

CHAPTER 205

MUNICIPAL ELECTIONS

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205.01 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.01 DEFINITIONS.

Subdivision 1. The definitions in chapter 200 and in this section apply to this chapter.

Subd. 2. "Municipal election" means an election held in any municipality at which the voters of the municipality nominate or choose by ballot any public officials for the municipality or decide any public question relating to the municipality that is lawfully submitted to them.

History: 1959 c 675 art 6 s 1; 1981 c 29 art 7 s 6

205.02 MS 1957 [Repealed, 1959 c 675 art 13 s 1]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

History: 1959 c 675 art 6 s 2

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.

History: 1976 c 44 s 4; 1978 c 572 s 1

205.03 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.03 HOURS FOR VOTING.

Subdivision 1. **Cities.** In all statutory and home rule charter city elections the governing body of the city, by resolution adopted prior to the giving of notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent 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 polling

places will remain open for voting at the next succeeding and all subsequent town elections, provided that the polling places 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, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until revoked by the town board.

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.

History: 1959 c 675 art 6 s 3; 1978 c 572 s 2; 1980 c 416 s 1; 1981 c 29 art 7 s 7

205.04 MS 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 state general elections, so far as practicable.

History: 1959 c 675 art 6 s 4; 1981 c 29 art 7 s 38

205.041 MS 73 Supp [Repealed, 1974 c 337 s 18]

205.05 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.05 MS 1974 [Repealed, 1976 c 44 s 70]

205.06 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.06 MS 1974 [Repealed, 1976 c 44 s 70]

205.07 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.07 CITY ELECTION.

Subdivision 1. **Date.** The regular city election in each statutory city 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 governing body of the city 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. [Repealed, 1976 c 44 s 70]

History: 1959 c 675 art 6 s 7; 1973 c 123 art 3 s 4; 1974 c 337 s 3; 1976 c 44 s 5; 1981 c 29 art 7 s 38

205.08 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.08 MS 1974 [Repealed, 1976 c 44 s 70]

205.09 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.09 MS 1974 [Repealed, 1976 c 44 s 70]

205.091 [Repealed, 1976 c 44 s 70]

205.10 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.10 SPECIAL CITY ELECTIONS.

Subdivision 1. **Questions.** Special elections may be held in any statutory or home rule charter city on any question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the city on 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. No question so submitted shall be deemed carried without such a majority in its favor as may be required by law or charter in the particular instance. The election officials for any special election shall be the same as for the last preceding regular city election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the regular municipal election. This section is not applicable to any city the charter of which specifically prohibits or regulates the holding of special elections.

Subd. 2. **Vacancies in city offices.** Special elections shall be held in statutory cities in conjunction with regular city elections to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

History: 1959 c 675 art 6 s 10; 1976 c 2 s 74; 1976 c 44 s 6; 1981 c 29 art 7 s 38; 1981 c 172 s 1

205.11 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.11 PRIMARIES, SECOND, THIRD, AND FOURTH CLASS CITIES AND CERTAIN TOWNS.

Subdivision 1. **Resolution or ordinance.** The governing body of any city of the second, third, or fourth class or any town containing a statutory city 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 municipal offices by a primary 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. The resolution or ordinance, when adopted, shall be effective for all ensuing municipal elections until revoked.

Subd. 2. **Municipal primary date.** The municipal primary shall be held two weeks before the regular municipal election or at such other time as may be

designated by the governing body in the ordinance or resolution adopting the municipal primary system. The clerk shall give notice of the primary in the manner provided for notice of the regular municipal election.

Subd. 3. Primary, candidates, filing. The clerk shall place upon the primary ballot without partisan designation the names of persons whose candidacies have been filed and the proper filing fee paid. When not more than twice the number of persons to be elected to a municipal 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.

Subd. 4. Primary results. The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. Within two days after the election, the governing body of the municipality shall canvass the returns of the municipal primary, 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 municipal clerk who shall place them on the regular municipal election ballot without partisan designation and without payment of an additional fee.

Subd. 4a. Recount. A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of section 204C.36.

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

History: 1959 c 675 art 6 s 11; 1976 c 2 s 75; 1976 c 44 s 7; 1979 c 90 s 2; 1981 c 29 art 7 s 8,38

205.12 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.12 MS 1974 [Repealed, 1976 c 44 s 70]

205.121 NOMINATING PETITIONS; CITIES OF FIRST CLASS; SIGNATURES.

A nominating petition filed on behalf of a candidate for municipal office in a city of the first class shall be signed by eligible voters who maintain residence in the election district from which the candidate is to be elected. The number of signers shall equal 500, or two percent of the total number of individuals who voted in the municipality, ward, or other election district at the last preceding municipal general election, whichever is greater.

History: 1981 c 29 art 7 s 9

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

205.13 MUNICIPAL ELECTIONS, CANDIDATES, FILING.

Subdivision 1. Affidavit of candidacy. Not more than six nor less than four weeks before the municipal primary, or before the municipal general election if there is no municipal primary, any individual 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 eligible 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.

History: 1959 c 675 art 6 s 13; 1976 c 44 s 8; 1978 c 572 s 3; 1981 c 29 art 7 s 10

205.14 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.14 MUNICIPAL ELECTION, PROCEDURE.

