

CHAPTER 205

MUNICIPAL ELECTIONS

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205.01 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.01 **DEFINITIONS.** The words used in sections 205.01 to 205.17 have the meanings prescribed to them in chapter 200.

[1959 c 675 art 6 s 1]

205.02 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.02 **APPLICATION.** Except as provided in sections 205.01 to 205.17 all of the provisions of the Minnesota election law are applicable to municipal elections, so far as practicable.

[1959 c 675 art 6 s 2]

205.03 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.03 **HOURS FOR VOTING.** Subdivision 1. **Resolution.** In all municipal elections the governing body of any municipality, 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 elections, until the resolution is revoked.

Subd. 2. **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.

[1959 c 675 art 6 s 3]

205.04 M.S. 1957 [Renumbered 205.19]

205.04 **AUSTRALIAN BALLOT SYSTEM.** At every municipal election in which officers are chosen or questions are determined, the voting shall be by secret ballot and according to the laws relating to general elections, so far as practicable.

[1959 c 675 art 6 s 4]

205.05 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.05 **TOWN AND STATUTORY CITY ELECTIONS; CANDIDATES, AFFIDAVITS OF CANDIDACY.** Subdivision 1. **Affidavits of candidacy.** At every town and statutory city regular and primary election, candidates for offices shall file an affidavit of candidacy not more than six weeks nor less than four weeks before the election with the town or city clerk as the case may be. At least two weeks before the first day to file affidavits of candidacy the city clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in his office, and he shall post a similar notice at least ten days before the first day to file affidavits of candidacy. 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; provided that service of a copy of the application shall be made on the candidate and proof of service endorsed on the application before filing. No affidavit or application may be accepted by the proper officer until a fee of \$2.00 is paid to him. The affidavit shall be substantially the same as that required of the candidates for state offices. Upon the receipt of the affidavit and filing fee, the clerk shall place the candidate's name on the official ballot for the election.

Subd. 2. **Ballots, preparation, posting.** The town or city clerk shall prepare and have printed at the expense of his municipality the necessary tally books and returns and ballots for the election. The ballots shall be printed on light green colored paper. The ballots may not contain any partisan designation for any candidate, and the names of the candidates for each office shall, except as otherwise provided in this subdivision, be arranged on the ballot alphabetically, according to the surname of each candidate. In all statutory cities, the names of candidates shall be rotated on the ballot in the manner provided for the state elections. A sample ballot shall be posted at every polling place and in the office of the clerk at least four days before the election, by the clerk.

[1959 c 675 art 6 s 5; 1967 c 445 s 1; 1971 c 755 s 1; 1974 c 337 s 1]

205.06 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.06 TOWN AND STATUTORY CITY ELECTIONS, RETURNS. Subdivision 1. **Count, returns.** After the polls close, the judges for town and statutory city elections shall forthwith count the votes cast, proclaim the results, and record the same in a tally book provided for that purpose. The tally book and returns and the ballots cast shall then be returned to the clerk of the municipality.

Subd. 2. **Canvass, results.** Within two days after the election the governing body of the municipality shall meet as a canvassing board, and declare the results of the election appearing from the returns. A plurality of votes shall elect; and in case of a tie, the election shall be determined by lot in the presence of the canvassing board and under its direction. If a canvassing board adjourns without deciding the results of a tie vote, any voter may demand, by notice in writing to the clerk of the municipality, that the board meet and determine the successful candidate by lot. Upon receiving such demand, the clerk shall notify the candidates concerned of the time and place of determining the tie, and the candidates or their representatives may be present at the meeting of the board.

