

CHAPTER 8—S.F.No. 141

An act relating to elections; providing for review of certain school board plans by the secretary of state; changing allocation of certain election expenses; providing for retention of election materials; clarifying terms of office and election frequency in certain cities; providing for transition in certain offices; authorizing the use of more than one combined polling place in certain school board elections; providing for dissolution of certain election districts; amending Minnesota Statutes 1994, sections 122.23, by adding a subdivision; 122.242, subdivision 1; 204B.32, subdivision 2; 204B.40; 205.07, subdivision 1; 205.84, by adding a subdivision; 205A.11, subdivision 2, and by adding a subdivision; 205A.12, by adding a subdivision; and Laws 1994, chapter 646, section 26, subdivision 3.

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

Section 1. Minnesota Statutes 1994, section 122.23, is amended by adding a subdivision to read:

Subd. 2b. ORDERLY REDUCTION PLAN. As part of the resolution required by subdivision 2, the school board must prepare a plan for the orderly reduction of the membership of the board to six or seven members and a plan for the establishment or dissolution of election districts. The plan must be submitted to the secretary of state for review and comment.

Sec. 2. Minnesota Statutes 1994, section 122.242, subdivision 1, is amended to read:

Subdivision 1. **ADOPTION AND STATE BOARD REVIEW.** Each school board must adopt, by resolution, a plan for cooperation and combination. The plan must address each item in this section. The plan must be specific for any item that will occur within three years and may be general or set forth alternative resolutions for an item that will occur in more than three years. The plan must be submitted to the state board of education and the secretary of state for review and comment. Significant modifications and specific resolutions of items must be submitted to the state board for review and comment. In the official newspaper of each district proposed for combination, the school board must publish at least a summary of the adopted plans, each significant modification and resolution of items, and each state board review and comment.

Sec. 3. Minnesota Statutes 1994, section 204B.32, subdivision 2, is amended to read:

Subd. 2. **ALLOCATION OF COSTS ELECTION EXPENSES.** ~~Municipalities or counties may allocate the costs of conducting elections to school districts for payment of their proportionate share of such expenses for elections held at the same time as the regular municipal or county primary and general election. Allocated costs include expenses for election equipment and supplies; polling locations; personnel (including election judge compensation and the portion of salaries of election administrative and technical employees attributable to the preparation and conduct of the election); transportation related to the~~

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conduct of the election; required election notices and newspaper publication of election information; communications devices; and postage (including mailings to election judges and for absentee voter applications and ballots). The secretary of state shall develop procedures for the allocation of election expenses among counties, municipalities, and school districts for elections that are held concurrently. The following expenses must be included in the procedures: salaries of election judges; postage for absentee ballots and applications; preparation of polling places; preparation and testing of electronic voting systems; ballot preparation; publication of election notices and sample ballots; transportation of ballots and election supplies; and compensation for administrative expenses of the county auditor, municipal clerk, or school district clerk.

Sec. 4. Minnesota Statutes 1994, section 204B.40, is amended to read:

204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION; INSPECTION OF BALLOTS.

The county auditors and municipal clerks shall retain all election materials returned to them after any election for at least one year from the date of that election. The county auditor may also retain election materials from school district elections. All election materials involved in a contested election shall be retained for one year or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained unopened, except as provided in this section, in a secure location. The county auditor, municipal clerk, or school district clerk shall not permit any voted ballots to be tampered with or defaced.

After the time for filing a notice of contest for an election has passed, the secretary of state may open the sealed ballot envelopes and inspect the ballots for that election maintained by the county auditors, municipal clerks, or school district clerks for the purpose of monitoring and evaluating election procedures. No inspected ballot may be marked or identified in any manner. After inspection, all ballots must be returned to the ballot envelope and the ballot envelope must be securely resealed.

Sec. 5. Minnesota Statutes 1994, section 205.07, subdivision 1, is amended to read:

Subdivision 1. **DATE OF ELECTION.** The municipal general election in each city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a city may, by ordinance passed at a regular meeting held before June 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 may hold elections in either the even-numbered year or the odd-numbered year, but not both. When a city changes its

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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 council members 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 4.~~ The term of office for the mayor may be either two or four years. The term of office of council members is four years. 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.

Sec. 6. Minnesota Statutes 1994, section 205.84, is amended by adding a subdivision to read:

Subd. 3. TRANSITION SCHEDULE. The governing body of a city electing more than one council member in each ward may adopt an orderly transition schedule to biennial November elections in which only one council member in each ward is elected in any municipal general election.

