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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3381

02/12/2024 Authored by Stephenson
The bill was referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to elections; requiring city, town, and school district general elections to
1.3 be conducted on the first Tuesday after the first Monday in November of an
1.4 even-numbered year; permitting cities of the first class to choose to conduct a
1.5 general election on the first Tuesday after the first Monday in November of either
1.6 an odd-numbered or even-numbered year; requiring affected cities, towns, and
1.7 school districts to adopt an orderly transition plan; amending Minnesota Statutes
1.8 2022, sections 205.07, subdivisions 1, 3; 205.075, subdivision 2; 205A.03,
1.9 subdivisions 1, 2; 205A.04, subdivision 1; 205A.055, subdivision 1; repealing
1.10 Minnesota Statutes 2022, section 205A.04, subdivision 3.

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

1.12 Section 1. Minnesota Statutes 2022, section 205.07, subdivision 1, is amended to read:

1.13 Subdivision 1. **Date of election.** The municipal general election in each city shall be
1.14 held on the first Tuesday after the first Monday in November in every even-numbered year.
1.15 Notwithstanding any provision of law to the contrary and subject to the provisions of this
1.16 section, the governing body of a city of the first class may, by ordinance passed at a regular
1.17 meeting held at least 180 calendar days before the first day to file for candidacy in the next
1.18 municipal election, decide to hold the election on the first Tuesday after the first Monday
1.19 in November in either an even- or odd-numbered year. A city of the first class may hold
1.20 elections in either the even-numbered year or the odd-numbered year, but not both. When
1.21 a city of the first class changes its elections from one year to another, and does not provide
1.22 for the expiration of terms by ordinance, the term of an incumbent expiring at a time when
1.23 no municipal election is held in the months immediately prior to expiration is extended until
1.24 the date for taking office following the next scheduled municipal election. If the change
1.25 results in having three council members to be elected at a succeeding election, the two
1.26 individuals receiving the highest vote shall serve for terms of four years and the individual

2.1 receiving the third highest number of votes shall serve for a term of two years. To provide
 2.2 an orderly transition to the odd or even year election plan, the governing body of the city
 2.3 may adopt supplementary ordinances regulating initial elections and officers to be chosen
 2.4 at the elections and shortening or lengthening the terms of incumbents and those elected at
 2.5 the initial election. The term of office for the mayor may be either two or four years. The
 2.6 term of office of council members is four years. Whenever the time of the municipal election
 2.7 in a city of the first class is changed, the city clerk immediately shall notify in writing the
 2.8 county auditor and secretary of state of the change of date. Thereafter the municipal general
 2.9 election shall be held on the first Tuesday after the first Monday in November in each
 2.10 odd-numbered or even-numbered year until the ordinance is revoked and notification of the
 2.11 change is made. A municipal general election scheduled to be held in an odd-numbered
 2.12 year may be postponed for inclement weather as provided in section 205.105.

2.13 Sec. 2. Minnesota Statutes 2022, section 205.07, subdivision 3, is amended to read:

2.14 Subd. 3. **Effect of ordinance; referendum.** An ordinance changing the year of the
 2.15 municipal election in a city of the first class is effective 240 days after passage and
 2.16 publication or at a later date fixed in the ordinance. Within 180 days after passage and
 2.17 publication of the ordinance, a petition requesting a referendum on the ordinance may be
 2.18 filed with the city clerk. The petition shall be signed by eligible voters equal in number to
 2.19 ten percent of the total number of votes cast in the city at the last municipal general election.
 2.20 If the requisite petition is filed within the prescribed period, the ordinance shall not become
 2.21 effective until it is approved by a majority of the voters voting on the question at a general
 2.22 or special election held on a date authorized by section 205.10, subdivision 3a. If the petition
 2.23 is filed, the governing body may reconsider its action in adopting the ordinance.

2.24 Sec. 3. Minnesota Statutes 2022, section 205.075, subdivision 2, is amended to read:

2.25 Subd. 2. **Alternate date.** A town may, by resolution or ordinance, designate the first
 2.26 Tuesday after the first Monday in November of ~~either the an~~ an even-numbered ~~or the~~
 2.27 ~~odd-numbered~~ year as the date of the town general election. Town supervisors elected at a
 2.28 November town general election shall serve four-year terms.

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

2.32 The ordinance or resolution changing the date of the town general election may be
 2.33 proposed by the town board or by a resolution of the electors adopted at the annual town

3.1 meeting and is effective upon an affirmative vote of the electors at the next town general
3.2 election.

3.3 Sec. 4. Minnesota Statutes 2022, section 205A.03, subdivision 1, is amended to read:

3.4 Subdivision 1. **Resolution requiring primary in certain circumstances.** The school
3.5 board of a school district may, by resolution adopted by April 15 of ~~any~~ an even-numbered
3.6 year, decide to choose nominees for school board by a primary as provided in this section.
3.7 The resolution, when adopted, is effective for all ensuing elections of board members in
3.8 that school district until it is revoked. If the board decides to choose nominees by primary
3.9 and if there are more than two candidates for a specified school board position or more than
3.10 twice as many school board candidates as there are at-large school board positions available,
3.11 the school district must hold a primary.

3.12 Sec. 5. Minnesota Statutes 2022, section 205A.03, subdivision 2, is amended to read:

3.13 Subd. 2. **Date.** The school district primary must be held on the second Tuesday in August
3.14 in the year when the school district general election is held. The clerk shall give notice of
3.15 the primary in the manner provided in section 205A.07. ~~The date of a school district primary~~
3.16 ~~held in an odd-numbered year may be postponed for inclement weather as provided in~~
3.17 ~~section 205A.055.~~

3.18 Sec. 6. Minnesota Statutes 2022, section 205A.04, subdivision 1, is amended to read:

3.19 Subdivision 1. **School district general election.** The general election in each school
3.20 district must be held on the first Tuesday after the first Monday in November of ~~either the~~
3.21 ~~odd-numbered or the~~ an even-numbered year. ~~A general election held in an odd-numbered~~
3.22 ~~year may be postponed for inclement weather as provided in section 205A.055.~~

3.23 Sec. 7. Minnesota Statutes 2022, section 205A.055, subdivision 1, is amended to read:

3.24 Subdivision 1. **Applicability.** This section applies to a ~~primary, special, or general~~
3.25 election held in a school district that is not held in conjunction with a state or federal election.

3.26 Sec. 8. **REPEALER.**

3.27 Minnesota Statutes 2022, section 205A.04, subdivision 3, is repealed.

4.1 **Sec. 9. EFFECTIVE DATE; TRANSITION.**

4.2 This act is effective July 1, 2024, and applies to elections conducted on or after January
4.3 1, 2025. No later than January 1, 2025, the governing body of an affected city, town, or
4.4 school district must adopt a plan for an orderly transition to an even-numbered year election
4.5 as required by this act. The plan must be adopted by ordinance in the case of a city, or by
4.6 ordinance or resolution in the case of a town or school district. The terms of office for elected
4.7 officers of the city, town, or school district may be lengthened or shortened by one year as
4.8 part of the transition plan.

205A.04 GENERAL ELECTION.

Subd. 3. **Change in year of general election.** The school board may, by resolution, change the year in which the school district general election will be held. The resolution must be approved no later than four weeks before the first day to file affidavits of candidacy for the general election. A plan for the orderly transition to the new election year must be included in the resolution. The terms of school board members may be lengthened or shortened by one year as a part of the transition process.