CHAPTER 372

CHANGING COUNTY SEATS

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372.01 PETITION.

When a petition is presented to the auditor of any county in the following form: "To the county board of the county of ....., Minnesota: The undersigned legal voters of this county request that the county seat be changed to (here designate the place)," signed by at least 60 percent of those voting in the county at the last preceding general election, accompanied by affidavits of at least two of the signers stating that

(a) the petition signatures are genuine,

(b) they were signed within 60 days before the date of the affidavits, and

(c) when signing the petition the petitioners were legal voters of the county,

and the notice of intention to circulate the petition under section 372.02 was given, the auditor shall immediately file the petition and affidavits, and make, seal, and file in the auditor's office an order for a special meeting of the county board to consider the petition. The order shall specify the time of the meeting, which shall be between 9:00 a.m. and 5:00 p.m., and at least 15 but not more than 20 days after the filing. The auditor shall also serve a copy of the order upon each member of the board, personally or by mail, at least five days before the meeting.

History: *(625) RL s 396; 1985 c 109 s 3*

372.02 FORM OF NOTICE.

When the order is filed the auditor shall make, seal, subscribe, and file in the auditor's office a notice in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is given that a petition is on file in my office, signed by legal voters of the county to the number of (here state number as shown by the petition and affidavits), requesting that the county seat of the county be changed to (here designate the place), and that a special meeting of the county board will be held at (name the place of meeting), on the (state time), to consider the petition, at which time and place any legal voter of the county may appear, in person or by counsel, and be heard." The auditor shall have ten days' posted notice of the meeting given in each town. Proof of posting may be by the affidavit of any person having personal knowledge of the posting. The affidavit shall be filed in the auditor's office and is prima facie evidence that the notice was posted. Two weeks' posted notice of the intention to circulate the petition must be given at the county seat. Proof of the posting shall be made in the same manner as notice of the special meeting of the board.

History: *(626) RL s 397; 1984 c 543 s 35; 1985 c 109 s 3*

372.03 DUTIES OF COUNTY BOARD.

At the time and place specified in the notice, proof of its service having been filed, the county board shall meet to act on the petition. The board shall inquire and determine if any of the petition signatures are not genuine; the signers were not, at the time of signing legal voters of the county; the signatures were not attached within 60 days before the filing; and if any of the signatures have been withdrawn. All such signatures shall be stricken from the petition and deducted from the count, and a list, certified by the board, shall be filed with the auditor. Any competent evidence offered bearing upon the matters committed to the determination of the board shall be received; and any voter of the county may appear, in person or by counsel, and be heard in respect to these matters, under reasonable rules as the board may prescribe.

History: *(627) RL s 398; 1985 c 109 s 3*

372.04 ORDER SETTING TIME OF ELECTION.

If the names of at least 60 percent of those voting at the last preceding general election remain on the petition, the auditor, after filing the certificate, shall make, under official seal, and file in the auditor's office, an order setting the time for a special election upon the question of changing the county seat to the place designated in the petition, at least 20 but not more than 30 days after filing the certificate.

History: *(628) RL s 399; 1985 c 109 s 3*

372.05 NOTICE; MANNER OF SERVICE.

When the order is filed, the auditor shall have two weeks' published notice of the election given in all the newspapers in the county, and ten days' posted notice in each town. The notice must be substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is given that a special election will be held in the election districts in the county on the (here insert the time), to vote upon the question of changing the county seat of the county to (here designate the place)." The auditor shall serve the clerk of each town and city in the county personally or by mail a copy of the notice, at least 15 days before the election.

History: *(629) RL s 400; 1973 c 123 art 5 s 7; 1985 c 109 s 3*

372.06 PLACE OF ELECTION; NOTICE.

When the notice is received, every clerk shall have ten days' posted notice of the election given in each election district in the town, substantially in the following form: "To the legal voters of the (here insert specifically the election district), in the county of (here name county), Minnesota: Notice is given that a special election will be held at (here specify the place), in the election district, on the (here insert the time), to vote upon the question of changing the county seat of the county to (here designate the place)." The clerk shall file one copy of the notice, with proof of the posting, in the clerk's office.

History: *(630) RL s 401; 1985 c 109 s 3*

372.07 CONDUCT OF ELECTION.

As far as practicable the election shall be conducted, and the votes cast, counted, returned, and canvassed, by the same officials and under the same provisions of law as in the case of general elections. The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The ballots shall include the words: "For changing the county

seat to (here name the place). Yes. No," with a square opposite each of the words "yes" and "no," in which the voter may make a cross to indicate the voter's choice.

History: *(631) RL s 402; 1985 c 109 s 3; 2004 c 158 s 1*

372.08 CANVASS; CERTIFICATE OF CANVASSING BOARD.

When the canvass is completed the canvassing board shall immediately make, subscribe, and file with the auditor a certificate stating the total number of votes cast at the election; the number cast in each election district in favor of and against the change; the majority in each district for or against the change; the number cast in favor of and against the change in the county; and the majority in the county for or against the change. If 55 percent of all the votes cast at the election are in favor of the change, the board shall set a date at least 60 but not more than 90 days after the election to change the county seat.

History: *(632) RL s 403; 1984 c 543 s 36; 1985 c 109 s 3*

372.09 ELECTIONS HELD ONLY ONCE IN FIVE YEARS.

When an election for a change of county seat has been held in any county, a subsequent election for the removal of the county seat shall not be held, notice of intention to circulate a petition for a change shall not be published or posted, and a petition shall not be circulated, for the next five years. A subsequent election shall not be ordered unless the petition for the change is signed by 60 percent of those voting in the county at the last preceding general election.

History: *(633) RL s 404; 1985 c 109 s 3*

372.10 DUPLICATE PETITIONS CONSOLIDATED.

When two or more petitions are presented to the county auditor substantially at the same time they shall be attached together and constitute one petition.

History: *(634) RL s 405; 1985 c 109 s 3*

372.11 ONE PLACE ONLY VOTED FOR.

An election shall not be called or held under this chapter to vote upon the question of changing any county seat to more than one place at the same time and all elections shall be held as far as practicable at the same place as the last preceding general election.

History: *(635) RL s 406; 1985 c 109 s 3*

372.12 FAILURE TO GIVE NOTICE.

Willful failure or refusal by an owner or manager of a newspaper to publish notice required by this chapter shall not affect the sufficiency of the notice, nor invalidate any of the proceedings. Failure to post notice shall be disregarded unless it affirmatively appears that a sufficient number of voters were prevented from voting to change the result.

History: *(636) RL s 407; 1985 c 109 s 3*

372.13 NEGLECT OF DUTY A MISDEMEANOR.

Any county auditor or other official who willfully neglects or refuses to perform the duties required by this chapter is guilty of a misdemeanor.

History: *(637) RL s 408; 1985 c 109 s 3*