

This Document can be made available in alternative formats upon request

Printed Page No. **34**

State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 653

February 9, 2009

Authored by Kahn, Thao and Loeffler

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

March 5, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to elections; changing certain municipal precinct and ward boundary
1.3 procedures and requirements; amending Minnesota Statutes 2008, sections
1.4 204B.135, subdivisions 1, 3; 204B.14, subdivisions 3, 4; 205.84, subdivisions
1.5 1, 2.

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

1.7 Section 1. Minnesota Statutes 2008, section 204B.135, subdivision 1, is amended to
1.8 read:

1.9 Subdivision 1. **Cities with wards.** Except as provided in this subdivision, a city that
1.10 elects its council members by wards may not redistrict those wards before the legislature
1.11 has been redistricted in a year ending in one or two. The wards must be redistricted within
1.12 60 days after the legislature has been redistricted or at least 19 weeks before the state
1.13 primary election in the year ending in two, whichever is first.

1.14 In a city electing council members by wards in a year ending in one, if the legislature
1.15 has not been redistricted by June 1 of that year, the ward boundaries must be reestablished
1.16 no later than 14 days before the first day to file affidavits of candidacy for city council
1.17 members. The ward boundaries may be modified after the legislature has been redistricted
1.18 for the purpose of establishing precinct boundaries as provided in section 204B.14,
1.19 subdivision 3, but no modification in ward boundaries may result in a change of the
1.20 population of any ward of more than five percent, plus or minus.

1.21 Sec. 2. Minnesota Statutes 2008, section 204B.135, subdivision 3, is amended to read:

1.22 Subd. 3. **Voters rights.** (a) An eligible voter may apply to the district court for
1.23 either a writ of mandamus requiring the redistricting of wards or local government election

2.1 districts or to revise any plan adopted by the governing body responsible for redistricting
2.2 of wards or local government election districts.

2.3 (b) If a city adopts a ward redistricting plan at least 19 weeks before the primary in a
2.4 year ending in two, an application for revision of the plan that seeks to affect elections
2.5 held in the year ending in two must be filed with the district court within three weeks
2.6 but no later than 18 weeks before the state primary election in the year ending in two,
2.7 notwithstanding any charter provision. If a city adopts a ward redistricting plan less than
2.8 19 weeks before either the municipal primary in a year ending in one or before the state
2.9 primary in a year ending in two, an application for revision of the plan that seeks to affect
2.10 elections held in ~~the that year ending in two~~ must be filed with the district court no later
2.11 than one week after the plan has been adopted, notwithstanding any charter provision.

2.12 (c) If a plan for redistricting of a local government election district is adopted at least
2.13 15 weeks before the state primary election in a year ending in two, an application for
2.14 revision of the plan that seeks to affect elections held in the year ending in two must be
2.15 filed with the district court within three weeks but no later than 14 weeks before the state
2.16 primary election in the year ending in two. If a plan for redistricting of a local government
2.17 election district is adopted less than 15 weeks before the state primary election in a year
2.18 ending in two, an application for revision of the plan that seeks to affect elections held
2.19 in the year ending in two must be filed with the district court no later than one week
2.20 after the plan has been adopted.

2.21 Sec. 3. Minnesota Statutes 2008, section 204B.14, subdivision 3, is amended to read:

2.22 Subd. 3. **Boundary changes; prohibitions; exception.** Notwithstanding other
2.23 law or charter provisions to the contrary, during the period from January 1 in any year
2.24 ending in zero to the time when the legislature has been redistricted in a year ending in
2.25 one or two, no changes may be made in the boundaries of any election precinct except
2.26 as provided in this subdivision.

2.27 (a) If a city annexes an unincorporated area located in the same county as the city
2.28 and adjacent to the corporate boundary, the annexed area may be included in an election
2.29 precinct immediately adjacent to it.

2.30 (b) A municipality or county may establish new election precincts lying entirely
2.31 within the boundaries of any existing precinct and shall assign names to the new precincts
2.32 which include the name of the former precinct.

2.33 (c) Precinct boundaries in a city electing council members by wards may be
2.34 reestablished within 14 days of the adoption of ward boundaries in a year ending in one, as
2.35 provided in section 204B.135, subdivision 1.

3.1 (d) Precinct boundaries must be reestablished within 60 days of the time when the
3.2 legislature has been redistricted, or at least 19 weeks before the state primary election
3.3 in a year ending in two, whichever comes first. The adoption of reestablished precinct
3.4 boundaries becomes effective on the date of the state primary election in the year ending
3.5 in two.

3.6 Precincts must be arranged so that no precinct lies in more than one legislative
3.7 or congressional district.

3.8 Sec. 4. Minnesota Statutes 2008, section 204B.14, subdivision 4, is amended to read:

3.9 Subd. 4. **Boundary change procedure.** Any change in the boundary of an election
3.10 precinct shall be adopted at least ~~90~~ 60 days before the date of the next election and, for
3.11 the state primary and general election, no later than June 1 in the year of the state general
3.12 election. The precinct boundary change shall not take effect until notice of the change has
3.13 been posted in the office of the municipal clerk or county auditor for at least ~~60~~ 42 days.

3.14 The county auditor must publish a notice illustrating or describing the congressional,
3.15 legislative, and county commissioner district boundaries in the county in one or more
3.16 qualified newspapers in the county at least 14 days prior to the first day to file affidavits of
3.17 candidacy for the state general election in the year ending in two.

3.18 Alternate dates for adopting changes in precinct boundaries, posting notices
3.19 of boundary changes, and notifying voters affected by boundary changes pursuant
3.20 to this subdivision, and procedures for coordinating precinct boundary changes with
3.21 reestablishing local government election district boundaries may be established in the
3.22 manner provided in the rules of the secretary of state.

3.23 Sec. 5. Minnesota Statutes 2008, section 205.84, subdivision 1, is amended to read:

3.24 Subdivision 1. **General provisions.** (a) In a city electing council members by wards,
3.25 wards shall be as equal in population as practicable and each ward shall be composed of
3.26 compact, contiguous territory. Each council member shall be a resident of the ward for
3.27 which elected, but, except as otherwise provided by paragraph (b), a change in ward
3.28 boundaries does not disqualify a council member from serving for the remainder of a term.

3.29 (b) Notwithstanding any home rule charter provision to the contrary, in a city of the
3.30 first class where council members are elected by ward to serve for four years to terms that
3.31 are not staggered, if the population of any ward changes by five percent or more, all
3.32 council members must be elected to new terms at the first municipal general election
3.33 after ward boundaries are redefined under subdivision 2; provided, however, that if no

4.1 municipal general election would otherwise occur in the year ending in "2" or the year
4.2 ending in "3," a municipal general election must be held in one of those years.

4.3 Sec. 6. Minnesota Statutes 2008, section 205.84, subdivision 2, is amended to read:

4.4 Subd. 2. **Effective date.** After the official certification of the federal decennial
4.5 or special census, the governing body of the city shall either confirm the existing ward
4.6 boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries
4.7 to conform to those standards as provided in section 204B.135, subdivision 1. If the
4.8 governing body of the city fails to take either action within the time required, no further
4.9 compensation shall be paid to the mayor or council member until the wards of the city
4.10 are either reconfirmed or redefined as required by this section. An ordinance establishing
4.11 new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective on
4.12 the date of the state primary election in the year ending in two, except that new ward
4.13 boundaries established by a municipality in a year ending in one are effective on the date
4.14 of the municipal primary election in the year ending in one.

4.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.16 Sec. 7. **EFFECTIVE DATE.**

4.17 Sections 1 to 5 are effective the day following final enactment.