

STATE OF MINNESOTA
IN SUPREME COURT

A21-1169
A21-1170

FILED

September 16, 2021

**OFFICE OF
APPELLATE COURTS**

Don Samuels, et al.,

Respondents,

vs.

City of Minneapolis, et al.,

Appellants,

Mark V. Chapin,

Respondent,

Yes 4 Minneapolis,

Appellant.

ORDER

This matter relates to a question prepared by appellant the Minneapolis City Council for the ballot to be used for the general election on November 2, 2021. *See* Minn. Stat. § 410.12, subd. 4 (2020) (directing the “governing body” for a municipality to fix the “form of the ballot” that includes a proposed charter amendment that will be submitted to voters). The question to be posed to voters is whether to amend the Minneapolis City Charter to remove language regarding the police department and replace it with a department of public safety.

Appellant Yes 4 Minneapolis filed the petition with the city that led to the question on the ballot. *See* Minn. Stat. § 410.12, subd. 1 (2020) (allowing a “petition of voters” to

propose amendments to a city charter). The City Council revised and approved the ballot language and an accompanying explanatory note on September 7, 2021.

Respondents Don Samuels, et al., filed a petition under Minn. Stat. § 204B.44 (2020), in Hennepin County District Court, challenging the revised language. Respondents asserted that the ballot language approved on September 7 failed to address ambiguities the district court had identified and failed to explain the proposed amendment clearly. *See League of Women Voters Minn. v. Ritchie*, 819 N.W.2d 636, 651 (Minn. 2012) (stating that the question is whether the language of a ballot question is sufficient to ensure that voters understand the essential purpose of a proposed amendment).

The district court granted the petition under section 204B.44. The court also granted an injunction that required local election officials to notify voters that the ballot question “should not be voted on” and votes would “not be counted or reported,” and prohibited the City from tallying, counting, “or in any way considering votes” that might be cast on that question.

Appellant Yes 4 Minneapolis and appellants City of Minneapolis, the Minneapolis City Council, and the Minneapolis City Clerk appealed from that decision and petitioned our court for accelerated review. We granted those petitions, and directed the parties to file informal memoranda addressing the district court’s order that same day. Earlier today, we relieved city election officials and the Hennepin County Auditor from using the notice requirement imposed by the district court as they prepare ballots for the start of voting on September 17, 2021.

The question before us is a legal one. *See Clark v. City of Saint Paul*, 934 N.W.2d 334, 339–40 (Minn. 2019) (providing for de novo review of a legal question regarding a

ballot question). We have reviewed the language of the ballot question and the language of the proposed amendment to the Minneapolis City Charter. In light of our limited authority when reviewing ballot language, *League of Women Voters Minn.*, 819 N.W.2d at 646, we conclude that the challenge to the ballot language “does not meet the high standard” that we set in *Breza v. Kiffmeyer*, 723 N.W.2d 633, 636 (Minn. 2006).

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The decision of the district court filed on September 14, 2021, granting the petition of respondents’ Don Samuels et al., to correct the ballot, requiring local election officials to provide notice instructing voters not to vote on the ballot question, and enjoining local election officials from tallying, counting or in any way considering votes cast on the ballot question, is reversed.

2. So as not to impair the orderly process of voting, this order is issued with an opinion to follow at a later date.

Dated: September 16, 2021

BY THE COURT:



Lorie S. Gildea
Chief Justice

CHUTICH, J., took no part in the consideration or decision of this case.