

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 840**

(SENATE AUTHORS: KIFFMEYER and Chamberlain)

DATE	D-PG	OFFICIAL STATUS
02/09/2017	561	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
02/13/2017	592	Author added Chamberlain

- 1.1 A bill for an act
- 1.2 relating to elections; establishing four uniform special election dates each year;
- 1.3 requiring special elections to be held on one of the four uniform dates; amending
- 1.4 Minnesota Statutes 2016, sections 103B.545, subdivision 2; 123A.46, subdivision
- 1.5 12; 123B.63, subdivision 3; 126C.17, subdivision 11; 128D.05, subdivision 2;
- 1.6 205.07, subdivision 3; 205.10, by adding a subdivision; 205A.05, subdivision 1,
- 1.7 by adding a subdivision; 216B.46; 365A.06, subdivision 2; 367.33, subdivision
- 1.8 1; 375.101, subdivision 1; 375B.07, subdivision 2; 375B.10; 383B.031, subdivision
- 1.9 1; 383E.24, subdivision 7; 410.10, subdivision 1; 447.32, subdivision 2; 475.59;
- 1.10 repealing Minnesota Statutes 2016, section 205.10, subdivision 3.
- 1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.12 Section 1. Minnesota Statutes 2016, section 103B.545, subdivision 2, is amended to read:
- 1.13 Subd. 2. **Election.** The county board or joint county authority shall conduct a special
- 1.14 election ~~in July or August after receiving the referendum petition~~ on a date authorized in
- 1.15 section 205.10, subdivision 3a. The special election must be held within the proposed lake
- 1.16 improvement district. The county auditor shall administer the special election.
- 1.17 Sec. 2. Minnesota Statutes 2016, section 123A.46, subdivision 12, is amended to read:
- 1.18 Subd. 12. **Election date.** If an election is required under subdivision 11, then before the
- 1.19 expiration of a 45 day period after the date of the order for dissolution and attachment, the
- 1.20 auditor shall set a date and call the election by filing a written order for the election and
- 1.21 serving a copy of the order personally or by mail on the clerk of the district in which the
- 1.22 election is to be held. ~~The date shall be not less than 15 nor more than 30 days after the date~~
- 1.23 ~~of the order, upon which date~~ a special election shall be held in the district proposed for
- 1.24 dissolution and must be held on a date authorized in section 205A.05, subdivision 1a. The

auditor shall post and publish notice of the election according to law. Upon receipt of the notice, the board shall conduct the election.

Sec. 3. Minnesota Statutes 2016, section 123B.63, subdivision 3, is amended to read:

Subd. 3. **Capital project levy referendum.** (a) A district may levy the local tax rate approved by a majority of the electors voting on the question to provide funds for an approved project. The election must take place no more than five years before the estimated date of commencement of the project. The referendum must be held on a date ~~set by the board~~ authorized by section 205A.05, subdivision 1a. A district must meet the requirements of section 123B.71 for projects funded under this section. If a review and comment is required under section 123B.71, subdivision 8, a referendum for a project not receiving a positive review and comment by the commissioner must be approved by at least 60 percent of the voters at the election.

(b) The referendum may be called by the school board and may be held:

(1) separately, before an election for the issuance of obligations for the project under chapter 475; or

(2) in conjunction with an election for the issuance of obligations for the project under chapter 475; or

(3) notwithstanding section 475.59, as a conjunctive question authorizing both the capital project levy and the issuance of obligations for the project under chapter 475. Any obligations authorized for a project may be issued within five years of the date of the election.

(c) The ballot must provide a general description of the proposed project, state the estimated total cost of the project, state whether the project has received a positive or negative review and comment from the commissioner, state the maximum amount of the capital project levy as a percentage of net tax capacity, state the amount that will be raised by that local tax rate in the first year it is to be levied, and state the maximum number of years that the levy authorization will apply.

The ballot must contain a textual portion with the information required in this section and a question stating substantially the following:

"Shall the capital project levy proposed by the board of ..... School District No. .... be approved?"

If approved, the amount provided by the approved local tax rate applied to the net tax capacity for the year preceding the year the levy is certified may be certified for the number of years, not to exceed ten, approved.

(d) If the district proposes a new capital project to begin at the time the existing capital project expires and at the same maximum tax rate, the general description on the ballot may state that the capital project levy is being renewed and that the tax rate is not being increased from the previous year's rate. An election to renew authority under this paragraph may be called at any time that is otherwise authorized by this subdivision. The ballot notice required under section 275.60 may be modified to read:

"BY VOTING YES ON THIS BALLOT QUESTION, YOU ARE VOTING TO RENEW AN EXISTING CAPITAL PROJECTS REFERENDUM THAT IS SCHEDULED TO EXPIRE."