Subd. 3. **Certificate of election, contest, ballots.** After the canvass is completed, the clerk of the municipality shall issue to each successful candidate a certificate of his election; except that no certificate may be issued until after the time for contesting elections, and in case of a contest, the certificate may not be issued until the contest has been determined by the proper court. The clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

[1959 c 675 art 6 s 6; 1974 c 337 s 2]

205.07 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.07 STATUTORY CITY ELECTION. Subdivision 1. **Date.** The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year; except that the governing body of any statutory city may, by ordinance passed at a regular meeting held before September 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. Any city which is a village on January 1, 1974 and has before that date provided for a system of biennial elections in the odd-numbered year shall continue to hold its elections in that year until changed in accordance with this section. When a city changes its elections from one year to another, and does not provide otherwise by ordinance, the term of any incumbent expiring at a time when no city election is held in the months immediately prior thereto is extended until the date for taking office following the next scheduled city election. If such change results in having three councilmen to be elected at a succeeding election, the two persons receiving the highest vote shall serve for terms of four years and the person receiving the third highest number of votes shall serve for a term of two years. To the extent necessary to provide for an orderly transition to the odd or even year election plan, the council may adopt supplementary ordinances regulating initial elections, officers to be chosen at such elections, and shortening or lengthening the terms of incumbents and those so elected so as to conform as soon as possible to the regular schedule provided in section 412.02, subdivision 1. Whenever the time for holding the city election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date; and thereafter the regular city election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and similar notification is made.

Subd. 2. **Notice.** The city clerk shall cause ten days' posted notice and may

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also cause two weeks' published notice of the biennial city election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote.

[1959 c 675 art 6 s 7; 1973 c 123 art 3 s 4; 1974 c 337 s 3]

NOTE: See also Section 412.02.

205.08 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.08 SPECIAL STATUTORY CITY ELECTION, PETITION, NOTICE. Special elections in any statutory city may be ordered by the city council upon its own motion, or on a question that has not been submitted to the voters in an election within six months previously, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last regular city election. At least ten days' posted notice and two weeks' published notice of the election shall be given to the clerk, clearly stating the questions to be determined. No question so submitted shall be deemed carried without such a majority in its favor as may be required by law in the particular instance. In case of a tie the proposal shall be deemed to have failed. The election officials for any special election shall be the same as the last preceding regular city election unless changed according to law. Otherwise the election shall be held in the same manner provided for regular city elections.

[1959 c 675 art 6 s 8; 1969 c 115 s 1; 1974 c 337 s 4]

205.09 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.09 STATUTORY CITY PRIMARY ELECTION. Subdivision 1. **Procedure.** Any statutory city and any town containing a statutory city may hold an election of nominees hereinafter designated as the "primary election" for the purpose of nominating candidates for statutory city offices or town offices, respectively, by adopting one of the following methods:

(a) By resolution of four-fifths vote of the governing body of the statutory city or a two-thirds vote of the town board of the town; or

(b) By a petition signed by at least ten percent of the voters at the last regular municipal election, addressed to the governing body of said city, or at least ten percent of the voters of the town, addressed to the governing body of the town, requesting that said governing body submit to the voters thereof the determination of the question as to whether said city or town, as the case may be, shall have a primary election system for the purpose of nominating candidates for city offices of the statutory city or town offices of the town, at a special election to be held for that purpose. Within 15 days after receiving the petition, the governing body shall provide for the special election and shall give ten days' posted notice and two weeks' published notice thereof. The form of question to be voted on shall be as follows: "Shall the Statutory city of adopt the primary election system for the nomination of candidates for statutory city offices (inserting 'town' for 'statutory city' in the case of a town election)." If a majority of the voters at the special election vote in the affirmative, the primary election system shall be deemed to be in force and effect in the city or town, as the case may be.

A primary election system adopted either by resolution or vote as provided in this section shall be in force until it is revoked in the same manner in which it was first adopted.

Subd. 2. Primary election, time. The primary election shall be held not less than 10 days nor more than 14 days preceding the city election, and the time shall be determined by the governing body; except that whenever the biennial city election is to be held on the day of the state general election, the governing body may provide that the city primary election shall be held on the day of the state primary election. The city clerk shall give notice of the city primary election in the same manner provided for notice of the biennial city election.

Subd. 3. Primary election results, nomination. The judges of election shall certify the results of the primary election to the governing body of the municipality, which shall forthwith canvass the vote and shall issue certificates for each office receiving the highest number of votes, and their names shall be placed on the official ballot for the regular election without payment of an additional fee.

