

## CHAPTER 205

### MUNICIPAL ELECTIONS

|         |                                                          |         |                         |
|---------|----------------------------------------------------------|---------|-------------------------|
| 205.01  | Definitions                                              | 205.13  | Candidates, filing      |
| 205.02  | Statutes applicable.                                     | 205.16  | Notice                  |
| 205.065 | Primary elections                                        | 205.17  | Ballots                 |
| 205.07  | City general election                                    | 205.175 | Voting hours            |
| 205.075 | Town general election                                    | 205.185 | Procedure               |
| 205.10  | Municipal special elections                              | 205.84  | Wards in certain cities |
| 205.121 | Nominating petitions, cities of first class, signatures. |         |                         |

**205.01** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **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:** 1959 c 675 art 6 s 1; 1981 c 29 art 7 s 6

**205.02** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **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 205.065, subdivisions 4 to 7; 205.07, subdivision 3; 205.10; 205.121; and 205.17, subdivisions 2 and 3, do not apply to a city whose charter provides the manner of holding its primary, general or special elections.

**History:** 1959 c 675 art 6 s 2; 1983 c 62 s 1; 1987 c 62 s 5; 1989 c 209 art 2 s 1; 1994 c 646 s 3

**205.021** [Repealed, 1983 c 62 s 12; 1983 c 216 art 2 s 11]

**205.03** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.03** MS 1982 [Repealed, 1983 c 62 s 12]

**205.04** MS 1957 [Renumbered 205.19]

**205.04** MS 1982 [Repealed, 1983 c 62 s 12]

**205.041** [Repealed, 1974 c 337 s 18]

**205.05** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.05** MS 1974 [Repealed, 1976 c 44 s 70]

**205.06** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.06** MS 1974 [Repealed, 1976 c 44 s 70]

#### **205.065 PRIMARY ELECTIONS.**

Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating elective officers may be held in any city on the first Tuesday after the second Monday in September of any year in which a municipal general election is to be held for the purpose of electing officers.

Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or resolution adopted at least three months before the next municipal general election, elect to choose nominees for municipal offices by a primary as provided in this section. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. The municipal clerk shall notify the secretary of state and the county auditor within 30 days after the adoption of the resolution or ordinance.

Subd. 3. [Repealed, 1994 c 646 s 28]

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; 1987 c 62 s 6,7; 1989 c 209 art 1 s 19; 1994 c 646 s 4,5

205.07 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

## 205.07 CITY GENERAL ELECTION.

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 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. 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.

Subd. 2. [Repealed, 1976 c 44 s 70]

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 re-

questing 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. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

**History:** 1959 c 675 art 6 s 7; 1973 c 123 art 3 s 4; 1974 c 337 s 3; 1976 c 44 s 5; 1981 c 29 art 7 s 38; 1983 c 62 s 3; 1986 c 444; 1991 c 227 s 19,20; 1994 c 646 s 6; 1995 c 8 s 5

### 205.075 TOWN GENERAL ELECTION.

Subdivision 1. **Date of election.** The general election in a town must be held on the second Tuesday in March, except as provided in subdivision 2.

Subd. 2. **Alternate date; metropolitan towns.** A town located in the metropolitan area as defined by section 473.121 may, by resolution or ordinance, designate the first Tuesday after the first Monday in November of either the even-numbered or the odd-numbered year as the date of the town general election. Town supervisors elected at a November town general election shall serve four-year terms.

The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide an orderly transition to the November election schedule.

The ordinance or resolution changing the date of the town general election may be proposed by the town board or by a resolution of the electors adopted at the annual town meeting and is effective upon an affirmative vote of the electors at the next town general election.

**History:** 1994 c 646 s 7; 1997 c 19 s 1

**205.08** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.08** MS 1974 [Repealed, 1976 c 44 s 70]

**205.09** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.09** MS 1974 [Repealed, 1976 c 44 s 70]

**205.091** [Repealed, 1976 c 44 s 70]

**205.10** MS 1957 [Repealed, 1959 c 675 art 13 s 1].

### 205.10 MUNICIPAL SPECIAL ELECTIONS.

Subdivision 1. **Questions.** Special elections may be held in a city or town 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 municipality 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.

Subd. 3. **Prohibition.** No special election shall be held under this section on the second Tuesday in December and no special election authorized under subdivision 1 may be held within 40 days after the state general election.

Subd. 4. **Vacancies in town offices.** Special elections must be held with the town general election to fill vacancies in town offices as provided in section 367.03, subdivision 2.