(e) In the event a conjunctive question proposes to authorize both the capital project levy and the issuance of obligations for the project, appropriate language authorizing the issuance of obligations must also be included in the question.

(f) The district must notify the commissioner of the results of the referendum.

Sec. 4. Minnesota Statutes 2016, section 126C.17, subdivision 11, is amended to read:

Subd. 11. **Referendum date.** (a) Except for a referendum held under paragraph (b), any referendum under this section held on a day other than the first Tuesday after the first Monday in November must be conducted by mail in accordance with section 204B.46 and held on a date authorized by section 205A.05, subdivision 1a. Notwithstanding subdivision 9, paragraph (b), to the contrary, in the case of a referendum conducted by mail under this paragraph, the notice required by subdivision 9, paragraph (b), must be prepared and delivered by first-class mail at least 20 days before the referendum.

(b) In addition to the referenda allowed in subdivision 9, clause (a), the commissioner may grant authority to a district to hold a referendum on a ~~different day~~ date authorized by section 205A.05, subdivision 1a, if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt.

(c) The commissioner must approve, deny, or modify each district's request for a referendum levy on a different day within 60 days of receiving the request from a district.

Sec. 5. Minnesota Statutes 2016, section 128D.05, subdivision 2, is amended to read:

Subd. 2. **Time of change.** A proposed change in election years adopted under subdivision 1 is effective 240 days after passage and publication or at a later date fixed in the proposal. Within 180 days after passage and publication of the proposal, a petition requesting a referendum on the proposal may be filed with the school district clerk. The petition must be signed by eligible voters equal in number to five percent of the total number of votes cast in the city of Minneapolis at the most recent state general election. If the requisite petition is filed within the prescribed period, the proposal does not become effective until it is approved by a majority of the voters voting on the question at a general or special election held ~~at least 60 days after submission of the petition~~ on a date authorized by section 205A.05, subdivision 1a. If the petition is filed, the governing body may reconsider its action in adopting the proposal.

Sec. 6. Minnesota Statutes 2016, section 205.07, subdivision 3, is amended to read:

Subd. 3. **Effect of ordinance; referendum.** An ordinance changing the year of the municipal election is effective 240 days after passage and publication or at a later date fixed in the ordinance. Within 180 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 ten percent of the total number of votes cast in the city at the last municipal general election. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of the voters voting on the question at a general or special election held ~~at least 60 days after submission of the petition~~ on a date authorized by section 205.10, subdivision 3a. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

Sec. 7. Minnesota Statutes 2016, section 205.10, is amended by adding a subdivision to read:

Subd. 3a. **Special election dates.** (a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in March, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

(b) A special election may be held on a date other than those designated in paragraph (a) if the special election is held in response to an emergency or disaster. "Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent

a disaster from developing or occurring. "Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

Sec. 8. Minnesota Statutes 2016, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **Questions.** ~~(a)~~ Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition filed with the school board of 50 or more voters of the school district or five percent of the number of voters voting at the preceding school district general election, whichever is greater, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election.

~~(b) A special election may not be held:~~

~~(1) during the 56 days before and the 56 days after a regularly scheduled primary or general election conducted wholly or partially within the school district;~~

~~(2) on the date of a regularly scheduled town election or annual meeting in March conducted wholly or partially within the school district; or~~

~~(3) during the 30 days before or the 30 days after a regularly scheduled town election in March conducted wholly or partially within the school district.~~

~~(c) Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.~~

Sec. 9. Minnesota Statutes 2016, section 205A.05, is amended by adding a subdivision to read:

Subd. 1a. **Special election dates.** (a) Except as allowed in paragraph (b), a special election held in a school district must be held on one of the following dates: the second Tuesday in March, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November.

(b) A special election may be held on a date other than those designated in paragraph (a) if the special election is held in response to an emergency or disaster. "Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. "Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

Sec. 10. Minnesota Statutes 2016, section 216B.46, is amended to read:

**216B.46 MUNICIPAL ACQUISITION PROCEDURES; NOTICE; ELECTION.**

Any municipality which desires to acquire the property of a public utility as authorized under the provisions of section 216B.45 may determine to do so by resolution of the governing body of the municipality taken after a public hearing of which at least 30 days' published notice shall be given as determined by the governing body. The determination shall become effective when ratified by a majority of the qualified electors voting on the question at a special election to be held for that purpose, ~~not less than 60 nor more than 120 days after the resolution of the governing body of the municipality~~ on a date authorized by section 205.10, subdivision 3a.

