person is ineligible to serve as an Election Judge if they:
 - Signed a Nomination Petition;
 - Circulated a Nomination Petition; or
 - Was a member of a committee petitioning for a referendum or recall.

Pursuant to M.S. § 204B.19, the City may establish additional requirements that are not inconsistent with State law M.S. and which relate to the ability of an individual to perform the duties of an Election Judge.

Section 4.06. ~~Nominations by Petition~~ Nominations of Municipal Candidates

The mode of nomination of all elective officers provided for by this Charter ~~shall must~~ be by petition. The name of any eligible voter of the City ~~shall must~~ be printed upon the ballot whenever a ~~petition as hereinafter prescribed shall have properly filed~~ Nomination Petition been filed ~~in on~~ that person's behalf with the City Clerk. Such petition ~~shall must~~ be signed by at least ~~ten (10)~~ registered voters qualified to vote for the office in question. No ~~elector shall~~ person may sign more than one ~~petition~~ Nomination Petition for any office for which there is an election. Should such a case occur, the signature ~~shall be void as to the petition or petitions~~ will be voided on the Nomination Petition last filed. All ~~nomination petitions~~ Nomination Petitions ~~shall must~~ be filed with the City Clerk in accordance with ~~Minnesota State Statutes~~ M.S. Each ~~petition~~ Nomination Petition, when presented, must be accompanied by a ~~ten dollar (\$10.00)~~ filing fee.

Section 4.07. Nomination Petitions

~~The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be~~ All Nomination Petitions must have an attached a-notarized affidavit of the circulator stating:

- ~~1-~~ the number of signers of such paper;
- ~~2-~~ that each signature found on a Nomination Petition appended thereto was made in the circulator's presence; and
- ~~3-~~ that it is the genuine signature of the person whose name it purports to be.

With each signature there ~~shall~~ must be the printed name, birth year, and address of the signer, ~~giving the street and number or other description sufficient to identify the same.~~ The nominee must ~~shall indicate by an endorsement upon the petition acceptance of the office if elected thereto~~ sign the Nomination Petition.

The form of a Nomination Petition ~~the nomination petition shall be~~ substantially as follows:

NOMINATION PETITION

We, the undersigned, registered voters of the City of Fridley, hereby nominate _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the ___ day of _____, ____; and we individually certify that we are registered voters and that we have not signed other ~~nomination petitions~~ Nomination Petitions of candidates for this office.

Printed Name	Birth Year	Address	Signature

_____, being duly sworn, deposes and says, "I am the circulator of the ~~foregoing petition paper~~ Nomination Petition containing signatures and that the signatures ~~appended thereto~~ provided were made in my presence and are the genuine signatures of the persons whose names they purport to be."

Subscribed and sworn to before me this ___ day of _____, ____.

This ~~petition~~ Nomination Petition, if found insufficient by the City Clerk, ~~shall~~ will be returned to _____ [Name of circulator], at ~~Number~~ ___ Street [mailing address].

I hereby indicate my willingness to accept the office of _____ [signature of nominee] if duly elected thereto.

Section 4.08. Write-In Candidates

A candidate for any ~~city~~City office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh (~~7th~~) day before the primary, general or special municipal election. The ~~city clerk~~City Clerk ~~shall~~ must provide the form to make the request.

Section 4.09. Canvass of Elections and Taking of Office

If more than two candidates filed for office, the Council must meet and canvass the primary election returns on the third calendar day after any primary election. The two candidates for each office who receive the highest number of votes ~~shall~~ will be nominees for the office named. Their names ~~shall~~ must be certified by the ~~city~~City ~~clerk~~ Clerk to the ~~county auditor~~County Auditor who ~~shall~~ must place them on the municipal general election ballot without partisan designation. The Council ~~shall~~ will meet ~~and canvass~~ to canvass the general (regular) election or special election returns between the third and tenth calendar days after any regular or special election, ~~shall~~ make full declaration of the results, and file a statement thereof with the City Clerk. Said statement ~~shall~~ must be made a part of the minutes. This statement ~~shall~~ must include:

- ~~(a)~~ — the total number of votes cast;
- ~~(b)~~ — the total number of individuals registered before 7:00 am on ~~election~~Election ~~day~~ Day and the total number of individuals registering on ~~election~~Election ~~day~~ Day;
- ~~(c)~~ — the total votes cast for each candidate, with a declaration of those who are elected;
- ~~(d)~~ — a true copy of the ballots used;
- ~~(e)~~ — the names of the ~~judges of election~~Election Judges; and
- ~~(f)~~ — such other information as may seem pertinent.

The City Clerk ~~shall forthwith~~ notify all persons elected of the fact of their election, and the persons elected ~~shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office.~~

All persons elected will assume their new office after the Oath of Office is administered.

Passed and adopted by the City Council of the City of Fridley on this xx day of [Month], 2023.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

Public Hearing:
First Reading:
Second Reading:
Publication: