



Request for City Council Committee Action from the Department of the City Clerk

Date: April 29, 2010

To: Council Member Glidden, Chair, Intergovernmental Relations Committee

Subject: Proposed Charter Amendments regarding Elections timelines as affected by state statute and housekeeping corrections

Recommendation: Recommend that proposed changes described herein to the Minneapolis City Charter be referred to the Minneapolis Charter Commission.

Department Information

Prepared by: Ginny Gelms, Interim Assistant City Clerk/Director of Elections
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Approved by: Tina Sanz, Interim Assistant City Clerk Phone: 673-2225

Presenters in Committee: Ginny Gelms, Interim Assistant City Clerk/Director of
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Financial Impact - No financial impact.

Supporting Information

The passage of the Federal MOVE Act caused the Minnesota Legislature to pass a bill effective March 4, 2009 (SF 2251, see attached) extending the time period of absentee balloting in Minnesota elections. The extension of the absentee balloting period has caused a shift in a number of elections timelines. This has resulted in the proposed amendments to the City Charter. Proposed amendments affect charter sections involving the candidate filing period for municipal elections. The amendments also affect Charter 2, Section 16, which relates to the time that may elapse between a mayoral or council member vacancy and the special election to fill that vacancy. There are also two proposed housekeeping amendments; one is correcting a long-standing inaccuracy as to the frequency of scheduled municipal elections, and the other recognizes that Library Board Members are no longer elected in the Municipal election.

The complete language of the proposed amendments is as follows:

Amending Chapter 2, Section 4 of the Minneapolis City Charter relating to Officers--Elections, amending the scheduled frequency of general city election.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 2, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Election. A general city election for the election of city officers shall be held ~~biennially~~ every four years on the first Tuesday after the First Monday in November ~~of each odd-numbered year.~~

Amending Chapter 2, Section 5 of the Minneapolis City Charter relating to Officers--Elections, amending the power of the City Council on fixing the time of the candidate filing period for city office.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 2, Section 5 of the Minneapolis City Charter be amended to read as follows:

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~~ , or as otherwise required by Minnesota law.

Amending Chapter 2, Section 9 of the Minneapolis City Charter relating to Officers--Elections, amending to provide that the office of Library Board Member not be on the ballot at a City election.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 2, Section 9 of the Minneapolis City Charter be amended to read as follows:

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: Mayor; Council Member; Board of Estimate and Taxation Member; Park and Recreation Commissioner at Large; Park and Recreation Commissioner by District; ~~Library Board Member.~~

Amending Chapter 2, Section 13 of the Minneapolis City Charter relating to Officers--Elections, amending the time of the candidate filing period for city office.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 2, Section 13 of the Minneapolis City Charter be amended to read as follows:

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 election.~~

Amending Chapter 2, Section 16 of the Minneapolis City Charter relating to Officers--Elections, amending the time from the occurrence of a vacancy in the office of Mayor or Council Member until the special election held to fill the vacancy and the time of the candidate filing period for such an election.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 2, Section 16 of the Minneapolis City Charter be amended to read as follows:

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)~~ ninety (90) 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~~ opening and closing dates for such filing shall ~~not be less than forty (40) days prior to the date fixed for the special election~~ shall be consistent with state law governing special elections. 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.