

## ORDINANCE 2020-058

### Question 2, Special Municipal Elections

Shall the Minneapolis City Charter be amended to comply with Minnesota election law related to uniform dates for special municipal elections and to provide that a special election be held on a legal election day under Minnesota law that is more than 90 days from a vacancy in the office of Mayor or Council Member?

Yes 164,883

No 24,738

Approved Nov 3, 2020, General Election

Charter Amendment No. 183

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### Amending Article III Elections, Article IV City Council, and Article VII Administration relating to conditions for special municipal elections, addressing potential conflict with state election law.

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

Section 1. That Article III, §3.3 of the Minneapolis City Charter be amended to read as follows:

#### 3.3. - Special elections.

(a) **Elected office.** ~~A special election occurs whenever~~ When a vacancy occurs in an elected office before the term expires, and this charter does not provide another method of filling the vacancy, a special election must be held on a legal election day under Minnesota election law that is more than 90 days from the date of the vacancy. For each special election, the City Council must provide by ordinance for a filing period of at least eight days.

(b) **Other special elections.** The City Council must schedule a special election as required by law on any question that the voters may lawfully decide, and may schedule any other lawful special election, in accordance with Minnesota election law. ~~Unless the law provides otherwise, the Council may schedule such an election in connection with the next regular election.~~ This section 3.3(b) is subject to section 9.4(e).

Section 2. That Article IV, §4.2 of the Minneapolis City Charter be amended to read as follows:

#### 4.2. - Organization.

(a) **Composition.** The Council comprises one Council member elected by and from each ward.

(b) **Term; election.** Each Council member's term is four years. Each ward's voters elect their Council member in each year following a year whose number is evenly divisible by four.

(c) **Council judges elections.** The Council judges its members' elections, for which purpose it may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing.

(d) **Vacancy.**

(1) **Early vacancy.** When a Council member vacates his or her office before March 1 in the year of the next regular election, the Council must schedule a special election filling the vacancy, held within 90 days after the vacancy occurs to fill the vacancy. The special election must be held on a legal election day under

Minnesota election law that is more than 90 days from the date of the vacancy.

(2) **Late vacancy.** When a Council member vacates his or her office—

(A) on or after March 1 in the year of the next regular election, and

(B) before filing opens for the election,

—the Council appoints a successor who serves until a member is elected.

(3) **Election after vacancy.** When a Council membership is vacant at the time of an election, the elected member takes office upon being elected and qualified, and serves out the unexpired term as well as the term for which he or she was elected.

(e) **City clerk.**

(1) **Election.** The City Council elects the City Clerk, to whose election section 8.4(b) does not apply.

(2) **Duties.** The City Clerk must—

(A) keep the corporate seal and all municipal papers and records, including (but not limited to) the City Council's proceedings (section 4.4(e));

(B) administer each election under the City Council's direction (section 3.1(c)), and may administer an election for the Minneapolis Public Schools board of education if that board so authorizes;

(C) provide for each ordinance that the City Council adopts to be promptly codified, and generally review the code of ordinances at least once every five years; and

(D) perform any other duties for which this charter or an ordinance provides, or that the Council requests.

(3) **Oaths.** The City Clerk may administer an oath or affirmation in any proceeding under this charter.

Section 3. That Article VII, §7.1 of the Minneapolis City Charter be amended to read as follows:

#### **7.1. - Mayor.**

(a) **Term; election.** The Mayor's term is four years. The Mayor is elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(b) **Duties.** The Mayor must—

(1) take care that all laws and ordinances are faithfully observed and enforced within the City;

(2) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer;

(3) recommend action in the City's interest by any other government;

(4) address the City Council annually on the state of the City, and recommend appropriate measures for the City's physical and economic development; and

(5) notify the City Council and any other interested board, commission, committee, or department of any litigation against the City.

(c) **Delegation.** The Mayor may appoint a proxy or other representative to serve in his or her place on any board, commission, committee, or other public body of which he or she is a member. Any such appointment must expire not later than the Mayor's term expires.

(d) **Vacancy.** Whenever the Mayor vacates his or her office before the year of the next regular election, or in that year before March 1, the City Council must provide for a special election ~~filling the vacancy within 90 days after the vacancy occurs~~ to fill the vacancy. The special election must be held on a legal election day under Minnesota election law that is more than 90 days from the date of the vacancy.

(e) **Succession.**

(1) **Temporary vacancy.** Whenever the Mayor cannot discharge his or her duties, or the office is vacant pending an election, then the Council president (or, if the Council president cannot act, the Council vice-president) must act as Mayor until the Mayor (or the Council president, if the vice-president is acting as Mayor) resumes his or her duties or a new Mayor takes office. Any action taken by the Council president or vice-president, or any other successor, acting as Mayor is as valid as if taken by the Mayor. Any successor acting as Mayor draws the Mayor's salary instead of the salary of the office by virtue of which he or she is acting as Mayor.

(2) **Succession plan.** The City Council must by resolution adopt a succession plan, which must establish a line of succession beyond the Council vice-president. The Council must review the plan at each organizational meeting.

(f) **Resources.** The City Council must provide for the staff and other resources that the Mayor needs for the effective performance of his or her duties.

(1) **Staff.** For the Mayor's support, the Council must provide for at least—

(A) one administrative deputy,

(B) two administrative aides,

(C) one administrative assistant,

(D) one executive secretary, and

(E) any other appropriate staff.

The Mayor may appoint any such staff without regard to section 8.4(b). The Mayor's staff serves in the unclassified service.

(2) **Contingent fund.** The Council must annually appropriate a fund of not less than \$5,000.00 for use at the Mayor's discretion. The Mayor may not contribute from this fund to any individual's political campaign. The Mayor must report each expense from this fund to the Council.