Sec. 7. Minnesota Statutes 1994, section 205A.11, subdivision 2, is amended to read:

Subd. 2. COMBINED POLLING PLACE. If there is an election being conducted in some but not all of the precincts in the school district, for those precincts in which no other election is being conducted When no other election is being held in two or more precincts on the day of a school district election, the school board may designate a one or more combined polling place places at which the voters in ~~up to ten~~ those precincts may vote in the school district election. ~~If there is no other election being conducted in any part of the school district, the school board may establish a single polling place at which all the voters must vote.~~

Sec. 8. Minnesota Statutes 1994, section 205A.11, is amended by adding a subdivision to read:

Subd. 2a. NOTICE OF SPECIAL ELECTIONS. The school district clerk shall prepare a notice to the voters who will be voting in a combined polling place for a school district special election. The notice must include the following information: the date of the election, the hours of voting and the location of the

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voter's polling place. The notice must be sent by nonforwardable mail to every affected household in the school district with at least one registered voter. The notice must be mailed no later than 14 days before the election. The mailed notice is not required for a school district special election that is held on the day of the school district primary or general election, the Tuesday following the second Monday in September, the Tuesday following the first Monday in November, or for a special election conducted entirely by mail. In addition, the mailed notice is not required for voters residing in a township if the school district special election is held on the second Tuesday in March and the town general election is held on that day. A notice that is returned as undeliverable must be forwarded immediately to the county auditor.

Sec. 9. Minnesota Statutes 1994, section 205A.12, is amended by adding a subdivision to read:

Subd. 7. DISSOLUTION OF ELECTION DISTRICTS. The governing body of a school district that enters into a consolidation or cooperation and combination agreement may, by resolution, dissolve election districts previously established as provided in this section as part of the consolidation or cooperation and combination plan. The resolution must include a plan for the orderly transition to at-large elections of school board members.

Sec. 10. Laws 1994, chapter 646, section 26, subdivision 3, is amended to read:

Subd. 3. **SCHOOL BOARD MEMBERS.** The terms of all school board members elected in 1996 expire on the first Monday in January of 2001. The terms of all school board members elected in 1998 expire on the first Monday in January of 2003.

The terms of office of school board members elected in 1995 expire on the first Monday in January of 1999 ~~or 2001, as provided in this paragraph. The governing body of the school district shall select by lot the board members whose terms will expire in January of 1999 or January of 2001. To the extent practicable, one-half of the members elected in 1995 must expire in January of 1999. The governing body of the school district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1995.~~

The terms of office of school board members elected in 1997 expire on the first Monday in January of 2001 or 2003, as provided in this paragraph. No later than 30 days before the first day to file affidavits of candidacy for the election in 1997, the governing body of the school district shall select by lot the board members whose terms will expire in January of 2001 or January of 2003. To the extent practicable, one-half of the members elected in 1997 must expire in January of 2001.

Sec. 11. **TRANSITION.**

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Before January 1, 1998, on a day when no other election is being held within the school district, a school district election may be held using combined polling places that were established before August 1, 1994.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 4, 6, 7, and 9 to 11 are effective the day following final enactment. Section 5 is effective January 1, 1998. Section 8 is effective January 1, 1996.

Presented to the governor March 1, 1995

Signed by the governor March 2, 1995, 11:04 a.m.

CHAPTER 9—H.F.No. 164

An act relating to utilities; regulating area development rate plans; amending Minnesota Statutes 1994, section 216B.161; and Laws 1990, chapter 370, section 7.

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

Section 1. Minnesota Statutes 1994, section 216B.161, is amended to read:

216B.161 AREA DEVELOPMENT RATE PLAN.

Subdivision 1. **DEFINITIONS.** (a) For purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Area development rate" means a rate schedule established by a utility that provides customers within an area development zone service under a base utility rate schedule, except that ~~monthly demand~~ charges may be reduced from the base rate as agreed upon by the utility and the customer consistent with this section.

(c) "Area development zone" means a contiguous or noncontiguous area designated by an authority or municipality for development or redevelopment and within which one of the following conditions exists:

(1) obsolete buildings not suitable for improvement or conversion or other identified hazards to the health, safety, and general well-being of the community;

(2) buildings in need of substantial rehabilitation or in substandard condition; or

(3) low values and damaged investments.

(d) "Authority" means a rural development financing authority established under sections 469.142 to 469.150; a housing and redevelopment authority

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