

CHAPTER 372

CHANGING COUNTY SEATS

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372.01 PETITION.

When there shall be presented to the auditor of any county a petition substantially in the following form: "To the county board of the county of, Minnesota: The undersigned legal voters of this county pray that the county-seat thereof be changed to (here designate the place)," signed by legal voters of the county to a number equal to not less than 60 percent of the whole number voting therein at the last preceding general election, accompanied by affidavits of not less than two of the signers thereof stating that, to the knowledge of affiants, the signatures to the petition are genuine, were subscribed thereto within 60 days preceding the date of the affidavits, and that affiants are informed and believe that at the time of signing the petition the petitioners were legal voters of the county, and it appearing that the notice of intention to circulate the petition provided for in section 372.02 has been given, the auditor shall forthwith file the petition and affidavits, and make, seal, and file in his office an order for a special meeting of the county board to consider such petition, specifying therein the time of the meeting, which shall be between nine o'clock a.m. and five o'clock p.m., and not less than 15 nor more than 20 days after such filing. The auditor shall also cause a duplicate of the order to be served upon each member of the board, personally or by mail, not less than five days before the time specified therein for such meeting.

History: *RL s 396 (625)*

372.02 FORM OF NOTICE.

When the order is filed the auditor shall forthwith make, seal, subscribe, and file in his office a notice substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a petition is on file in my office, signed by legal voters of the county to the number of (here state number as shown by the petition and affidavits), praying that the county-seat of the county be changed to (here designate the place), and that a special meeting of the county board will be held at (name the place of meeting), on the (state time), to consider the petition, at which time and place any legal voter of the county may appear, in person or by counsel, and be heard." The auditor shall cause two weeks' published notice of the meeting to be given in all the newspapers of the county and ten days' posted notice thereof in each town therein. Proof of publication and posting may be by the affidavit of any person having personal knowledge thereof, which affidavit shall be filed in the office of the auditor, and thereafter be prima facie evidence of the truth of the facts therein set forth. Two weeks' published notice of the intention to circulate such petition shall be given in one or more newspapers of the county, and two weeks' posted notice of such intention shall be given at the county-seat. Proof of the publication and posting shall be made in like manner as in the case of notice of the special meeting of the board.

History: *RL s 397 (626)*

372.03 DUTIES OF COUNTY BOARD.

At the time and place specified in the notice, proof of its service having been filed, the county board shall meet to act on the petition, and shall inquire and determine which, if any, of the signatures to the petition are not genuine; and which, if any, of the signers thereof were not, at the time of signing the same, legal voters of the county; and which, if any, of the signatures thereto were not attached within 60 days preceding the filing thereof; and, which, if any, of the signatures have been withdrawn. All such signatures shall be stricken from the petition and deducted from the count, and a list thereof, certified by the board, shall be filed forthwith with the auditor. Any competent evidence offered bearing upon the matters committed to the determination of the board shall be received; and to that end any voter of the county may appear, in person or by counsel, and be heard in respect to these matters, under such reasonable rules and regulations as the board may prescribe.

History: *RL s 398 (627)*

372.04 ORDER FIXING TIME OF ELECTION.

If the names of the legal voters of the county remaining affixed to the petition shall equal or exceed 60 percent of those voting therein at the last preceding general election, the auditor, upon the filing of the certificate, shall make, under his official seal, and file in his office, an order fixing the time of holding a special election upon the question of changing the county-seat to the place designated in the petition, which shall not be less than 20 nor more than 30 days after filing the certificate.

History: *RL s 399 (628)*

372.05 NOTICE; MANNER OF SERVICE.

Upon the filing of the order, the auditor shall cause two weeks' published notice of the election to be given in all the newspapers in the county, and ten days' posted notice in each town therein. The notice shall be substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a special election will be held in the several election districts in the county on the (here insert the time), for the purpose of voting upon the question of changing the county-seat of the county to (here designate the place)." The auditor shall serve upon the clerk of each town and city in the county personally or by mail a duplicate of the notice, not less than 15 days previous to the time so fixed for holding the election.

History: *RL s 400; 1973 c 123 art 5 s 7 (629)*

372.06 PLACE OF ELECTION; NOTICE.

Upon receipt of the notice, every such clerk shall cause ten days' posted notice of the election to be given in each election district in his town, substantially in the following form: "To the legal voters of the (here insert specifically the election district), in the county of (here name county), Minnesota: Notice is hereby given that a special election will be held at (here specify the place), in the election district, on the (here insert the time), for the purpose of voting upon the question of changing the county-seat of the county to (here designate the place)." One copy of the notice, with proof of the posting, shall be filed by the clerk in his office.

History: *RL s 401 (630)*

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372.07 CONDUCT OF ELECTION.

As far as practicable such election shall be conducted, and the votes cast, counted, returned, and canvassed, by the same officials and under the same provisions of law as in the case of general elections. The polls shall be opened at eight o'clock a.m. and closed at five o'clock p.m. The ballots shall have printed thereon the words: "For changing the county-seat to (here name the place). Yes. No," with a square opposite each of the words "yes" and "no," in one of which each voter shall make a cross to express his choice.

History: *RL s 402 (631)*

372.08 CANVASS; CERTIFICATE OF CANVASSING BOARD.

When the canvass is completed the canvassing board shall forthwith make, subscribe, and file with the auditor a certificate setting forth the total number of votes cast at the election, the number cast in each election district in favor of and against the change, and the majority in each for or against the same, the number cast in favor of and against the change in the county, and the majority therein for or against the same. If 55 percent of all the votes cast at the election shall be in favor of the change, the board shall give two weeks' published notice of the result in all the newspapers of the county. The notice shall state that from and after a date specified therein, which shall be not less than 60 nor more than 90 days after the election, the place so chosen shall be the county-seat.

History: *RL s 403 (632)*

372.09 ELECTIONS HELD ONLY ONCE IN FIVE YEARS.

When an election for a change of county-seat shall have been held in any county no subsequent election for the removal of the county-seat shall be held therein, nor shall any notice of intention to circulate a petition for such change be published or posted, nor any such petition circulated, until after the expiration of five years; and no such subsequent election shall be ordered unless the petition for the change is signed by legal voters to the number of 60 percent of those voting in the county at the last preceding general election.

History: *RL s 404 (633)*

372.10 DUPLICATE PETITIONS CONSOLIDATED.

When two or more such petitions shall be presented to the county auditor substantially at the same time they shall be attached together and thereafter constitute one petition.

History: *RL s 405 (634)*

372.11 ONE PLACE ONLY VOTED FOR.

No election shall be called or held under the provisions of this chapter for voting upon the question of changing any county-seat to more than one place at the same time and all such elections shall be held as far as practicable at the place of holding the last preceding general election.

History: *RL s 406 (635)*

372.12 FAILURE TO GIVE NOTICE.

Wilful failure or refusal by any owner or manager of any newspaper to publish any notice required by this chapter shall not affect the sufficiency of the notice, nor invalidate any of the proceedings thereunder. Failure to post any notice shall be disregarded unless it affirmatively appears that a sufficient number of voters were thereby prevented from voting to change the result.

History: *RL s 407 (636)*

372.13 NEGLECT OF DUTY A MISDEMEANOR.

Any county auditor or other official who shall wilfully neglect or refuse to perform the duties required of him by this chapter shall be guilty of a misdemeanor.

History: *RL s 408 (637)*