
CHAPTER 572-H.F.No.2010

[Coded in Part]

An act relating to municipal elections; providing for the hours of voting; establishing procedures for establishing candidacy; establishing filing fees; providing for the printing of election materials and ballots; providing for publication and posting of sample ballots; amending Minnesota Statutes 1976, Sections 205.021; 205.03; 205.13; 205.14, Subdivisions 1 and 3; and 205.16, Subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1976, Section 365.60.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 205.021, is amended to read:

205.021 CITY ELECTIONS; STATUTES APPLICABLE. In all statutory and home rule charter cities, the regular, primary, and special elections held for choosing public officials for the city and deciding public questions relating to the city shall be held as provided in sections 205.01 to 205.17; except that sections 205.01 to 205.15 are not applicable to any city the charter of which provides for the manner of holding its regular, primary, or special municipal elections. ~~Sections 205.04 to 205.17 shall also apply to towns to the extent specified in those sections.~~

Sec. 2. Minnesota Statutes 1976, Section 205.03, is amended to read:

205.03 HOURS FOR VOTING. Subdivision 1. **CITIES.** In all ~~municipal~~ statutory and home rule charter city elections the governing body council of any municipality the city, by resolution adopted prior to the giving of notice of the election, may designate the time, ~~and~~ in no event less than three hours, during which the polls shall remain open for the next succeeding and all subsequent ~~municipal city~~ elections, until the resolution is revoked.

Subd. 2. **METROPOLITAN AREA TOWNS.** At any election of town officers, in a town which is located within 60 miles of a city of the first class having a population of at least 250,000, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time during which the polls shall remain open for the next succeeding and all subsequent town elections, provided that the polls shall open no later than 10:00 a.m. and shall close no earlier than 8:00 p.m. The resolution shall remain in force until revoked by the town board.

Subd. 3. **OTHER TOWNS.** In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time during which the polls shall remain open for the next succeeding and all subsequent town elections, provided that the polls shall open no later than 10:00 a.m. and shall close no earlier than 5:00 p.m., except a town board may designate a time for closing later than 5:00 p.m. but not later than 8:00 p.m. The resolution shall remain in force until revoked by the town board.

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Subd. 4. MUNICIPAL ELECTIONS, CANDIDATES, TIME FOR WITHDRAWAL. In any municipality candidates for municipal elective offices may withdraw from the election by filing an affidavit of withdrawal with the clerk of the municipality until 12 o'clock noon of the day after the last day for filing affidavits of candidacy; and thereafter no candidate may file an affidavit of withdrawal.

Sec. 3. Minnesota Statutes 1976, Section 205.13, is amended to read:

205.13 MUNICIPAL ELECTIONS, CANDIDATES, FILING. Subdivision 1. AFFIDAVIT OF CANDIDACY. Not more than six nor less than four weeks before the primary election, or before the municipal election if there is no primary election, any person eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the municipal clerk. The affidavit shall be substantially the same form as required of candidates for state offices. An application also may be signed by not less than five voters and filed on behalf of any qualified voter in the municipality whom they desire to be a candidate if service of a copy of the application is made on the candidate and proof of service is endorsed on the application before filing. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate on the official ballot without partisan designation.

Subd. 2. NOTICE OF FILING DATES. At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in his office and the closing time for filing on the last day for filing, and he shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 4. Minnesota Statutes 1976, Section 205.14, Subdivision 1, is amended to read:

205.14 MUNICIPAL ELECTION, PROCEDURE. Subdivision 1. MATERIALS, BALLOTS. The city municipal clerk shall prepare and cause to be printed the necessary election materials, including the ballots, for the municipal election.

Sec. 5. Minnesota Statutes 1976, Section 205.14, Subdivision 3, is amended to read:

Subd. 3. CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION. Within two days after the election, the ~~council~~ governing body shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate, but in case of a contest, the certificate shall not be issued until the contest has been determined by the proper court. In case of a tie vote, the ~~council~~ governing body shall determine the result by lot. The clerk shall certify the results of the election to the county auditor, and the city municipal clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 6. Minnesota Statutes 1976, Section 205.16, Subdivision 2, is amended to read:

Subd. 2. SAMPLE BALLOT, PUBLICATION. In all statutory and home rule **Changes or additions indicated by underline deletions by ~~strikeout~~**

charter cities, for every election held within the city for municipal purposes, the city clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the city, except that the council of any fourth class city may dispense with publication. At least four days before the election the clerk shall post a sample ballot in his office for public inspection; and a sample ballot shall also be posted in each polling place.

Sec. 7. Minnesota Statutes 1976, Section 205.16, is amended by adding a subdivision to read:

Subd. 3. SAMPLE BALLOT, POSTING. For every election held within any municipality for municipal purposes, the municipal clerk shall, at least four days before the election, post a sample ballot in his office for public inspection, and a sample ballot shall also be posted in each polling place.

Sec. 8. **REPEALER.** Minnesota Statutes 1976, Section 365.60, is repealed.

Sec. 9. **EFFECTIVE DATE.** This act is effective on the day following its final enactment.

Approved March 23, 1978.

CHAPTER 573-H.F.No.2014

[Coded]

An act relating to state parks; authorizing the lease of a portion of Fort Snelling state park; waiving park admission fees and authorizing a liquor license on the leased property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[85.34] FORT SNELLING LEASE.** Subdivision 1. The commissioner of natural resources with the approval of the Executive Council may lease for purposes of restoration, preservation, historical and commercial use and development, that portion of Fort Snelling state park consisting of officer's row and the adjacent golf course and residential, storage and service buildings, all lying within an area bounded by Minneapolis-St. Paul International Airport, trunk highway numbered 5, Taylor avenue, Minnehaha avenue, and Bloomington Road. The lease shall be in a form approved by the attorney general and for a term of not to exceed 99 years.

Subd. 2. Admission to the property leased pursuant to subdivision 1 shall be exempt from any state park permit or admission fees imposed pursuant to law.

Subd. 3. The commissioner of public safety with the approval of the Executive Council may issue to the lessee or developer of the property leased pursuant to subdivision 1, an on-sale license for the sale of intoxicating liquor upon the leased property. The annual fee for the license issued pursuant to this subdivision shall be set by

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