

## CHAPTER 2. OFFICERS--ELECTIONS\*

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**\*Special law reference--** For special acts relating to the city coordinator and other personnel in the coordinator's department, see Laws 1967, Ch. 189; Laws 1969, Ch. 690.

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Section 1. Elective Officers. The elective officers of the City shall be a Mayor, members of the City Council (who shall be known as Council Members) and such members of boards or commissions as elsewhere provided in this Charter. The City Council shall consist of one (1) Council Member from each ward to be elected by the voters of the respective wards. (As amended 6-11-51; 11-5-74; 11-8-83; 84-Or-040, § 1, 3-30-84)

**Amendment note--** The amendment of June 11, 1951, reduced the number of members of council from 26 to 13 and the term of office from 4 to 2 years. The amendment of November 8, 1983, changed "Alderman" to "Council Member." 84-Or-040 deleted "Comptroller-Treasurer" from the list of elective officers.

Section 2. Council to Appoint City Officers--Terms of Office. Except as in this Charter otherwise specifically provided, all other officers provided for in this Charter or deemed necessary for the proper management of the affairs of the City, shall be appointed by the City Council. The appointment of such officers shall require the affirmative vote of a majority of all members of the City Council. All officers required to be appointed by the City Council shall, unless in this Charter otherwise provided, hold their respective offices for the term of two years from and after the first business day in January of even numbered years, and all officers elected by the people, or appointed by the City Council or otherwise shall continue in office until their successors are elected or appointed and have qualified. Nothing in this Charter contained shall be construed as legislating out of office any elected official of the City of Minneapolis, or any officer appointed by the City Council thereof. (As amended 10-30-70; 12-31-73)

**Amendment note--** The amendment of October 30, 1970, deleted obsolete language re hold-over officials at the time of adoption of the charter in 1920; deleted requirements for balloting on council appointment of city officers in view of an attorney general's opinion that such votes be recorded; and corrected superseded reference to four-year terms of aldermen. The amendment of December 31, 1973, changed the term of appointed officers to commence on the first business day in January of even-numbered years in order to coincide with the term of elected officials.

Section 3. Terms of Office of Mayor and Council Members. The terms of office of the Mayor and Council Members shall be for four years commencing on the first business day of January of the year following their election. (As amended 10-30-70; 11-5-74; 11-11-80; 11-8-83; 84-Or-040, § 2, 3-30-84; 11-6-84; 11-2-93; 11-5-96)

**Amendment note--** The amendment of October 30, 1970, deleted obsolete language re hold-over officials at the time of adoption of the charter in 1920; deleted requirements for balloting on council appointment of city officers in view of an attorney general's opinion that such votes be recorded; and corrected superseded reference to 4-year terms of aldermen. The amendment of November 5, 1974, changed the date of commencement of term from the first Monday of July.

The amendment of November 11, 1980, instituted a 4-year term for the mayor. The amendment of November 8, 1983, changed "Aldermen" to "Council Members." 84-Or-040 deleted "Comptroller-Treasurer" from the section. The amendment of Nov. 6, 1984, instituted identical terms of four years for both the mayor and council members.

Section 4. Election. A general city election for the election of city officers shall be held biennially on the first Tuesday after the First Monday in November of each odd-numbered year. (As amended 11-7-72; 84-Or-040, § 3, 3-30-84)

**Amendment note--** By referendum held November 7, 1972, the city voted to adopt the state uniform municipal election day as the first Tuesday after the first Monday in November in odd-numbered years. 84-Or-040 changed the text of the section to reflect the uniform state election day.

Section 4A. Presidential Preference Poll. The City Council may, by ordinance or resolution, establish a presidential preference poll to be conducted at the general City election in the years immediately preceding each presidential election year. The ordinance or resolution shall set forth the procedures applicable to the presidential preference balloting including the requirements for prospective presidential candidates to have their names appear on the ballot. (94-Or-147, § 1, 9-30-94)

Section 5. Candidate Filing. Prior to January 1st of the election year, the City Council shall fix and determine the opening and closing dates for the filing of candidates for office. The time allowed for the filing of candidates for office shall never be less than 15 days (and the closing date of such filing shall never be less than 40 days), before the General Election.