Sec. 11. Minnesota Statutes 2016, section 365A.06, subdivision 2, is amended to read:

Subd. 2. **Election.** The town board shall hold a special election within the boundaries of the proposed district ~~not less than 30 nor more than 90 days after receipt of the petition~~ on a date authorized by section 205.10, subdivision 3a. The question submitted and voted upon by the property owners within the territory of the proposed district must be phrased substantially as follows:

"Shall a subordinate service district be established to provide (service or services to be provided) financed by (revenue sources)?"

If a majority of those voting on the question favor creation of the district, the district shall begin upon certification of the vote by the town clerk. The town clerk shall administer the election.

Sec. 12. Minnesota Statutes 2016, section 367.33, subdivision 1, is amended to read:

Subdivision 1. **Election at annual election or special election.** Following the adoption of option A in a town, except a town exercising the powers of a statutory city, the town board may call a special town election to be held ~~not less than 30 nor more than 60 days after the annual town election at which the option is adopted~~ on a date authorized by section

205.10, subdivision 3a, to elect two additional members to the board of supervisors. In lieu of a special election, the town board may determine to elect the additional members at the next annual town election.

If the town is exercising the powers of a statutory city under section 368.01 or a special law granting substantially similar powers, the town board shall call a special election to be held ~~not less than 30 nor more than 60 days after the annual election~~ on a date authorized by section 205.10, subdivision 3a, at which option A is adopted to elect the two additional supervisors.

Sec. 13. Minnesota Statutes 2016, section 375.101, subdivision 1, is amended to read:

Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided in subdivision 3, a vacancy in the office of county commissioner may be filled as provided in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a special election. The county board may by resolution call for a special election to be held ~~according to the earliest of the following time schedules:~~

~~(1) not less than 120 days following the date the vacancy is declared, but no later than 12 weeks prior to the date of the next regularly scheduled primary election;~~

~~(2) concurrently with the next regularly scheduled primary election and general election;~~  
~~or~~

~~(3) no sooner than 120 days following the next regularly scheduled general election~~ on a date authorized by section 205.10, subdivision 3a.

(b) The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term. If the county has been reapportioned since the commencement of the term of the vacant office, the election shall be based on the district as reapportioned.

Sec. 14. Minnesota Statutes 2016, section 375B.07, subdivision 2, is amended to read:

Subd. 2. **Election.** The county board shall make arrangements for the holding of a special election ~~not less than 30 nor more than 90 days after receipt of the petition~~ on a date authorized by section 205.10, subdivision 3a, within the boundaries of the proposed district. The question to be submitted and voted upon by the qualified voters within the territory of the proposed district shall be phrased substantially as follows:

"Shall a subordinate service district be established in order to provide (service or services to be provided) financed by (revenue sources)?"

If a majority of those voting on the question favor creation of the proposed district, the district shall be deemed created upon certification of the vote by the county auditor. The county auditor shall administer the election.

Sec. 15. Minnesota Statutes 2016, section 375B.10, is amended to read:

**375B.10 WITHDRAWAL; ELECTION.**

Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service district requesting the removal of the district, or pursuant to its own resolution, the county board shall make arrangements for the holding of a special election within the boundaries of the service district ~~not less than 30 nor more than 90 days after the resolution or receipt of the petition~~ on a date authorized by section 205.10, subdivision 3a. The question to be submitted and voted upon by the qualified voters within the territory of the district shall be phrased substantially as follows:

"Shall the subordinate service district presently established be removed and the service or services of the county as provided for the service district be discontinued?"

If a majority of those voting on the question favor the removal and discontinuance of the services, the service district shall be removed and the services shall be discontinued upon certification of the vote by the county auditor. The county auditor shall administer the election.

Sec. 16. Minnesota Statutes 2016, section 383B.031, subdivision 1, is amended to read:

Subdivision 1. **More than six months; special election.** Notwithstanding the provisions of section 375.101, if a vacancy occurs in a seat on the Board of County Commissioners of Hennepin County more than six months before the general election in which a commissioner will next be selected to occupy such seat the county auditor shall, within seven days after the vacancy occurs, call a special election within the affected district to fill such vacancy. The auditor shall specify a date for the election ~~which shall be between 56 and 77 days after the vacancy occurred~~ to be held on a date authorized by section 205.10, subdivision 3a. Candidates shall file with the county auditor prior to the 35th day before the election. The primary election shall be held 14 days before the election. If no more than two candidates file for the office, the primary election shall be canceled and the date of the general election advanced 14 days.



9.1 Sec. 17. Minnesota Statutes 2016, section 383E.24, subdivision 7, is amended to read:

9.2 Subd. 7. **Referendum.** (a) Upon receipt of a petition signed by five percent of the  
9.3 qualified voters within the territory of the proposed service district prior to the effective  
9.4 date of its creation as specified in subdivision 6, the creation shall be held in abeyance  
9.5 pending a referendum vote of all qualified electors residing within the boundaries of the  
9.6 proposed service district.

