

OFFICE OF DAKOTA COUNTY ATTORNEY
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September 27, 2006

CAROL ANN OVERLAND
113 W 8TH ST
RED WING MN 55066

Re: City of Red Wing Candidate Filing Complaint


Dear Ms. Overland:

On September 19, 2006, our office received investigative reports from the Goodhue County Sheriff's Department related to a complaint that you had filed with the Minnesota Secretary of State's office. The matter was referred to our office by Steven Betcher, Goodhue County Attorney, as he is also the prosecuting attorney for the City of Red Wing. In reviewing the materials forwarded to us, it appears your complaint centers around the "City of Red Wing General Authorization Release," which candidates are asked to sign at the time they file as a candidate for elected office in the City of Red Wing. It appears from the investigation that the purpose for the release is to allow City officials to verify, through criminal history and driving record checks, whether or not the candidate was eligible for elected office. It also appears from the investigation that signing the release is voluntary and City officials will accept a candidate's Affidavit of Candidacy irrespective of whether or not the release is signed.

In reviewing relevant election law, I can find no law that ^{what authorizes???} requires a release of information be signed by a candidate as a condition of accepting a candidate's Affidavit of Candidacy for elected office. Nor can I find any law that specifically prohibits city officials from asking a candidate to sign a release of information form. Therefore, there was no violation of state election laws.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,


Phillip D. Prokopowicz
Chief Deputy

PDP/vmd

c: John Milhofer, Elections Division, Minnesota Secretary of State
Steve Betcher, Goodhue County Attorney
Investigator Pete Badker, Goodhue County Sheriff's Department
Kathy Johnson, Red Wing City Clerk

Criminal Division
Scott A. Hersey, Head

Juvenile and Protective Services Division
Donald E. Bruce, Head

Civil Division
Jay R. Stassen, Head

Victim/Witness Coordinator
Kelly Nicholson

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Child Support Enforcement Division
Sandra M. Torgerson, Head