Section 5A. Conduct of Elections. Notwithstanding the provisions of Minnesota Statutes, Section 205.17, subdivision 2, or any other provision of law and except as otherwise provided in this section, the City General Election for Mayor and City Council shall be conducted in the manner provided by law for elections for nonpartisan offices. All such candidates shall, however, state the name of their political party or political principle, stated in three words or less, on their affidavits of candidacy and affidavits of candidacy for Mayor and City Council shall otherwise conform with all requirements of the Minnesota general election laws pertaining to affidavits of candidacy for partisan offices. The political party or political principle shall be placed on the General Election ballot with the names of the candidates for such offices.

Section 5B. Voting Method. The elected officers shall be elected by the method of Single Transferable Vote, sometimes known as Instant Runoff Voting. The City Council shall, by ordinance, establish the ballot format and rules for counting the votes. (As amended 6-13-55; 3-29-68; 81-Or-145, § 1, 6-12-81; 11-8-83)

**Amendment note--** The amendment of June 13, 1955, changed the election from Monday to Tuesday. The amendment of March 29, 1968, made the date discretionary with the council. 81-Or-145 reduced the time allowed for filing from 30 to 15 days. The amendment of November 8, 1983, provided for the elimination of the party lever from primary elections.

**Special law reference--** For a special act containing provisions similar to § 5 above, see Laws 1957, Ch. 1, §§ 1, 3, 4.

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Section 6. Election Judges--Council to Fix Compensation. The City Council shall at least 14 days before any special or general City Election appoint such judges of election as may be necessary to constitute a full board for every election precinct, as provided by general laws. The compensation of elections judges shall be forty (40) percent greater than the prevailing minimum wage as defined by state law unless the City Council sets a different rate.

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This amendment shall become effective January 1, 2000. (As amended 81-Or-207, § 1, 8-14-81; 99-Or-079, § 1, 7-16-99)

**Amendment note--** 81-Or-207 reduced the time of appointment of judges from 50 to 14 days before the election and added special elections.

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Section 7. City Council to Designate Election Precincts and Places of Holding Elections. The City Council shall, from time to time as it shall deem necessary, by a resolution adopted at least 90 days previous to the general City election, designate the boundaries of the several election districts of the City, and for that purpose, may divide the several wards into such number of precincts as it may deem necessary; but no election precinct shall cover any territory of more than one (1) ward. The City Council shall also designate the place of holding elections in each precinct. In case the City Council shall neglect or refuse to provide such election precincts and places of holding election as herein provided, and in all cases of special elections, the election precincts and places of holding elections shall continue to be the same as at the general election next preceding said election: Provided, that when it may be necessary to designate any other place for holding a special election than the place where was held the last general election in any precinct, the City Council may so designate some other place in such precinct for holding said special election. (As amended 6-13-55; 3-29-68; 7-27-72)

**Amendment note--** The amendment of June 13, 1955, changed the election day from Monday to Tuesday. The amendment of March 29, 1968, provided that the city council would fix dates for the election and the opening and closing dates for candidate filing. The amendment of July 27, 1972, deleted provisions superseded by state law regarding a maximum of 400 voters to a precinct and reference to change of polling place.

Section 8. City Council to Provide Ballots and Ballot Boxes. The City Council shall provide all necessary ballots and ballot boxes to be used for each general and special election held in the City for the election of City officers or for any other City purposes.

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Section 9. Ballot at City Election. The names of all candidates to be voted on at any general City election or special election for City purposes shall be placed on one ballot. Regardless of whether they are contested or uncontested, the offices on the ballot shall be in the following order:

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Mayor; Council Member; Board of Estimate and Taxation Member; Park and Recreation Commissioner at Large; Park and Recreation Commissioner by District; Library Board Member. (As amended 89-Or-171, § 1, 9-7-89)

**Amendment note--** 89-Or-171, § 1, adopted Sept. 7, 1989, amended the above section by deleting and adding language relative to the content of the ballot and the order of offices on the ballot.

**Editor's note:** For various methods of amending a home rule charter, see amendment procedure note on page 1 of the Charter.

