

To: **Charter Commission**
Through: **Ryan Schroeder, City Manager**
From: **Kori Land, City Attorney**
Date: **October 19, 2020**

Councilmembers as Election Judges

BACKGROUND INFORMATION:

A question was raised about Councilmembers or candidates serving as Election Judges. Here are a few relevant factors to consider:

Pursuant to Minn. Stat. §204B.19, a portion the list of the people who are not qualified to be an Election Judge, includes:

- The spouse, parent, child, or sibling of a candidate in that election (includes “step” variations – e.g. step-parent);
- Anyone who is domiciled with a candidate on the ballot; and
- A candidate in the election.

However, the Minnesota Secretary of State has said that candidates can be moved to another Ward and not be in violation of the statute. In addition, the City of West St. Paul has this provision about City Councilmembers holding incompatible offices:

Charter Section 2.04. Incompatible Offices. No member of the Council shall be appointed City Manager, *nor shall any member hold any other paid municipal office or employment* under the City during the term of office for which he or she was elected. (emphasis added)

Election Judges are paid through the City’s payroll system, so they are employees. If not paid, and instead they chose to volunteer, then *perhaps* they would not be considered employees. If not employees, and they were not an Election Judge in the Ward that they represent, I think it is possible for a seated Councilmember who is a candidate in the election to be an Election Judge.

STAFF RECOMMENDATION:

Discuss