**History:** 1959 c 675 art 6 s 10; 1976 c 2 s 74; 1976 c 44 s 6; 1981 c 29 art 7 s 38; 1981 c 172 s 1; 1983 c 62 s 4; 1993 c 375 art 7 s 7; 1994 c 646 s 8,9; 1997 c 147 s 42

**205.11** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.11** MS 1982 [Repealed, 1983 c 62 s 12]

**205.12** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.12** MS 1974 [Repealed, 1976 c 44 s 70]

### **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** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

### **205.13 CANDIDATES, FILING.**

Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk. Subject to the approval of the county auditor, the town clerk may authorize candidates for township offices to file affidavits of candidacy with the county auditor. 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. 1a. **Filing period.** An affidavit of candidacy for a town office to be elected in March must be filed not more than eight weeks nor less than six weeks before the town election. In municipalities nominating candidates at a municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed not more than 70 days nor less than 56 days before the first Tuesday after the second Monday in September preceding the municipal general election. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

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:** 1959 c 675 art 6 s 13; 1976 c 44 s 8; 1978 c 572 s 3; 1981 c 29 art 7 s 10; 1983 c 62 s 5; 1985 c 72 s 4; 1987 c 62 s 8; 1994 c 646 s 10,11; 1997 c 147 s 43

**205.14 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**205.14 MS 1982** [Repealed, 1983 c 62 s 12]

**205.15 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**205.15 MS 1982** [Repealed, 1983 c 62 s 12]

**205.16 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

## **205.16 NOTICE.**

Subdivision 1. **Publication and posting.** In every municipality, the municipal 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 or a town not located within a metropolitan county as defined in section 473.121, 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 municipal clerk shall also post a copy of the notice in the clerk's office for public inspection.

Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the municipality, except that the governing body of a fourth class city or a town not located within a metropolitan county as defined in section 473.121 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.

Subd. 4. **Notice to auditor.** At least 45 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election and the offices and questions to be voted on at the election.

**History:** 1959 c 675 art 6 s 16; 1976 c 2 s 77,78; 1976 c 44 s 11; 1978 c 572 s 6,7; 1981 c 29 art 7 s 38; 1983 c 62 s 6; 1989 c 291 art 1 s 20; 1991 c 227 s 21; 1994 c 646 s 12,13

**205.17 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

## **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 either:

- (1) alphabetically according to the candidates' surnames; or
- (2) in the manner provided for state elections if the town electors chose at the town's annual meeting to arrange the names in that way for at least two consecutive years.

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, a proposition for the issuance of bonds, and all other questions relating to city or town 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 municipal 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 council member in a statutory city shall be listed under the separate heading "Special election for council member 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 ....., "

**Subd. 6. Form of ballot.** The ballots for municipal elections must be prepared by the municipal clerk in the manner provided in the rules of the secretary of state.

**History:** 1959 c 675 art 6 s 17; 1973 c 387 s 2; 1976 c 2 s 79,80; 1976 c 44 s 12,13, 1976 c 224 s 4; 1981 c 29 art 7 s 13,38; 1981 c 172 s 2; 1983 c 62 s 7; 1983 c 253 s 21; 1986 c 444; 1994 c 646 s 14; 1997 c 18 s 1; 1997 c 147 s 44

## 205.175 VOTING HOURS.

**Subdivision 1. Minimum voting hours.** In all municipal elections, the polling places will remain open for voting from 5:00 p.m. to 8:00 p.m.

**Subd. 2. Metropolitan area municipalities.** The governing body of a municipality which is located within a metropolitan county as defined by section 473.121 may designate the time during which the polling places will remain open for voting at the next succeeding and all subsequent municipal 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 municipal governing body.

**Subd. 3. Other municipalities.** The governing body of a municipality other than a municipality described in subdivision 2, may by resolution adopted prior to giving notice of the election, designate the time, in addition to the minimum voting hours provided in subdivision 1, during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections. The resolution shall remain in force until it is revoked by the municipal governing body or changed because of request by voters as provided in this subdi-

vision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last municipal election, is presented to the municipal clerk no later than 30 days prior to the municipal election, then the polling places for that election shall open at 10:00 a.m. and close at 8:00 p.m. The municipal clerk shall give ten days' notice of the changed voting hours and notify the county auditor of the change. Municipalities covered by this subdivision shall certify their election hours to the county auditor in January of each year.

**History:** 1983 c 62 s 8; 1984 c 396 s 1,2; 1984 c 560 s 22,23; 1994 c 646 s 15

**205.18 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**205.18 MS 1992** [Repealed, 1994 c 646 s 28]

### **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 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**205.19 MS 1982** [Repealed, 1983 c 62 s 12]

**205.20 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**205.20 MS 1992** [Repealed, 1994 c 646 s 28]

**205.21–205.83** [Repealed, 1959 c 675 art 13 s 1]

### **205.84 WARDS IN CERTAIN CITIES.**

Subdivision 1. **General provisions.** In a statutory city electing council members by wards, wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. Each council member shall be a resident of the ward for which elected, but a change in ward boundaries does not disqualify a council member from serving for the remainder of a 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. After the official certification of the 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 as provided in section 204B.135, subdivision 1. 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 council member until the wards of the city are either reconfirmed or redefined as required by this section. An ordinance establishing new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective on the date of the state primary election in the year ending in two. Ward boundaries established at other times become effective 90 days after the adoption of the ordinance.