Subdivision 1. **Materials, ballots.** The municipal 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 state general election.

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Within two days after the election, the 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 governing body shall determine the result by lot. The clerk shall certify the results of the election to the county auditor, and the municipal clerk shall be the final custodian of the ballots and the returns of the election.

Subd. 4. **Recount.** A losing candidate at a municipal election may request a recount of the votes for that office subject to the requirements of section 204C.36.

History: 1959 c 675 art 6 s 14; 1976 c 44 s 9; 1978 c 572 s 4,5; 1979 c 90 s 3; 1981 c 29 art 7 s 11,38

205.15 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.15 MUNICIPAL ELECTIONS; FILING FEES; PETITION IN PLACE OF FEE.

Subdivision 1. Unless the charter of a city provides the amount of the fee to be paid upon filing an application or affidavit of candidacy for city office, the filing fee for municipal offices shall be as follows:

- (a) In first class cities, the sum of \$20;
- (b) In second and third class cities, the sum of \$.55; and
- (c) In fourth class cities and towns, the sum of \$2.

Subd. 2. A candidate for municipal office may file a petition in place of the filing fees specified in subdivision 1. The petition shall meet the requirements specified in section 204B.11, subdivision 2.

History: 1959 c 675 art 6 s 15; 1967 c 171 s 1; 1976 c 44 s 10; 1981 c 29 art 7 s 12

205.16 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.16 MUNICIPAL ELECTIONS, NOTICE.

Subdivision 1. **Publication and posting.** In every statutory city and every home rule charter city, the charter of which does not provide the manner in which notice of an election is given for every election held within the city for municipal purposes, the city clerk shall, except as hereinafter provided, 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. In any city of the fourth class, the governing body may dispense with publication of the notice of the regular city election, in which case, ten days' posted notice shall be given. The city clerk shall also post a copy of the notice in his office for public inspection.

Subd. 2. **Sample ballot, publication.** In all statutory and home rule 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 governing body of any fourth class city may dispense with publication.

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.

History: 1959 c 675 art 6 s 16; 1976 c 2 s 77,78; 1976 c 44 s 11; 1978 c 572 s 6,7; 1979 c 29 art 7 s 38

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

205.17 CITY OR TOWN ELECTION, BALLOTS, FORM.

Subdivision 1. In all statutory and home rule charter cities of the second, third and fourth class, and in all towns, for the regular municipal election, the municipal clerk shall prepare and cause to be printed on light green paper the official ballot upon which the names of all candidates for municipal offices shall be printed. The ballot shall be printed in blocks of 50 insofar as practicable, shall be headed "City or Town Election Ballot," and shall state the name of the city or town, the date of the election, and otherwise shall conform to the white ballot used at the state general election. The names shall be arranged on city ballots in the manner provided for the state elections. On town ballots names of the candidates for each office shall be arranged alphabetically according to the surname of each candidate.

Subd. 2. In all cities of the first class, 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 state 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 general 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 in the manner prescribed for state general elections.

Subd. 3. The municipal primary ballot of cities of the second, third and fourth class and towns 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 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 ballot shall conform as far as practicable with the state consolidated primary 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.

Subd. 6. In statutory cities, the names of candidates to fill vacancies at any special election held as provided in section 412.02, subdivision 2a shall be placed on the city primary and regular election ballots. The names of candidates to fill a vacancy in the office of councilman in a statutory city shall be listed under the separate heading "Special election for councilman to fill vacancy in term expiring", with the date of expiration of the term and any other information as may be necessary to distinguish the office. Under the heading for the office of mayor in a special election shall be the words "To fill vacancy in term expiring"

History: 1959 c 675 art 6 s 17; 1973 c 387 s 2; 1976 c 2 s 79,80; 1976 c 44 s 12,13; 1976 c 224 s 4; 1981 c 29 art 7 s 13,38; 1981 c 172 s 2

205.18 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.18 MUNICIPAL PRIMARIES.

Subdivision 1. **Cities of first class; primaries.** As hereinafter provided, a municipal primary 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 municipal primary 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 municipal primary, 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 county recorder of the county in which such city is located; and thereupon, the time fixed and established by such resolution for the holding of such municipal primary 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 municipal primary 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.

History: 1943 c 408 s 1; 1951 c 206 s 1; 1955 c 733 s 1; 1957 c 613 s 1; 1976 c 181 s 2; 1981 c 29 art 7 s 38

205.19 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.19 GOVERNING BODY MAY CHANGE DATE OF ELECTION.

The governing body 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.

History: 1939 c 345 part 6 c 1 s 4; 1981 c 29 art 7 s 38 (601-6(1)c)

205.20 MS 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 home rule charter city.

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 municipal primary not less than 14 days before the uniform 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.

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 eligible 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.

History: 1967 c 710 s 1; 1969 c 405 s 1,2; 1973 c 123 art 5 s 7; 1976 c 44 s 14,15; 1981 c 29 art 7 s 14,15

205.21-205.83 MS 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 change in ward boundaries does not disqualify a councilman from serving for the remainder of his term.

Subd. 2. Redefining ward boundaries. The governing body of the city 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 governing body of the city 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 governing body of the city 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 governing body of the city has held a public hearing on the proposed ordinance after one week's published notice.

History: 1974 c 337 s 17; 1981 c 29 art 7 s 38