Section 10. Council to Call Special Elections. The City Council may order special elections, when necessary for any purpose, and provide for the holding of the same.

Section 11. City Clerk to Give Notice of Time and Places of Holding Elections. The City Clerk shall give notice of the time and places of holding general city elections, which notice shall be given at least 15 days before the general city election, and unless otherwise specifically provided for in this Charter, the City Clerk shall give 15 days' notice of the time and places of holding special elections.

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Section 12. In Case of Tie Vote. When two or more candidates for any elective city office shall receive an equal number of votes at the general city election or at a special election, the election shall be determined as between those candidates by the casting of lots in the presence of the City Council at such time and in such manner as the City Council shall direct. (As amended 83-Or-139, § 1, 6-10-83)

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**Amendment note--** 83-Or-139 amended § 12 to add primary elections and to add provisions concerning a tie between candidates who had sufficient votes to be elected or nominated.

Section 13. Filing for Election. All candidates for election at any city election shall file their affidavit for such election, and pay their fee therefor, in the same manner as provided in the general election laws of the State of Minnesota, except only that such filing shall be made with, and such fee paid to the City Clerk instead of the County Auditor, and such filing must be made, and the fee therefor paid, not later than the 40th day preceding the general city election. (As amended 84-Or-040, § 4, 3-30-84)

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**Amendment note--** 84-Or-040 changed the date of filing from not later than the "20th" to the "30th."

**State law references:** Affidavits of candidacy in primaries, M.S. § 204B.06.

Section 14. Election Returns. The returns of all elections for City officers, charter amendments and other propositions or elections for any other City purpose, shall be made to the City Clerk, and within two (2) weeks after such election, the City Council shall meet and canvass the returns thereof, and declare the results as it appears from such returns, and the City Clerk shall forthwith give notice to the officers elected of their respective elections. (As amended 1-10-75)

**Amendment note--** The amendment of January 10, 1975, changed from one week to two weeks after an election the time limit for the canvassing board to meet.

Section 15. General Laws to Govern Elections--Exceptions. All general laws of the State of Minnesota relating to elections and the preliminaries thereto, unless this Charter otherwise specifically provides, shall, so far as applicable, apply and govern all elections under this Charter and the same are hereby adopted and made part of this Charter.

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**Special law reference--** For a special act providing that city elections shall be governed by general election laws and the Charter, see Laws 1957, Ch. 1, § 5.

**State law references:** Elections generally, M.S. Ch. 200 et seq.

Section 16. Vacancy in Office of Mayor and Council Members--How Filled. Whenever any vacancy shall occur in the office of Mayor or in the office of any Council Member prior to

March 1st of the year of the general City election for the office of Mayor or Council Member, it shall be filled for the unexpired term by a special election ordered by the City Council and held City-wide if the vacancy is in the office of the Mayor or held in the applicable ward if the vacancy is in the office of a Council Member. The special election shall be held within seventy-five (75) days after such vacancy shall occur.

For the purpose of selecting the candidates to be voted on at such special election, the Council shall ~~fix the dates for filing of candidates for such office which shall be for a period of not less than eight (8) days, and the closing date for such filing shall not be less than forty (40) days prior to the date fixed for the general city election. All provisions of this Charter pertaining to special elections shall apply to any special election provided for by this section, except as otherwise specifically provided herein.~~

Until the vacancy in the office of Mayor has been filled by the special election, the then President of the City Council shall take the oath of office of, and become, and shall be styled Acting Mayor for the interim period, and as such shall exercise all the powers and discharge all the duties of Mayor, and while so acting shall be entitled to the salary of Mayor, but such salary shall be in lieu of, and not additional to, the salary as Council Member in [the] event such person shall occupy both offices.

Whenever any vacancy shall occur in the office of Mayor on or after March 1st of the year of the general City election for the office of Mayor, the then President of the City Council shall fill the vacancy for the remainder of the vacated term in the same manner as provided above.

Whenever any vacancy occurs in the office of any Council Member on or after March 1st of the year of the general City election for the office of Council Member, such vacancy shall be filled by the City Council appointing a qualified voter from the ward for which the vacancy exists, to hold office for the remainder of such unexpired term, provided that no such appointment shall be made after the opening date for filing for such position in the next ensuing city ~~general~~ election.

