

**Section 4.1 - Option 1**  
**To eliminate primaries entirely**

**Sec. 4.1. - The regular municipal election.**

A regular municipal election shall be held ~~on the first Tuesday after the first Monday in November of~~ each even-numbered year, ~~commencing in 1984,~~ at such places as the city council shall designate. ~~At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.~~

4.1.1 *Primary elections.* Primary elections shall not be held for municipal elections held on the same date as prescribed by the Minnesota Statute, which establishes the statewide primary election date. The primary election shall be for the selection of two nominees for each elective office at the regular municipal election, unless two nominees or fewer file for each elective office.

**Section 4.1 - Option 1**  
**To eliminate primaries except for general elections and vacancy special elections held on the date of the general election**

**Sec. 4.1. - The regular municipal election.**

A regular municipal election shall be held ~~on the first Tuesday after the first Monday in November of~~ each even-numbered year, ~~commencing in 1984,~~ at such places as the city council shall designate. ~~At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.~~

- 4.1.1 *Primary elections.* A municipal primary for the purpose of nominating elective officers to the regular municipal election shall be held on the date of the state primary in the year of each regular municipal election. If a special election for an elective office is held on the same day as a regular municipal election, a municipal primary shall be held pursuant to this section for the purpose of nominating elective officers to that special election. No other municipal primaries shall be required. Primary elections shall be held on the same date as prescribed by the Minnesota Statute, which establishes the statewide primary election date. The municipal primary election shall be for the selection of two nominees for each elective office for which a municipal primary is required hereunder. However, if at the regular municipal election, unless two nominees or fewer file for each elective office, not more than twice the number of individuals to be elected to an office file for nomination for the office, that office shall not be subject to the municipal primary required herein and the individuals who filed for nomination shall instead be placed on the regular municipal or special election ballot as the nominees for that office.

**Section 4.2 - Option 1**  
**For use with Option 1 of Section 4.1, with no primaries**

**Sec. 4.2. - Filing for office.**

All persons who shall desire to be elected to any elected office at a special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ~~fourteen~~ weeks nor less than ~~twelve~~~~eight~~ weeks before the ~~primary~~regular municipal election ~~with the city clerk, paying a filing fee to the city clerk in an amount as set by ordinance.~~ The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

~~The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.~~

~~The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.~~

~~A sample ballot or a facsimile representation of the ballot shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.~~

~~4.2.1. [Repealed].~~

## Section 4.2 - Option 2

For use with Option 2 of Section 4.1, with primaries only for office elections held on the date of the general election

### Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a regular municipal election or special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ~~twelve~~ten weeks nor less than ~~ten~~eight weeks before the primary election. All persons who shall desire to be elected to any elected office at a special election not held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ten weeks nor less than eight weeks before the special election. ~~with the city clerk, The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance paying a filing fee to the city clerk in an amount as set by ordinance.~~

~~The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.~~

~~The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.~~

~~A sample ballot or a facsimile representation of the ballot shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.~~

4.2.1. [Repealed].

## Section 4.3

### Sec. 4.3. - Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Municipal elections shall be conducted in accordance with Minnesota Election Law, as supplemented by ~~Except as otherwise provided by~~ this Charter and city ~~supplementary~~ ordinances, ~~general state statutes on elections shall apply to municipal elections.~~

**Section 4.4 – Option 1**  
**Special and advisory elections at will**

**Sec. 4.4. - Special and advisory elections except for elected office.**

The council may, by resolution, order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. ~~At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election.~~ This section does not apply to special elections to fill vacancies in municipal offices.

**Section 4.4 – Option 2**  
**Special elections at will, No advisory elections**

**Sec. 4.4. - Special ~~and advisory~~ elections except for elected office.**

The council may, by resolution, order any special ~~or advisory~~ election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. ~~At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election.~~ This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

### Section 4.4 – Option 3

#### Special elections in accordance with state law procedure, No advisory elections

##### Sec. 4.4. - Special ~~and advisory~~ elections except for elected office.

The council may, by resolution, order ~~any~~ special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. Special elections shall be held in the manner set forth for statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election.~~or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.~~

**Section 4.4 – Option 4**  
**Special and advisory elections in accordance with state law procedure**

**Sec. 4.4. - Special and advisory elections except for elected office.**

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. The council may also, by resolution, order any special or advisory election be held on a question that the city council has sole authority to resolve; the results of an election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election deemed appropriate by the council, for any reason, and provide all means for holding it. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices.