[1959 c 675 art 6 s 9; 1973 c 123 art 3 s 5; 1973 c 123 art 5 s 7]

205.091 APPLICATION. Sections 205.10 to 205.19 apply only to home rule charter cities.

[1973 c 123 art 3 s 3]

205.10 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.10 SPECIAL HOME RULE CHARTER CITY ELECTIONS. The council of any city, however organized, may, by ordinance or resolution, elect to hold special elections for any purpose, and when held they shall be conducted and the returns made in the manner provided for the regular municipal election; except that this section is not applicable to any city the charter of which specifically prohibits or limits the holding of special elections.

[1959 c 675 art 6 s 10]

205.11 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.11 CITY PRIMARY ELECTIONS, SECOND, THIRD, AND FOURTH CLASS. Subdivision 1. **Resolution or ordinance.** The council of any city of the second, third, or fourth class, however organized, may, by ordinance or resolution adopted at least six weeks before the time of holding the next regular municipal election, elect to choose nominees for city offices by a primary election system as provided in this section, except that this section is not applicable to any city the charter of which specifically prohibits or provides for a city primary election. The resolution or ordinance, when adopted, shall be effective for all ensuing municipal elections until revoked.

Subd. 2. **Primary election date.** The city primary election shall be held two weeks before the regular municipal election or at such other time as may be designated by the council in the ordinance or resolution adopting the city primary election system.

Subd. 3. **Primary election, candidates, filing.** Not more than six nor less than four weeks before the primary election any person eligible and desiring to have his name placed on the primary election ballot as a candidate for office shall file his affidavit of candidacy with the city clerk. The affidavit shall be substantially the same form as required of candidates for state offices. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate upon the primary election ballot without partisan designation. When not more than twice the number of persons to be elected to a city office file for the nomination thereof, their names may not be placed upon the primary ballot, and their names shall be placed on the regular municipal election ballot as the nominees for that office. Blank spaces may not be provided on the ballot for writing in the names of candidates.

Subd. 4. **Primary election results, nominees.** The city primary election shall be conducted and the returns made in the manner provided for the state primary election so far as practicable. The council of the municipality shall canvass the returns of the city primary election, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named; and their names shall be certified to the city clerk who shall place them on the regular municipal election ballot without partisan designation and without payment of an additional fee.

Subd. 5. **Vacancy in nomination.** When a vacancy occurs in a nomination made at a city primary election, the vacancy shall be filled in the manner provided for filling vacancies after the state primary election.

[1959 c 675 art 6 s 11]

205.12 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.12 HOME RULE CHARTER CITY ELECTIONS. In all cities, however organized, the regular election held for choosing public officials for the municipality and deciding public questions relating to the municipality shall be held as provided in sections 205.12 to 205.17; except that sections 205.12 to 205.17 are not applicable to any city the charter of which or other law under which it is organized provides for the manner of holding its regular municipal election.

[1959 c 675 art 6 s 12]

205.13 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.13 HOME RULE CHARTER CITY ELECTION, CANDIDATES, FILING. Unless a city holds a primary election for nominating candidates for the municipal election, not more than six nor less than four weeks before the municipal 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 city clerk. The affidavit shall be substantially the same form as required of candidates for state offices. 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. Unless a candidate has filed an affidavit of candidacy and paid a filing fee, his name may not be placed upon the official ballot for the municipal election.

[1959 c 675 art 6 s 13]

205.14 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.14 HOME RULE CHARTER CITY ELECTION, PROCEDURE. Subdivision 1. **Materials, ballots.** The city clerk shall prepare and cause to be printed the necessary election materials, including the ballots, for the municipal election.

Subd. 2. **Election, conduct.** The election shall be held and the returns made in the manner provided for the general election.

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** The council shall canvass the returns and declare the results of the election. The city clerk shall issue a certificate of election to the candidate who receives the highest number of votes for each office. In case of a tie vote, the council shall determine the result by lot. The city clerk shall be the final custodian of the ballots.

[1959 c 675 art 6 s 14]

205.15 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.15 HOME RULE CHARTER CITY ELECTIONS, FILING FEES. Unless the charter of a city provides the amount of the fee to be paid upon filing an affidavit of candidacy for city office the filing fee for city offices shall be as follows:

- (a) In first class cities, the sum of \$20;
- (b) In second and third class cities, the sum of \$5; and
- (c) In fourth class cities, the sum of \$2.

