



## Legislation Text

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**File #:** 19-0029R, **Version:** 2

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### RESOLUTION ESTABLISHING THE DATE FOR THE MUNICIPAL PRIMARY ELECTION.

#### CITY PROPOSAL:

WHEREAS, pursuant to Laws of Minnesota, 1973, Chapter 281, the Duluth City Council established the municipal primary as the first Tuesday after the second Monday in September by Resolution on November 25, 1974; and

WHEREAS, the Minnesota legislature subsequently established the uniform municipal primary as the second Tuesday in August ("Uniform Primary Date"); and

WHEREAS, subsequent changes to state election law based on the Uniform Primary Date have resulted in election deadlines that conflict with the City's September primary date.

WHEREAS, pursuant to the provisions of Laws of Minnesota, 1973, Chapter 281, the Duluth City Council can designate a new municipal primary election date not less than 14 days before the general election.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, pursuant to the provisions of Laws of Minnesota, 1973, Chapter 281, hereby establishes the second Tuesday in August as the date for the municipal primary election in any year in which a municipal general election is to be held, effective immediately.

FURTHER RESOLVED, that any prior council action establishing the municipal primary date is hereby superseded.

**STATEMENT OF PURPOSE:** This resolution establishes the date for the primary election as the second Tuesday in August of any year in which a municipal election is held. Additionally, pursuant to Laws of Minnesota, 1973, Chapter 281, Independent School District No. 709 ("ISD 709") shall hold its primary election in conjunction with the municipal primary election.

This change is necessary due to conflicts with mandated election deadlines that are a result of legislative changes occurring after 1974. Under current law, the City must have absentee ballots prepared and available 46 days before the general election. If the primary election is held in September, the City Clerk's office has approximately 7 to 10 days in which to have the general election ballot prepared and available for voters. This timeline conflicts with mandated deadlines for canvassing, which is between the third and tenth day after the election, and does not provide sufficient time to process a request for recount. This change would conform the municipal primary election with state election law, provide consistent administration, and reduce the risk of non-compliance.

This resolution also establishes the period for filing for municipal office and the offices of ISD 709. Pursuant to Laws of Minnesota, 1980, Chapter 386, the period for filing an affidavit of candidacy is not more than 70 days nor less than 56 days before the primary election.