MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Karen Haag, Director Citizen Services

DATE: February 25, 2016

SUBJECT: Consideration of Revisions to City Code Changing from Odd to Even Year
              Elections

Introduction

This report contains the background and necessary steps in order for the City to move municipal elections to even-numbered years to be held concurrently with State and Federal elections.

Background

Legislative History:

In order for the City to move elections to the even-numbered years there are steps required to be taken as outlined in Minnesota Statutes §205.07 (Attachment 1).

As a Statutory Plan B City, the City of Maplewood may choose whether to hold municipal elections in an odd or even year cycle. At the February 22, 2016 City Council meeting, council directed staff to report on the steps needed in order to make the change, in addition to information on the financial impact.

Staff has also addressed how the change would be communicated to residents and other pertinent information that may assist the council moving forward.

The procedure for changing municipal elections to even-numbered years is outlined as follows:

1. The City Council would direct staff to proceed with drafting an Ordinance to change Article 2 Section 2-36 Terms of Office; Biennial Election in Odd-Numbered Years of the Maplewood City Code.

2. Upon approval the ordinance would be published in the legal newspaper; the ordinance will not take effect until 240 days after publication.

3. Within 180 days of passage and publication of the ordinance a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition must be signed by a number of Maplewood eligible voters equal to at least ten percent of the total votes cast in the *last municipal general election*. The petition is then sent to Ramsey County Elections to be vetted for eligibility.

    a. Should such an eligible petition be submitted the new ordinance would not become effective until it has been placed on the ballot and been approved by a majority of voters voting on the question at a general or special election held at least 60 days after

the petition's submission. (There were 6,036 voters in the last municipal election, so 636 eligible voters would need to sign the petition in order for the issue to be placed on the ballot as a referendum question.)

b. Should no such petition be submitted, the ordinance would become effective 240 days after its publication.

c. M.S.§2015.10 Subd. 3 may also come into play as it dictates that no special election may take place within 56 days of a State General Election.

Due to Statute §205.07 Subd. 3 requiring that an ordinance changing from odd to even years becoming effective 240 days after passage, there is not adequate time for this issue to be considered at the 2016 General Election.

Following are scenarios for consideration if an ordinance changing from odd to even year elections is approved to go into effect for 2017:

- If an eligible petition is filed, the council would call a Special Election to see if the referendum changing from odd to even years passes.

- If the referendum passes the ordinance goes into effect and the next municipal election would be held in 2018.

- If the referendum fails the 2017 odd year municipal election will be conducted.

- If an eligible petition is filed, the council may reconsider its action adopting the ordinance and conduct the 2017 odd year municipal election.

- If no petition is filed the ordinance will go into effect after the adoption and 240 days after publication and the next municipal election will be held in 2018.

Councilmember Terms

There are provisions in Statute § 205.07 directing that the governing body may adopt supplementary ordinances shortening or lengthening the terms of incumbents and those elected at the initial election.

If the City Council chooses not to address this issue State Statutes dictate, Councilmember terms expiring in an odd-numbered year be automatically extend one year until the date of the next (even-numbered year) election.

Financial Impact

Following are actual costs of the elections over the previous ten years. Also included is the percentage of registered voter turnout. If an eligible petition is filed and a special election is held staff estimates that the cost to conduct the election would be approximately $15,000. The estimate is based on not conducting election judge training since we will have already conducted training for the 2016 Federal and State election. Also, it is anticipated that there will be a low voter turnout so staffing levels at the precincts will be minimal.

Year	Election	Percent Turn Out	Annual Cost
2006	State General Election	65%	$66,210
2007	Municipal General Election	29%	$53,570
2008	State and Federal General Election	78.6%	$79,450
2009	Municipal Election	27%	$68,170
2010	State General Election	60.40 %	$66,390
2011	Municipal Election	27%	$57,870
2012	State and Federal Election	85.3%	$80,470
2013	Municipal Election	24%	$65,100
2014	State Election	60 %	$62,720
2015	Municipal Election	26.6%	$47,330*

*The 2015 budget for elections was estimated at $67,750 due to the approval of the Joint Powers Agreement (JPA) with Ramsey County for the purchase of the new voting systems. As you are aware, the equipment was not purchased until February of 2016. Since 2015 was the last year using the current equipment minimal election judge training was conducted. This explains the decrease in the actual cost for the 2015 election.

