

**Section 3.11 AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS.** Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone. Such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

**Section 3.12 REVISION AND CODIFICATION OF ORDINANCES.** The city may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet, or continuously revised loose-leaf form. Copies shall be made available by the council at the office of the city clerk for general distribution to the public free or for a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two successive weeks.

## **CHAPTER 4**

### **NOMINATIONS AND ELECTIONS**

**Section 4.01 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 place or places as the city council may designate. The city clerk shall give at least two weeks published notice pursuant to Minn. Stat. § 205.16, as the same may be revised, amended or re-codified, of the time and place of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate the election.

**Section 4.02 PRIMARY ELECTION.** In accordance with Minnesota Stat. § 205.065, as the same may be revised, amended or re-codified from time to time, on the day and month set therein for holding a state primary election, there shall be a primary election for the selection of two nominees for elective office at the regular municipal election, unless only two nominees file for each elective office.

**Section 4.03 SPECIAL ELECTIONS.** The council may, by resolution, order a special election and provide all means for holding it in accordance with Minn. Stat. §205.10, as the same may be revised, amended or re-codified. The city clerk shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

When a special election is required to fill a vacant office, the special election shall occur on a date established by the City Council per Minn. Stat. §205.10, as the same may be revised, amended or re-codified. A special primary election shall be held if more than two candidates file for such office, with the two candidates receiving the most votes proceeding to the special election, except that if one candidate receives greater than 50 percent of all votes cast at the special primary election, that candidate shall be declared the winner and no special election shall be held. When a special primary election is held and no candidate receives greater than 50 percent of all votes cast, the special election shall be held pursuant to Minn. Stat. §205.10, as the same may be revised, amended, or re-codified.

**Section 4.04 FILING FOR OFFICE.** The City Clerk shall follow Minn. Stat. §205.13, as the same may be revised, amended or re-codified from time to time.

**Section 4.05 PROCEDURE AT ELECTIONS.** Subject to this Charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

## **Chapter 4** **Elections**

### **Section 4.01 Conduct of Elections**

All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

### **Section 4.02 General Election**

The City General Election shall be held on the first Tuesday after the first Monday in November in every even-numbered year at such place or places as the Council may designate.

### **Section 4.03 Primary Election**

The City Primary Election shall be held on the same date as the state primary election as determined by state statute at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

### **Section 4.04 Filing**

Not more than 10 nor less than 8 weeks before the City Primary Election any individual who is eligible and desires to become a candidate for either the office of Mayor or Council Member shall, upon payment of the fee established by law, file an Affidavit of Candidacy with the city clerical officer.

In addition, the city clerical officer shall also accept, without the payment of any fee, a Nominating Petition signed by at least 100 registered voters for the office of Mayor and Council Member-at-Large, 75 registered voters for the combined ward Council Members, and 50 registered voters for a Council Member elected from a ward, provided that the individual on whose behalf the petition has been circulated endorses the petition with a statement indicating his/her willingness to accept the office if duly elected. All signers of a petition to be counted as valid must be registered voters within a precinct eligible to vote for that particular office. No registered voter shall sign more than one petition for a particular office and should a voter do so, his/her signature shall be valid only as to the petition or petitions first filed.

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 5:00 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy.

### **Section 4.05 Special Elections**

The Council may by resolution order a special election and provide all means for holding it. A special election must be held on a date authorized by Minnesota Statutes Section 205.10, subdivision 3a, as amended. No primary shall be required in a special election

held under this section. All other procedures at such election shall conform as nearly as possible to that prescribed for other municipal elections.

**Section 4.06 Affidavit of Candidacy**

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, 21 years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if seeking the office of Mayor or Council Member-at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least 30 days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

**Section 4.07 Forms**

The city clerical officer shall be responsible for devising the form of the Affidavit of Candidacy and Nominating Petition consistent with the provisions contained herein and by law. Any Nominating Petition need not be appended to one paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signers on such paper and that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each written signature a place for the legible printed name of the signer and his/her place of residence in sufficient form is required so as to identify whether he/she is a valid registered voter.

