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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4276

03/09/2020 Authored by Gomez, Dehn, Long, Lee, Davnie and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to elections; providing that city council terms of office may be either two
1.3 or four years; modifying when a municipal election may be held; modifying certain
1.4 local government election districts authority to redistrict; amending Minnesota
1.5 Statutes 2018, sections 204B.135, subdivisions 2, 3; 205.07, subdivisions 1, 1a;
1.6 205.84, subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2018, section 204B.135, subdivision 2, is amended to read:

1.9 Subd. 2. Other election districts. (a) For purposes of this subdivision, "local government
1.10 election district" means a county district, park and recreation district, school district, or soil
1.11 and water conservation district. Local government election districts, other than city wards
1.12 covered by subdivision 1, may not only be redistricted until as follows:

1.13 (1) except as provided in clause (2), local government election districts may be redistricted
1.14 (i) after precinct boundaries are reestablished under section 204B.14, subdivision 3, paragraph
1.15 (c). Election districts covered by this subdivision must be redistricted; and (ii) within 80
1.16 days of the time when the legislature has been redistricted or at least 15 weeks before the
1.17 state primary election in the year ending in two, whichever comes first; and

1.18 (2) in a city of the first class electing individuals by local government election districts
1.19 in a year ending in one, the local government election district boundaries may be reestablished
1.20 no later than 14 days before the first day to file affidavits of candidacy for the local
1.21 government election district elections. The local government election district boundaries
1.22 redistricted under this clause may be modified after the legislature has been redistricted for
1.23 the purpose of establishing precinct boundaries as provided in section 204B.14, subdivision
1.24 3.

2.1 Sec. 2. Minnesota Statutes 2018, section 204B.135, subdivision 3, is amended to read:

2.2 Subd. 3. **Voters rights.** (a) An eligible voter may apply to the district court for either a  
2.3 writ of mandamus requiring the redistricting of wards or local government election districts  
2.4 or to revise any plan adopted by the governing body responsible for redistricting of wards  
2.5 or local government election districts.

2.6 (b) If a city adopts a ward redistricting plan at least 19 weeks before the primary in a  
2.7 year ending in two, an application for revision of the plan that seeks to affect elections held  
2.8 in the year ending in two must be filed with the district court within three weeks but no later  
2.9 than 18 weeks before the state primary election in the year ending in two, notwithstanding  
2.10 any charter provision. If a city adopts a ward redistricting plan less than 19 weeks before  
2.11 either the municipal primary in a year ending in one or before the state primary in a year  
2.12 ending in two, an application for revision of the plan that seeks to affect elections held in  
2.13 that year must be filed with the district court no later than one week after the plan has been  
2.14 adopted, notwithstanding any charter provision.

2.15 (c) If a city of the first class adopts a ward redistricting plan in a year ending in one, an  
2.16 application for revision of the plan that seeks to affect elections held in that year ending in  
2.17 one must be filed with the district court no later than one week after the plan has been  
2.18 adopted, notwithstanding any charter provision. If ward boundaries are modified after the  
2.19 legislature has been redistricted for the purpose of establishing precinct boundaries, an  
2.20 application for the revision of the plan must be filed with the district court no later than one  
2.21 week after that plan has been adopted, notwithstanding any charter provision.

2.22 ~~(e)~~ (d) If a plan for redistricting of a local government election district is adopted at least  
2.23 15 weeks before the state primary election in a year ending in two, an application for revision  
2.24 of the plan that seeks to affect elections held in the year ending in two must be filed with  
2.25 the district court within three weeks but no later than 14 weeks before the state primary  
2.26 election in the year ending in two. If a plan for redistricting of a local government election  
2.27 district is adopted less than 15 weeks before the state primary election in a year ending in  
2.28 two, an application for revision of the plan that seeks to affect elections held in the year  
2.29 ending in two must be filed with the district court no later than one week after the plan has  
2.30 been adopted.

2.31 (e) If a plan for redistricting of a local government election district is adopted in a year  
2.32 ending in one, an application for revision of the plan that seeks to affect elections held in  
2.33 that year ending in one must be filed with the district court no later than one week after the  
2.34 plan has been adopted, notwithstanding any charter provision. If local government election

3.1 district boundaries are modified after the legislature has been redistricted for the purpose  
 3.2 of establishing precinct boundaries, an application for the revision of the plan must be filed  
 3.3 with the district court no later than one week after that plan has been adopted, notwithstanding  
 3.4 any charter provision.