The administrative cost of elections is increasing. This is due to legislative changes to absentee voting where voters now do not have to have a reason to vote by absentee. Additionally, State law dictates that all duties relating to absentee voting, which had been previously administered in the precincts now be done by, in this case Maplewood elections staff.

Communication Plan

If elections are changed to even-numbered years, staff would organize a communication plan to get the word out to our residents. The plan for communication would include the following:

- Social media posts would be sent after the change was approved by the City Council and again when key deadlines were close (i.e. candidate filing, absentee ballot voting period, the Primary, election day, etc.)
- Press releases sent to local media explaining the change, timelines, and deadlines both after the change was passed by the City Council and after the petition period had ended
- City Website would be updated and the election page would include detailed information on the change, timelines, etc.
- City Newsletter would include articles discussing the change
- Informational posters posted in City Hall
- Postcards mailed to City of Maplewood registered voters
- A frequent replayed segment on Spotlight on Maplewood

Following is a Timeline of Possible Dates of Action if the Ordinance is Approved:

March 14	Agenda report to council
March 28	First reading of the ordinance
April 11	Second reading of the ordinance
April 20	Publication and start of 240 days and 180 days for petition to be filed
October 18	Deadline for petition to be filed
December 16	240th day. If petition is not filed ordinance is in effect
January 4	First possible day of special election if petition is filed (56 days after a State election)

This and That:

The following Ramsey County cities vote in even years:

Arden Hills
Blaine
Little Canada
Gem Lake
Lauderdale
Mounds View
North Oaks
North St. Paul
Roseville
Shoreview
Spring Lake Park
Vadnais Heights
White Bear Township

The following Ramsey County cities vote in odd years:

Falcon Heights
Maplewood
St. Anthony
St. Paul
White Bear Lake

The New Brighton City Council passed an ordinance at their November 10, 2015 city council meeting and is currently undergoing the process of moving from odd to even year elections.

Our largest school district (ISD 622) votes in even years. ISD 623 and 624 still vote in odd years and the City of Maplewood is obligated to continue to conduct their elections in the precincts that are in Maplewood (see below). However, if the City of Maplewood goes to even year elections we would be able to do a 100% bill back to the districts for our costs and virtually eliminate conservatively $65,000 every other year in the Elections Division budget.

ISD 623
Precinct 1   982 Registered voters
Precinct 2   1454 Registered voters
Precinct 3   1198 Registered voters

ISD 624
Precinct 8   204 Registered voters

Recommendation

Direct staff to proceed with drafting changes to Article 2 Section 2-36 Terms of Office; Biennial Election in Odd-Numbered Years of the Maplewood City Code.

Attachments:

1. MN §205.07 - CITY GENERAL ELECTION

205.07 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.07 CITY GENERAL ELECTION.

Subdivision 1. **Date of election.** The municipal general election in each city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a city may, by ordinance passed at a regular meeting held before June 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. A city may hold elections in either the even-numbered year or the odd-numbered year, but not both. When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election. The term of office for the mayor may be either two or four years. The term of office of council members is four years. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made. A municipal general election scheduled to be held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Subd. 1a. **City council members; expiration of terms.** The terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify.

Subd. 2. [Repealed, 1976 c 44 s 70]

Subd. 3. **Effect of ordinance; referendum.** An ordinance changing the year of the municipal election is effective 240 days after passage and publication or at a later date fixed in the ordinance. Within 180 days after passage and publication of the ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition shall be signed by eligible voters equal in number to ten percent of the total number of votes cast in the city at the last municipal general election. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of the voters voting on the question at a general or special election held at least 60 days after submission of the petition. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

History: *1959 c 675 art 6 s 7; 1973 c 123 art 3 s 4; 1974 c 337 s 3; 1976 c 44 s 5; 1981 c 29 art 7 s 38; 1983 c 62 s 3; 1986 c 444; 1991 c 227 s 19,20; 1994 c 646 s 6; 1995 c 8 s 5; 2010 c 201 s 58,59; 2014 c 264 s 22*