[1959 c 675 art 6 s 15; 1967 c 171 s 1]

205.16 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.16 HOME RULE CHARTER CITY ELECTIONS, NOTICE. Subdivision 1. **Publication and posting.** In all cities, however organized, for every election held within the city for municipal purposes, the city clerk shall cause two weeks' published notice, and may also cause ten days' posted notice, of the election, stating the time and place thereof, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. The city clerk shall also post a copy of the notice in his office for public inspection; except that this subdivision is not applicable to any city the charter of which provides the manner in which notice of an election is given.

Subd. 2. **Sample ballot, notice.** In all cities, however organized, 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 and post a sample ballot in his office for public inspection.

[1959 c 675 art 6 s 16]

205.17 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.17 HOME RULE CHARTER CITY ELECTION, BALLOTS, FORM. Subdivision 1. In all cities of the second, third and fourth class, however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 on light green paper the official ballot upon which the names of all candidates for city offices shall be printed. The ballot shall be headed "City Election Ballot," and shall state the name of the city, the date of the election, and otherwise shall conform to the white ballot used at the general election. Unless the charter or law under which the city is organized specifically prohibits the rotation of names of candidates on the ballot or unless the council provides otherwise by resolution, the names shall be arranged thereon in the manner provided for the state elections.

Subd. 2. In all cities of the first class however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "Partisan City Election Ballot". The nonpartisan ballot shall be printed on light green paper and shall be headed "Nonpartisan City Election Ballot". Both ballots shall state the name of the city,

the date of the elections and otherwise conform to the white ballot used at the general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state elections.

On the partisan ballot the name of the candidates for mayor shall be placed first. The order of the names of the candidates shall be rotated in the same manner as are the names on nonpartisan ballots except that the names of the candidates of a political party shall be rotated in concert so that the names of all candidates of a political party are placed in the same row or column.

Subd. 3. The city primary election ballot of cities of the second, third and fourth class shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper, and blank spaces may not be provided for writing in the names of candidates.

Subd. 4. The city of the first class nonpartisan primary election ballot shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper. The city of the first class partisan primary election ballot shall conform as far as practicable with the state consolidated primary election ballot.

Subd. 5. All questions relating to the adoption of a city charter or amendments thereto, or any proposition for the issuance of bonds, and all other questions and propositions relating to city affairs submitted at any election to the electors of the municipality, shall be printed on one separate blue colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. The ballots, when voted, shall be deposited in a separate ballot box, painted blue, to be procured by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other city ballots, and the tally books and returns shall provide appropriate blank spaces for the counting, canvassing and returning of the results of the questions submitted on the blue ballot.

[1959 c 675 art 6 s 17; 1973 c 387 s 2]

205.18 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.18 MUNICIPAL PRIMARY ELECTIONS. Subdivision 1. **Cities of first class; primaries.** As hereinafter provided, a primary municipal election for the purpose of nominating municipal elective officers may be held in any city of the first class on the second or third Tuesday in March of any year in which a general municipal election is to be held for the purpose of electing municipal officers.

Subd. 2. **Resolution of governing body.** Not less than 60 days after April 25, 1957, the governing body of any city of the first class may, by a majority vote of all the members of such body, adopt a resolution fixing and establishing the second or third Tuesday in March for the holding of such primary municipal election in any year in which a general municipal election is to be held in such city. If and when the governing body of any such city adopts a resolution fixing and establishing the time of the holding of a primary municipal election, as provided for in this section, the city clerk or other officer of such city charged with the duty of keeping the minutes and records of the governing body of such city, shall forthwith file a duly certified copy of such resolution with the secretary of state and another duly certified copy of such resolution with the register of deeds of the county in which such city is located; and thereupon, the time fixed and established by such resolution for the holding of such primary municipal election shall become fixed, and no power shall thereafter exist in the governing body of any such city to change the time of the holding of such primary municipal election unless the authority to make such change is thereafter conferred upon such governing body by an act of the legislature, or by an amendment to the charter of such city duly ratified and accepted by the qualified electors of such city, in accordance with the constitution of the state of Minnesota, Article IV, Section 36, and all applicable acts thereunto enabling.