When a vacancy for Council Member exists on or after the first date for filing, the person elected at the general City election, upon certification of the general City election results, shall fill the position for the remainder of the unexpired term. (As amended 6-20-82; 11-4-75; 11-2-76; 83-Or-234, § 2, 9-30-83; 11-8-83; 92-Or-035, § 1, 3-13-92; 95-Or-041, § 1, 3-10-95)

**Amendment note--** Amendment of June 20, 1932, required the president of the council to take the office of acting mayor when a vacancy occurs in the office of mayor and provided for the filling of vacancy in the office of alderman. The amendment of November 4, 1975, provided that vacancies in the office of alderman occurring within the first fourteen (14) months of the alderman's term of office be filled by special election rather than by appointment. The amendment of November 2, 1976, provided that a vacancy in the office of mayor occurring before March 1st of the year of the city election be filled by a special city-wide election. The amendment of November 8, 1983, changed "Alderman" to "Council Member."

Section 16A. [Special Election Process May Commence Upon Submission of Notice of Resignation by Mayor or Council Member.]When a Council Member or Mayor files with the City Clerk a notice of vacation of office to be effective on a given date in the future, such action shall result in the vacation of that office on that given date. When such a notice of vacation has been filed with the City Clerk, the provisions of this Charter for filling the Council Member or mayoral vacancy may be commenced but the special election shall not be held until the vacancy has occurred. (Added 11-8-77; 11-8-83)

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**Amendment note--** The amendment of November 8, 1983, changed "Alderman" to "Council Member."

Section 17. Removal from City--Neglect, Etc. Any officer removing from the City or ward for which such officer was elected or appointed or any officer elected under the provisions of this Charter, who shall refuse or neglect to enter upon the discharge of the duties of such office for ten (10) days after the beginning of the term which the officer was elected to fill, the officer having at least ten (10) days prior thereto been notified of his or her election, or any officer appointed under the provisions of this Charter who shall refuse or neglect to enter upon the discharge of the duties of office for ten (10) days after notice of his or her appointment shall be deemed to have vacated or abandoned the office. Any officer having entered upon the duties of an office may resign the same by and with the consent of the City Council. All vacancies, except as herein provided, shall be filled by the City Council. (As amended 83-Or-234, § 2, 9-30-83)

Section 18. Oath of Office--Bonds of City Officers--Approval of Bonds. Every person elected or appointed to any office under this Charter shall, before entering upon the duties of office, take and subscribe an oath of office, and file the same with the Clerk of the City. The Finance Officer, Clerk and such other officers as the City Council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the City of Minneapolis, bonds in such form, amounts and upon such conditions as the City Council shall prescribe. (As amended 3-29-68; 11-5-74; 83-Or-234, § 2, 9-30-83; 84-Or-040, § 5, 3-30-84)

**Amendment note--** The amendment of March 29, 1968, related to oaths of office, bonds of officers and approval of bonds. 84-Or-040 changed "Comptroller-Treasurer" to "Finance Officer."

Section 19. Violations by Officers--Penalty; Forfeiture. Any elective or appointive officer of the City of Minneapolis, or any person employed in the services of the City of Minneapolis, who shall willfully violate or evade any of the provisions of law, or commit any fraud upon the City, or convert any of the public property to his or her own use or knowingly permit any other person to convert it, or by gross or culpable neglect of duty allow the same to be lost to the City, shall be deemed guilty of a misdemeanor and in addition to the penalties imposed by law, and on conviction, shall forfeit the office and be excluded forever after from receiving or holding any office under the Charter of the City of Minneapolis and shall be liable to refund to the City, at the suit of any taxpayer or citizen, any amount lost to said City by reason of any such violation of law. (As amended 83-Or-234, § 2, 9-30-83; 84-Or-040, § 6, 3-30-84)

**Amendment note--** 84-Or-040 deleted the first paragraph of § 19, which had pertained to interest of officers in contracts and amended the catchline of the section to reflect the content of the second (and now only) paragraph.

**State law references:** Conflicts of interest, M.S. § 471.87.