**Part 1 of Section 4.5 – Option 1**

**If more than one year left on term, must be filled no later than next legally feasible  
November election day**

**Sec. 4.5. - Vacancy of municipal elected office.**

- 4.5.1 In the event that ~~When~~ a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, ~~there shall be~~ a special election ~~shall be~~ held no later than the first Tuesday after the first Monday in November following the vacancy~~within 90 days after the vacancy occurs~~ to elect a successor to serve for the remainder of the unexpired term ~~of the office vacated~~. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

**Part 1 of Section 4.5 – Option 2**  
**If more than one year left on term, must be filled ASAP**

**Sec. 4.5. - Vacancy of municipal elected office.**

- 4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, ~~there shall be~~ a special election ~~shall be~~ held at the next special election date for which all required notice provisions in this charter or in state law can be fulfilled~~within 90 days after the vacancy occurs~~ to elect a successor to serve for the remainder of the unexpired term of the office vacated.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

**Part 1 of Section 4.5 – Option 3**

**Vacancies filled no later than next legally feasible November election day, except no special election for vacancies after the notice period cut-off for November election in third year.**

**Sec. 4.5. - Vacancy of municipal elected office.**

4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs ~~with 365 days or more remaining in the term of the vacated office, there shall be~~ a special election ~~shall be~~ held ~~no later than the first Tuesday after the first Monday in November following the vacancy within 90 days after the vacancy occurs~~ to elect a successor to serve for the remainder of the unexpired term ~~of the office vacated.~~ ~~However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy. In the event that a vacancy in an elected office of the city occurs in the third year of the term at such time as would not permit compliance with all required notice provisions in this charter or state law, or in the fourth year of the term, no special election shall be held.~~

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.~~34~~ In the ~~event~~ ease of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.~~43~~ The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

**Part 1 of Section 4.5 – Option 4**  
**Vacancies filled no later than next legally feasible November election day, more definition for timing of elections that are not feasible or that cannot comply with notice provisions**

**Sec. 4.5. - Vacancy of municipal elected office.**

4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs ~~with 365 days or more remaining in the term of the vacated office, there shall be a special election held within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. three or more days before the first day to give of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year of the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year after the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.~~

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.34 In the event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified.~~ In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.43 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

**Part 1 of Section 4.5 – Option 5**  
**Vacancies filled at next regular municipal election as in 412.02, subd. 2a, no vacancy special elections at other times**

**Sec. 4.5. - Vacancy of municipal elected office.**

- 4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs three or more days before the first day to give of the period for filing an affidavit of candidacy for the next regular municipal election and more than two years remain in the unexpired term, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election. If the vacancy occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for the next regular municipal election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy. ~~with 365 days or more remaining in the term of the vacated office, there shall be a special election held within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.~~
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

## Part 2 of Section 4.5

~~4.5.2 The city clerk shall give at least 60 days published prior notice of such special election, except as set forth under 4.5.5 of this section.~~

~~4.5.5 Office vacancy when less than eight weeks prior to primary election.~~

~~4.5.5.1 *Special election.* When a vacancy in an elected office of the city occurs when there is less than eight weeks prior to a primary election there shall be no primary election, except as provided in section 4.5.5.3 below. The special election to fill the vacancy shall coincide with the regular Municipal Election and the notice of such vacancy shall be published as soon as is practicable.~~

~~4.5.5.2 *Vacancy in offices to be voted on in the regular Municipal Election.* If a vacancy occurs less than eight weeks prior to the primary election, in the office of the mayor or the council members whose seats are to be voted on in the regular Municipal Election, said vacancy shall be considered not to exist for the purpose of the regular Municipal Election. The person elected to fill the vacancy in the regular Municipal Election, if approved by unanimous vote of the sitting council, may assume the duties of the office to which elected on the first business day following the city clerk's issuance of a certificate of election to said person.~~

~~4.5.5.3 *Vacancy in an office not to be voted on in the regular Municipal Election.* If a vacancy occurs in the office of the mayor or a councilmember not standing for election in the regular Municipal Election, a special primary election and a special election shall be held in January of the subsequent year following the vacancy to fill said vacancy. The election procedures for the special primary election and the special election shall be those election procedures for municipal office candidates as prescribed in Minnesota Statutes and this Charter. Notwithstanding section 2.3.1 of this Charter, which provides for a four year term for the mayor and council members, the term of the mayor and/or a councilmember elected pursuant to this subsection will be for the remainder of the vacant term.~~

### Part 3 of Section 4.5

4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the individual appointed by the city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

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