

CHAPTER 205

MUNICIPAL ELECTIONS

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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: 1981 c 29 art 7 s 6

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: 1981 c 29 art 7 s 7

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 city council

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: 1981 c 172 s 1

205.11 PRIMARY ELECTIONS, SECOND, THIRD, AND FOURTH CLASS CITIES AND CERTAIN TOWNS.

[For text of subs 1 to 4, see M.S.1980]

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.

[For text of subd 5, see M.S.1980]

History: 1981 c 29 art 7 s 8

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 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.

[For text of subd 2, see M.S.1980]

History: 1981 c 29 art 7 s 10

205.14 MUNICIPAL ELECTION, PROCEDURE.

[For text of subs 1 to 3, see M.S.1980]

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: 1981 c 29 art 7 s 11

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 \$5; 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: 1981 c 29 art 7 s 12

205.17 CITY OR TOWN ELECTION, BALLOTS, FORM.

[For text of subd 1, see M.S.1980]

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.

[For text of subs 3 to 5, see M.S.1980]

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: 1981 c 29 art 7 s 13; 1981 c 172 s 2

205.20 UNIFORM MUNICIPAL ELECTION DAY.

[For text of subd 1, see M.S.1980]

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.

[For text of subds 3 and 4, see M.S.1980]

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: 1981 c 29 art 7 s 14,15