9.7 (b) The county board shall make arrangements for the holding of a special election ~~not~~  
9.8 ~~less than 30 or more than 90 days after receipt of such petition~~ on a date authorized by  
9.9 section 205.10, subdivision 3a, and within the boundaries of the proposed taxing district.  
9.10 The question to be submitted and voted upon by the qualified voters within the territory of  
9.11 the proposed service district shall be phrased substantially as follows:

9.12 "Shall a subordinate service district be established in order to provide (service or services  
9.13 to be provided) financed by (revenue sources)?"

9.14 (c) If a majority of those voting on the question favor creation of the proposed subordinate  
9.15 service district, the district shall be deemed created upon certification of the vote by the  
9.16 county auditor. The county auditor shall administer the election.

9.17 Sec. 18. Minnesota Statutes 2016, section 410.10, subdivision 1, is amended to read:

9.18 Subdivision 1. **Timing; procedure; recall.** Upon delivery of such draft, the council or  
9.19 other governing body of the city shall cause the proposed charter to be submitted at the next  
9.20 general election thereafter occurring in the city within six months after the delivery of such  
9.21 draft, and if there is no general city election occurring in the city within six months after  
9.22 the delivery of such draft, then the council or other governing body of the city shall cause  
9.23 the proposed charter to be submitted at a special election to be held ~~within 90 days after the~~  
9.24 ~~delivery of such draft~~ on a date authorized by section 205.10, subdivision 3a. The council  
9.25 or other governing body may call a special election for that purpose only at any time. If the  
9.26 election is held at the same time with the general election, the voting places and election  
9.27 officers shall be the same for both elections. At any time before the council has fixed the  
9.28 date of the election upon the proposed charter, the charter commission may recall it for  
9.29 further action; and the council may authorize recall of the charter by the commission at any  
9.30 later date prior to the first publication of the proposed charter.

Sec. 19. Minnesota Statutes 2016, section 447.32, subdivision 2, is amended to read:

Subd. 2. **Elections.** Except as provided in this chapter, the Minnesota Election Law applies to hospital district elections, as far as practicable. Regular elections must be held in each hospital district at the same time, in the same election precincts, and at the same polling places as general elections of state and county officers. It may establish the whole district as a single election precinct or establish two or more different election precincts and polling places for the elections. If there is more than one precinct, the boundaries of the election precincts and the locations of the polling places must be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk.

Special elections may be called by the hospital board to vote on any matter required by law to be submitted to the voters. A special election ~~may not be conducted either during the 56 days before or the 56 days after a regularly scheduled primary or general election, conducted wholly or partially within the hospital district~~ must be held on a date authorized by section 205.10, subdivision 3a. Special elections must be held within the election precinct or precincts and at the polling place or places designated by the board. In the case of the first election of officers of a new district, precincts and polling places must be set by the governing body of the most populous city or town included in the district.

Advisory ballots may be submitted by the hospital board on any question it wishes, concerning the affairs of the district, but only at a regular election or at a special election required for another purpose.

Sec. 20. Minnesota Statutes 2016, section 475.59, is amended to read:

**475.59 MANNER OF SUBMISSION; NOTICE.**

Subdivision 1. Generally; notice. When the governing body of a municipality resolves to issue bonds for any purpose requiring the approval of the electors, it shall provide for submission of the proposition of their issuance at a general or special election or town or school district meeting. Notice of such election or meeting shall be given in the manner required by law and shall state the maximum amount and the purpose of the proposed issue. In any school district, the school board or board of education may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance for any one or more of the following, stated conjunctively or in the alternative: acquisition or enlargement of sites, acquisition, betterment, erection, furnishing, equipping of one or more new schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping of one or more existing schoolhouses. In any city, town, or county, the governing body may, according

11.1 to its judgment and discretion, submit as a single ballot question or as two or more separate  
11.2 questions in the notice of election and ballots the proposition of their issuance, stated  
11.3 conjunctively or in the alternative, for the acquisition, construction, or improvement of any  
11.4 facilities at one or more locations.

11.5 Subd. 2. **Election date.** An election to approve issuance of bonds under this section held  
11.6 by a municipality or school district must be held on a date authorized in section 205.10,  
11.7 subdivision 3a, or 205A.05, subdivision 1a.

11.8 Sec. 21. **REPEALER.**

11.9 Minnesota Statutes 2016, section 205.10, subdivision 3, is repealed.

11.10 Sec. 22. **EFFECTIVE DATE.**

11.11 This act is effective August 1, 2017, and applies to any special elections held on or after  
11.12 that date.

APPENDIX  
Repealed Minnesota Statutes: 17-2649

**205.10 MUNICIPAL SPECIAL ELECTIONS.**

Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be held within 56 days after the state general election.