

## CHAPTER 205

### MUNICIPAL ELECTIONS

205.02	Statutes applicable.	205.14	Repealed.
205.021	Repealed.	205.15	Repealed.
205.03	Repealed.	205.16	Notice.
205.04	Repealed.	205.17	Ballots.
205.065	Primary elections.	205.175	Voting hours.
205.07	City general election.	205.185	Procedure.
205.10	City special elections.	205.19	Repealed.
205.11	Repealed.	205.20	Uniform municipal election day.
205.13	Candidates, filing.	205.84	Wards in certain cities.

#### 205.02 STATUTES APPLICABLE.

Subdivision 1. **Minnesota election law.** Except as provided in this chapter the provisions of the Minnesota election law apply to municipal elections, so far as practicable.

Subd. 2. **City elections.** In all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public questions relating to the city shall be held as provided in this chapter, except that sections 205.02; 205.065, subdivisions 2 to 7; 205.07 to 205.13 and 205.175 and 205.185 do not apply to a city whose charter provides the manner of holding its primary, general or special elections.

*History: 1983 c 62 s 1*

**205.021** [Repealed, 1983 c 62 s 12; 1983 c 216 art 2 s 11]

**205.03** [Repealed, 1983 c 62 s 12]

NOTE: Subdivision 1 was amended by Laws 1983, chapter 303, section 21, to read as follows:

"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. Cities covered by this subdivision shall certify their election hours to the county auditor upon adoption of the resolution giving notice of the election."

NOTE: Subdivision 3 was amended by Laws 1983, chapter 303, section 22, to read as follows:

"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. Towns covered by this subdivision shall certify their election hours to the county auditor in January of each year."

**205.04** [Repealed, 1983 c 62 s 12]

#### 205.065 PRIMARY ELECTIONS.

Subdivision 1. **Cities of first class.** A municipal primary for the purpose of nominating 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 municipal general election is to be held for the purpose of electing officers.

If the majority of the governing body of a city of the first class adopted a resolution after June 24, 1957 establishing the second or third Tuesday in March for holding its municipal primary in any year in which its municipal general election is held, and if the city clerk or other officer of the city charged with keeping the minutes and records of the governing body filed a certified copy of the resolution with the secretary of state and another certified copy of the resolution with the county recorder of the county in which the city is located, the time established by the resolution for holding the municipal primary is fixed, and the governing body of the city may not change the time unless the authority to make

the change is conferred on the governing body by the legislature, or by an amendment to the charter of the city duly ratified and accepted by the eligible voters of the city, in accordance with the constitution of the state of Minnesota, article IV, section 36, and other applicable law.

Subd. 2. **Resolution or ordinance.** The governing body of a city of the second, third, or fourth class or a town containing a statutory city may, by ordinance or resolution adopted at least six weeks before the next municipal general election, elect to choose nominees for municipal offices by a primary as provided in subdivisions 2 to 7. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. Subdivisions 2 to 7 do not apply to a city the charter of which specifically prohibits or provides for a municipal primary.

Subd. 3. **Date.** The municipal primary shall be held two weeks before the municipal general election or at another time designated by the governing body in the ordinance or resolution adopting the primary system. The clerk shall give notice of the primary in the manner provided in section 205.16.

Subd. 4. **Candidates, filing.** The clerk shall place upon the primary ballot without partisan designation the names of individuals whose candidacies have been filed and for whom the proper filing fee has been paid. When not more than twice the number of individuals to be elected to a municipal office file for nomination for the office, their names shall not be placed upon the primary ballot and shall be placed on the municipal general election ballot as the nominees for that office.

Subd. 5. **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 primary, the governing body of the municipality shall canvass the returns, 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 individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Subd. 6. **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. 7. **Vacancy in nomination.** When a vacancy occurs in a nomination made at a municipal primary, the vacancy shall be filled in the manner provided in section 204B.13.

**History:** 1983 c 62 s 2

## 205.07 CITY GENERAL ELECTION.

Subdivision 1. **Date.** The municipal general election in each statutory city shall be held on the first Tuesday after the first Monday in November in every even-numbered year; except that the governing body of a 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. A city which was a village on January 1, 1974 and 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 for the expiration of terms by ordinance, the term of an

incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three councilmen to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election so as to conform as soon as possible to the regular schedule provided in section 412.02, subdivision 1. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general 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 notification of the change is made.

**History:** 1983 c 62 s 3

#### **205.10 CITY SPECIAL ELECTIONS.**

**Subdivision 1. Questions.** Special elections may be held in a statutory or home rule charter city on a 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 the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

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

**History:** 1983 c 62 s 4

#### **205.11 [Repealed, 1983 c 62 s 12]**

#### **205.13 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, an individual who is eligible and desires 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 in substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the municipality whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of the proper filing fee, 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 the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Subd. 3. **Filing fees.** Unless the charter of a city provides the amount of the fee for filing an application or affidavit of candidacy for city office, the filing fee for a municipal office is as follows:

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

Subd. 4. **Petition in place of fees.** A candidate for municipal office may file a petition in place of the filing fees specified in subdivision 3. The petition shall meet the requirements of section 204B.11, subdivision 2.

Subd. 5. **Nominating petition; cities of the first class.** 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 reside in the election district from which the candidate is to be elected. The number of signers shall be at least 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.

Subd. 6. **Withdrawal.** A candidate for a municipal elective office may withdraw from the election by filing an affidavit of withdrawal with the municipal clerk by 12 o'clock noon of the day after the last day for filing affidavits of candidacy. Thereafter, no candidate may file an affidavit of withdrawal.

