

# Request for Council Action

Originator City Clerk	Item <b>Resolution accepting the City Clerk's Certificate of Sufficiency but rejecting the petition for a Charter Amendment as manifestly unconstitutional</b>
Agenda Section Organizational	Date 6/27/2016

Description

A Committee of five registered voters circulated a petition titled, "Ballot question Petition-Charter Amendment" (Petition) and submitted the Petition to the Charter Commission Secretary on May 18, 2016. The purpose of the Petition is to amend City Charter and require a ballot question for Presidential Election on November 8, 2016.

The Petition was accepted by the Bloomington Charter Commission at a special meeting on June 9, 2016, and promptly forwarded to the city clerk on behalf of the City Council to begin the verification process.

The verification process was completed on June 17, 2016. Areas of sufficiency include:

- The Petition's form meeting the requirements of Minn. Stat. §410.12, §358.47, §358.48 and Minn. Rules 8205.1010 and 8205.1050.
- The Petition was signed by 2,077 registered voters of the City, exceeding the minimum requirement of 1,730 signatories.

Areas of insufficiency include:

- Eight petition papers were not properly attested by a notary public. These pages were disqualified, meaning no signatories were counted from these pages.

**In conclusion, the Petition is sufficient, however legally deficient per the City Attorney's memo.**

The petition is available for public inspection, upon request after redaction of private data has been completed.

Hennepin County and the State of Minnesota require candidate offices and ballot questions to be submitted by cities on or before August 26, 2016 for placement on the November 8<sup>th</sup> Presidential Ballot.

Requested Action

Adopt the Resolution accepting the City Clerk's Certificate of Sufficiency but rejecting the Petition for a Charter Amendment as manifestly unconstitutional.

Attachments:

Resolution  
Certificate of Sufficiency  
Confidential Attorney Memo  
Draft meeting minutes from May 9, 2016 Charter Commission