

CITIZENS LEAGUE REPORT

No. 97

**Resolution on Amendent I**

Majority Votes on Charter issues

**January 1959**

Citizens League  
601 Socony-Mobile Building  
Minneapolis 2, Minnesota

January 5, 1959

TO: Board of Directors

FROM: Forms and Structure Committee, Stanley Platt, chairman

SUBJECT: Resolution on Amendment 1 implementing legislation dealing with majority votes on charter issues.

Until the passage of Amendment 1 on November 4, 1958, the Minnesota Constitution required a four-sevenths (57%) favorable vote for the adoption of a home rule city charter, and a 60% favorable vote for passage of charter amendments. In either case, the majority specified was of the "qualified voters voting at the election."

The requirements of a 57% and 60% majority made it very difficult to amend charters to keep them the vital instruments that they should be as the municipality's basic document. This difficulty was particularly great in such places as Minneapolis, where the charter contains much detail. It was one of the main causes of the abuse of special legislation, since it forced local governing bodies and others to appeal to the Legislature for new or changed authority which it was virtually impossible to get via charter amendment.

Minnesota's was the only state constitution requiring more than a bare majority for approval of a charter amendment.

The requirement that the majority be figured on the votes cast at the election rather than votes cast on the issue was a further handicap to adoption and amendment of charters, since in the former case a failure to vote on the issue is a "no" vote. In order to avoid this obstacle, municipalities have resorted to the expedient of designating every charter election a special election, whether or not it was held at the same time as a regular city or state election.

In the campaign to amend the local government sections of the Constitution at the November 4 election (Amendment 1), great stress was placed (particularly in Minneapolis) on the need for eliminating the 60% charter amendment, and unquestionably this had much to do with the overwhelmingly favorable vote registered for Amendment 1.

The adoption of Amendment 1 removes the 57% and 60% majority requirements and gives the legislature the power to set the necessary majority. It also removes reference to the majority of those voting "at the election."

For the reasons stated above, the Forms and Structure Committee recommends that the Board of Directors of the Citizens League urge the Hennepin County legislative delegation to favor amending general laws relating to home rule charters so that charters and amendments to charters shall be adopted by a vote of a simple majority of those voting on the question.

We also recommend that the Board urge the delegation to emphasize that there should be no deviation from or compromise of the general principle that valid votes on charters and charter amendments be those cast on the question rather than at the election.