## CHAPTER 4. NOMINATIONS AND ELECTIONS

### Sec. 4.01. General election laws to apply.

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this charter. The council shall, through ordinances duly adopted in compliance with such state laws and this charter, adopt suitable and necessary regulations for the conduct of such elections.

### Sec. 4.02. Regular municipal elections.

A regular municipal election shall be held on the first Tuesday after the first Monday in November of the year in which an election is to be held at such place or places as the city council may designate by resolution. At least fifteen (15) days' notice shall be given by the city clerk of the time and places holding such election, and of the offices to be elected, by posting a notice in a conspicuous place thereof at City Hall, online including but not limited to the city's website, and by publishing a notice thereof at least once in the official newspaper of the city, but failure to give such notice shall not invalidate such election.

(Ord. No. 01-1917, 11-15-2001; Ord. No. 17-2385 , 11-16-2017)

### Sec. 4.03. Primary elections.

There shall be a primary election on the date established by Minnesota state law for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2) nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.

(Ord. No. 239, 7-2-1970; Ord. No. 10-2208, 7-15-2010)

### Sec. 4.04. Special elections.

The council may, by resolution, order a special election and provide all means for holding it. Published notice of a special election shall be given in the official newspaper at least two (2) weeks prior to such special election. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections, except that there shall be no primary election prior to a special election held pursuant to section 2.05 of the charter of the City of Blaine. Dates on which a special election may be held are: second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November (general election date), or as otherwise allowed by Minnesota state law.

(Ord. No. 98-1703, 4-2-1998; Ord. No. 17-2385 , 11-16-2017)

### Sec. 4.05. Judges of election.

The council shall at least twenty-five (25) days before each election, appoint qualified eligible voters for each voting precinct to be judges of election as provided by Minnesota state law. The council shall set compensation for the election judges.

(Ord. No. 01-1917, 11-15-2001; Ord. No. 17-2385 , 11-16-2017)

---

**Sec. 4.06. Candidate for office.**

All candidates for office provided for by this chapter who desire to be elected to any elected office, shall file an affidavit not more than eighty-four (84) days nor less than seventy (70) days, or per Minnesota state law, prior to the primary election date, with the city clerk, paying the said officer a fee of fifty dollars (\$50.00). Such affidavit or application shall state that the candidate is an eligible voter of the City of Blaine and the name of the office for which such person is a candidate.

At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by an individual eligible to vote for the candidate. The number of signatures on the petition in place of a filing fee shall be the lesser of five hundred (500) signatures or five (5) percent of the total number of votes cast in the election ward at the preceding general election at which that office was on the ballot. The city clerk shall make available sample forms for petitions in place of filing fees.

A write-in candidate who wants their write-in votes to be counted in the general election must file a written request with the city clerk no later than seven (7) days before the general election. All write-in votes cast for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single candidate.

(Ord. No. 253, 1-21-1971; Ord. No. 750, 3-18-1982; Ord. No. 88-1098, 11-3-1988; Ord. No. 97-1685, 11-20-1997; Ord. No. 10-2208, 7-15-2010; Ord. No. 12-2239, 3-15-2012; Ord. No. 17-2385, 11-16-2017)

**Sec. 4.07. Withdrawal of candidate.**

Any person whose name has been presented in the manner provided for in the foregoing section as a candidate, may, not later than 5 o'clock p.m. of the second (2nd) day after the last day for filing or at such other time established by Minnesota state law, cause such person's name to be withdrawn from nomination by filing with the city clerk a request to do so in writing. No name so withdrawn shall be printed upon the ballot.

(Ord. No. 10-2208, 7-15-2010)

**Sec. 4.08. Canvass of elections and taking of office.**

The council must meet and canvass the election returns made in the manner provided for the state primary so far as practicable. The canvass may be conducted on either the second (2nd) or third (3rd) calendar day after any primary election and between the third (3rd) and tenth (10th) day after any general (regular) or special election, or at such other time established by Minnesota state law and shall make full declaration of the results as soon as possible and file a statement thereof with the city clerk, and said statement shall be made a part of the minutes.

(Ord. No. 10-2208, 7-15-2010; Ord. No. 17-2385, 11-16-2017)