[1943 c 408 s 1; 1951 c 206 s 1; 1955 c 733 s 1; 1957 c 613 s 1]

205.19 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.19 COUNCIL MAY CHANGE DATE OF ELECTION. The council of any city of the first class operating under a home rule charter which provides for a biennial election on the first Tuesday in May of even-numbered years may, by resolution, change the date of such election to the last Tuesday in April of even-

numbered years. Such resolution shall not become effective unless filed in the office of the secretary of state and in the office of the auditor of the county in which such city is located not later than 60 days preceding such election.

[1939 c 345 part 6 c 1 s 4] (601-6(1)c)

205.20 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.20 UNIFORM MUNICIPAL ELECTION DAY. Subdivision 1. **Definition.** For the purposes of this section, the term municipality means a city, however organized.

Subd. 2. **Uniform municipal election day established.** There is hereby established a uniform municipal election day. The uniform municipal election day shall be the first Tuesday after the first Monday in November in odd-numbered years. Municipal officials elected on that date shall take office on the first business day of January next succeeding their election for such term as is provided by law or as is hereinafter provided. The governing body of a municipality may designate a date for the primary election not less than 14 days before the municipal election day.

Subd. 3. **Adoption.** Notwithstanding any provision of law or municipal charter to the contrary, and subject to the provisions of this section, the governing body of a municipality may by ordinance adopt the uniform municipal election day as its municipal election day.

Subd. 4. **Modification of terms of office.** If the uniform municipal election day is adopted, the terms of all incumbents at the time of adoption of the ordinance holding offices filled by municipal election whose terms end at a different date are hereby extended to the first business day in January of the even numbered year first following the date the term would otherwise expire, unless this extension would be longer than 13 months. If the extension would be longer than 13 months, the terms of such incumbents are hereby shortened so as to end on the first business day in January of the even numbered year first preceding the date the term would otherwise expire.

Notwithstanding any provision of law or municipal charter to the contrary, the governing body of a municipality adopting the uniform municipal election day shall in the adopting ordinance designate a new term for each office to be filled where the term for such office at the time of the ordinance is an odd number of years. Such new terms shall be an even number of years and for no more than one year longer than the term in effect at the time of the adoption of the ordinance. At the time of any election, the governing body may also provide that one or more members of any multi-member body shall be elected for a shorter term than is otherwise provided, if and in the manner necessary to achieve staggered terms on such multi-member bodies so that, to the extent mathematically possible, the same number of members is thereafter chosen at each election, exclusive of those chosen to fill vacancies for unexpired terms. If a statutory city adopts the uniform municipal election day, it may in the adopting resolution provide that the terms of the mayor and council members are thereafter four years.

Subd. 5. **Effect of ordinance; referendum.** An ordinance adopting the uniform municipal election day shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the municipal clerk. The petition shall be signed by qualified voters equal in number to five percent of the total number of votes cast in the municipality at the last state general election. If the municipality has a system of permanent registration of voters, only registered voters are eligible to sign the petition. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of 55 percent of voters voting on the question at a general or special election held at least 60 days after submission of the petition. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

[1967 c 710 s 1; 1969 c 405 s 1, 2; 1973 c 123 art 5 s 7]

205.21-205.83 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

205.84 WARDS IN CERTAIN CITIES. Subdivision 1. **General provisions.** In any statutory city electing councilmen by wards, wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. Each councilman shall be a resident of the ward for which he is elected, but a

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change in ward boundaries does not disqualify a councilman from serving for the remainder of his term.

Subd. 2. **Redefining ward boundaries.** The council may by ordinance redefine ward boundaries after any regular municipal election. Within six months after the official certification of each federal decennial or special census, the council shall either confirm the existing ward boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries to conform to those standards. If the council fails to take either action within the time required, no further compensation shall be paid to the mayor or councilmen until the wards of the city are either reconfirmed or redefined as required by this section. An ordinance establishing new ward boundaries shall apply to the first election held at least six months after adoption of the ordinance. No redivision of the city into wards shall be made until the council has held a public hearing on the proposed ordinance after one week's published notice.

[1974 c 337 s 17]