

Rent Control Petition Process

City Attorney's Office
July 7, 2021



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Verify Petition for Sufficiency

- Report due from Ramsey County Elections to the City Clerk (Deadline **June 28th**). Minn. Rule 8205.1050, Subp. 3. Time for verification. The filing officer shall complete the verification of a petition as soon as practicable but no later than ten working days after the day on which the petition was filed.
- City clerk reports to Council deadline **July 5**. Charter 8.03:
 - ...City clerk shall examine the petition as to its sufficiency and report to the council within twenty (20) calendar days. (Received on 6-15-2021, deadline is July 5)
 - Received by Council on June 22nd.
- Council adopts resolution re sufficiency: **July 7** (no Council meeting on August 30). Charter 8.03 "Upon receiving the report, the council shall determine by resolution the sufficiency of the petition."



Normally, Council could choose to adopt ordinance.

Charter 8.04: If the council fails to enact the ordinance without change within sixty (60) days after the filing of the petition with the city clerk, it shall be placed on the ballot at the next general election in the city which occurs on or after the 120th day from the filing of the petition with the city clerk. If a majority of those voting on the ordinance vote in its favor, it shall become effective immediately.



Statutory requirement for election

The Council is not able to adopt the ordinance due to state law preemption. Minn. Stat. § 471.9996.

- 1) the City can adopt an ordinance or charter amendment to control rents on private residential property, only if that ordinance or charter amendment is approved by general election;
- 2) One of the ways to adopt such ordinance or charter amendment is by the voter petition for such an ordinance, provided that our charter gives such a power to the voters (which ours does).



Council Must Adopt Ballot Title and Language

Ballot title and question language due to Ramsey County on August 20, so must be adopted no later than August 18.

Title: A ... governing body shall provide a title for each question printed on the ballot. Minn. Admin. R. 8250.1810.

- Must not contain more than ten words and must be approved by the jurisdiction's legal counsel.

Language: "When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot." Minn. Stat. Sect. 204B.36, subd. 4.

- The law must be "fairly expressed in the question submitted.
- The ballot question must ensure that the voters are able to understand the "essential purpose" amendment being proposed.

Resolution:

- Legal support for putting the question on the ballot. (Citation to the Statute or Charter).
- Statement that the City's Legal Counsel agrees with the title proposed.



Spending Restrictions – Public Purpose

Expenditures in support of or against a ballot measure violate the public purpose requirement.

- City allowed to publish and distribute publications intended merely to inform the public of financial conditions and the potential effects of the passage or failure of a ballot question.
- City not permitted to expend funds to promote or defeat passage of a local ballot question by presenting one-sided information on the issue.
- Exception: elected officials may appear before citizens to orally advocate for a position, so long as no expenditure of public funds has occurred.



Spending Restrictions—Campaign Finance Laws

City expenditures in support of or against a ballot measure violated campaign finance laws.

- If the City's public statements about an election cross the line from explanation to promotion, the election law may impose additional requirements. Any "committee" that "makes disbursements of more than \$750 in a calendar year" must report such disbursements. Because a City is a public corporation, it is subject to campaign-finance-reporting requirements if it acts to promote or defeat a ballot question.
- "Promote" means to "urge the adoption of" or "advocate."
- Statements that urge the passage of a ballot question are considered promotional.
- Courts look to whether, when viewed as a whole, statements are the functional equivalent of express advocacy. In other words, the statements are promotional only when a reasonable person could not interpret them as anything other than advocacy.



QUESTIONS??