**History:** 1983 c 62 s 5

205.14 [Repealed, 1983 c 62 s 12]

205.15 [Repealed, 1983 c 62 s 12]

## 205.16 NOTICE.

Subdivision 1. **Publication and posting.** In every statutory city and home rule charter city, the charter of which does not provide the manner of giving notice of a municipal election, the city clerk shall, except as otherwise provided in this section, give two weeks' published notice, and may also give ten days' posted notice, of the election, stating the time of the election, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. In a city of the fourth class the governing body may dispense with publication of the notice of the municipal general election, in which case ten days' posted notice shall be given. The city clerk shall also post a copy of the notice in the clerk's office for public inspection.

Subd. 2. **Sample ballot, publication.** In all statutory and home rule charter cities, for every municipal election, 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 a fourth class city may dispense with publication.

Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal clerk shall at least four days before the election post a sample ballot in the clerk's office for public inspection, and post a sample ballot in each polling place on election day.

**History:** 1983 c 62 s 6

**205.17 BALLOTS.**

Subdivision 1. **Second, third, and fourth class cities; towns.** In all statutory and home rule charter cities of the second, third and fourth class, and in all towns, for the municipal general election, the municipal clerk shall have printed on light green paper the official ballot containing the names of all candidates for municipal offices. The ballot shall be printed in blocks of 50, shall be headed "City or Town Election Ballot," shall state the name of the city or town and the date of the election, and shall conform in other respects 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 candidates' surnames.

Subd. 2. **First class cities.** In all cities of the first class, for the municipal general election, the city clerk shall have 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 "City Partisan General Ballot." The nonpartisan ballot shall be printed on light green paper and shall be headed "City Nonpartisan General Ballot." Both ballots shall state the name of the city and the date of the election and conform in all other respects 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 names 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 in section 204D.13.

Subd. 3. **Primary ballots.** The municipal primary ballot in cities of the second, third and fourth class and towns and the nonpartisan primary ballot in cities of the first class shall conform as far as practicable with the municipal general election ballot except that it shall be printed on light green paper. No blank spaces shall be provided for writing in the names of candidates. The partisan primary ballot in cities of the first class shall conform as far as practicable with the state partisan primary ballot.

Subd. 4. **Blue ballots; questions.** All questions relating to the adoption of a city charter or charter amendments or a proposition for the issuance of bonds, and all other questions relating to city affairs submitted at an election to the voters of the municipality, shall be printed on one separate blue 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 municipal ballots. The ballots, when voted, shall be deposited in a separate blue ballot box provided by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other municipal ballots. The returns shall provide appropriate blank spaces for the counting, canvassing and returning of the results of the questions submitted on the blue ballot.

Subd. 5. **Statutory cities; vacancies.** In statutory cities, the names of candidates to fill vacancies at a special election held as provided in section 412.02, subdivision 2a, shall be placed on the municipal primary and general 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 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:** 1983 c 62 s 7; 1983 c 253 s 21,22

NOTE: Minnesota Statutes 1982, section 205.17, subdivision 4, was amended by Laws 1983, chapter 253, section 22, to read as follows:

"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 light green paper. The city of the first class partisan primary ballot shall conform as far as practicable with the state consolidated primary ballot."

### 205.175 VOTING HOURS.

Subdivision 1. **Cities.** In all statutory and home rule charter city elections the governing body of the city, by resolution adopted prior to giving 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 municipal 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 giving 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 it is 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 giving 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 it is revoked by the town board.

**History:** 1983 c 62 s 8

### 205.185 PROCEDURE.

Subdivision 1. **Materials, ballots.** The municipal clerk shall prepare and have printed the necessary election materials, including ballots, for a municipal election.

Subd. 2. **Election, conduct.** A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, so far as practicable.

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Within two days after an 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. In case of a contest, the certificate shall not be issued until the outcome of 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 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:** 1983 c 62 s 9

**205.19** [Repealed, 1983 c 62 s 12]

**205.20 UNIFORM MUNICIPAL ELECTION DAY.**

Subdivision 1. **Establishment.** There is hereby established a uniform municipal election day for home rule charter cities. The uniform municipal election day shall be the first Tuesday after the first Monday in November in odd-numbered years. Officials elected on that date shall take office on the first business day of January next succeeding their election for the term which is provided by law. The governing body of a home rule charter city may designate a date for the municipal primary which is not less than 14 days before the uniform municipal election day.

Subd. 2. **Adoption by city.** Notwithstanding any provision of law or municipal charter to the contrary, and subject to the provisions of this section, the governing body of a home rule charter city may adopt by ordinance the uniform municipal election day as its municipal election day.

Subd. 3. **Modification of terms of office.** If the uniform municipal election day is adopted, the terms of all incumbents who at the time of adoption of the ordinance hold offices filled by municipal election and whose terms end at a different date are 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 those incumbents are 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 home rule charter city adopting the uniform municipal election day shall designate in the adopting ordinance a new term for each office to be filled where the term for the office at the time of the ordinance is an odd number of years. The new terms shall be for 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 a 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 the multi-member body so that, to the extent possible, an equal number of members is chosen at each election, exclusive of those chosen to fill vacancies for unexpired terms.

Subd. 4. **Effect of ordinance; referendum.** An ordinance adopting the uniform municipal election day is effective 90 days after passage and publication or at a later date fixed in the ordinance. Within 60 days after passage and publication of the ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition shall be signed by eligible voters equal in number to five percent of the total number of votes cast in the city at the last state general election. If the city 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 at least 55 percent of the 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: 1983 c 62 s 10*

**205.84 WARDS IN CERTAIN CITIES.**

Subdivision 1. **General provisions.** In a 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 a municipal general election. The council shall hold a public hearing on the proposed ordinance before its adoption. One week's published notice of the hearing shall be given. 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.

**History:** 1983 c 62 s 11