3.5 Sec. 3. Minnesota Statutes 2018, section 205.07, subdivision 1, is amended to read:

3.6 Subdivision 1. **Date of election.** The municipal general election in each city shall be  
 3.7 held on the first Tuesday after the first Monday in November in every even-numbered year.  
 3.8 Notwithstanding any provision of law to the contrary and subject to the provisions of this  
 3.9 section, the governing body of a city may, by ordinance passed at a regular meeting held at  
 3.10 least 180 calendar days before the first day to file for candidacy in the next municipal  
 3.11 election, decide to hold the election on the first Tuesday after the first Monday in November  
 3.12 in either an even- or odd-numbered year. A city may hold elections in either the  
 3.13 even-numbered year or the odd-numbered year, but not both. When a city changes its  
 3.14 elections from one year to another, and does not provide for the expiration of terms by  
 3.15 ordinance, the term of an incumbent expiring at a time when no municipal election is held  
 3.16 in the months immediately prior to expiration is extended until the date for taking office  
 3.17 following the next scheduled municipal election. If the change results in having three council  
 3.18 members to be elected at a succeeding election, the two individuals receiving the highest  
 3.19 vote shall serve for terms of four years and the individual receiving the third highest number  
 3.20 of votes shall serve for a term of two years. To provide an orderly transition to the odd or  
 3.21 even year election plan, the governing body of the city may adopt supplementary ordinances  
 3.22 regulating initial elections and officers to be chosen at the elections and shortening or  
 3.23 lengthening the terms of incumbents and those elected at the initial election. The term of  
 3.24 office for the mayor may be either two or four years. The term of office of council members  
 3.25 ~~is~~ may be either two or four years. Whenever the time of the municipal election is changed,  
 3.26 the city clerk immediately shall notify in writing the county auditor and secretary of state  
 3.27 of the change of date. Thereafter the municipal general election shall be held on the first  
 3.28 Tuesday after the first Monday in November in each odd-numbered or even-numbered year  
 3.29 until the ordinance is revoked and notification of the change is made. A municipal general  
 3.30 election scheduled to be held in an odd-numbered year may be postponed for inclement  
 3.31 weather as provided in section 205.105.

3.32 Sec. 4. Minnesota Statutes 2018, section 205.07, subdivision 1a, is amended to read:

3.33 Subd. 1a. **City council members; expiration of terms.** The terms of all city council  
 3.34 members of charter cities expire on the first Monday in January of the year in which they

4.1 expire, unless otherwise provided in section 205.84, subdivision 1. All officers of charter  
4.2 cities chosen and qualified shall hold office until their successors qualify.

4.3 Sec. 5. Minnesota Statutes 2018, section 205.84, subdivision 1, is amended to read:

4.4 Subdivision 1. **General provisions.** (a) In a city electing council members by wards,  
4.5 wards shall be as equal in population as practicable and each ward shall be composed of  
4.6 compact, contiguous territory. Each council member shall be a resident of the ward for  
4.7 which elected, but, except as otherwise provided by paragraph (b), a change in ward  
4.8 boundaries does not disqualify a council member from serving for the remainder of a term.

4.9 (b) Notwithstanding any home rule charter provision to the contrary, in a city of the first  
4.10 class where council members are elected by ward to serve for four years to terms that are  
4.11 not staggered, if the population of any ward changes by five percent or more when comparing  
4.12 the population from the two most recent censuses, all council members must be elected to  
4.13 new terms at the first municipal general election after ward boundaries are redefined under  
4.14 subdivision 2; provided, however, that ~~if no municipal general election would otherwise~~  
4.15 ~~occur in the year ending in "2" or the year ending in "3," a municipal general election must~~  
4.16 ~~be held in one of those years.~~ a municipal general or special election must be held as follows:

4.17 (1) in the year ending in one based on ward boundaries that were redistricted in the same  
4.18 year ending in one;

4.19 (2) in the year ending in two; or

4.20 (3) in the year ending in three.

4.21 If an election is required to be held in the year ending in two or in the year ending in  
4.22 three under this section, the council member term immediately after that election may end  
4.23 at the same time that the term would have ended absent that election.