CALLING AND CONDUCTING A SPECIAL TOWN MEETING

Meetings held in towns fall into two broad categories – board meetings and town meetings. Board meetings are meetings held by the board of supervisors to conduct those items of town business the legislature has empowered it to act upon. Town meetings are meetings of the town electors (resident voters) held to conduct those items of town business given to the people to act upon.

The annual town meeting occurs on the second Tuesday in March. However, there are times when a town will determine there is a need to call the people together before the next annual town meetings to conduct particular items of town business. These meetings are called special town meetings. The statues outlining the procedures for calling a special town meeting are found at Minn. Stat. §§ 365.52-.58. The following will discuss the purposes for which special town meetings may be called, how they are called, and the procedures for conducting special town meetings.

1) **WHY CALLED**

   a) A special town meeting can be called to conduct any lawful business of the town.¹

      i) This essentially means that whatever business is done at the annual town meeting can be done at a special meeting. However, be aware that the statutes occasionally indicate that an issue can only be discussed at the annual meeting or election.

         (1) Example: The vote on whether to allow the sale of liquor on Sundays within the town “must be held on the day of the annual election of town officers.”²

      ii) The authority given to the electors can typically only be exercised at an annual or special town meeting. Roughly speaking, this is characterized by the notion that the electors act at annual or special town meetings, and the board acts at regular or special board meetings.

   b) In some instances, the statutes refer to calling a special town meeting to conduct an election or to ask a ballot question. It seems that such references are outdated and should be read as referring to special town elections rather than special town meetings.

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1. Minn. Stat. § 365.52, subd. 1.

2. Minn. Stat. § 340A.504, subd. 3(d) (emphasis added).
2) HOW CALLED

a) There are three ways to call a special town meeting:

i) By all of the supervisors, and the clerk, agreeing to call the meeting (See APPENDIX A);

ii) By any two supervisors or a supervisor and the clerk along with at least 12 other town township landowners (See APPENDIX B);

or

iii) By petition of the town electors (See APPENDIX C). The petition must be signed by at least 20 percent of the number of voters at the last general election. General election” includes any “election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.” This definition includes town elections.

b) A statement indicating why the meeting is called, the particular business to be transacted, and that the interests of the town require the meeting must be developed when calling a special town meeting under one of the first two methods above. The petition under the third method (elector petition) should also contain this information.

c) The clerk is required to file the statement of need in the town records.

d) The clerk must give 10 days published notice of the time, place, and purpose of the meeting. (See APPENDIX D)

i) The notice should refer to the meeting as a “special town meeting.” This will help distinguish it from special board meetings, which are merely meetings of the board occurring outside of the regular monthly meetings. The notice must be published in a qualified newspaper of general circulation in the town.

ii) It is possible to post notice as an alternative to published notice, unless the electors at

4. Minn. Stat. § 200.02, subd. 2.
5. Minn. Stat. § 365.52, subd. 1.
7. Minn. Stat. § 365.53, subd. 2.
the annual town meeting have directed otherwise. It is recommended that published notice always be used whenever calling a special town meeting.

3) CONDUCTING SPECIAL TOWN MEETINGS

a) Special town meetings are conducted in the same way as annual town meetings. The primary difference is that only those matters listed in the notice of the meeting can be discussed.  

i) It is recommended that the moderator indicate at the beginning of the meeting that the discussions are limited to the business listed in the notice.

(1) If someone attempts to raise issues not related to the specified purpose of the meeting, the moderator should remind the person of the meeting’s limited scope. If the person persists, it is appropriate for the moderator to rule the person out of order.

ii) Approval of the minutes developed at the special town meeting should occur at the next annual meeting.

4) OVERVIEW OF THE SPECIAL TOWN MEETING PROCESS

a) The special town meeting is called by one of the three specified groups filing the required statement or petition with the town clerk.

b) The clerk files the statement in the town records and publishes 10 days notice of the date, time, place, and purpose of the “special town meeting.”

c) The clerk calls the meeting to order within one hour of the time the meeting convenes.

d) The electors select a moderator to conduct the meeting.

e) The moderator states the order of business and explains the limited scope of the meeting.

f) The moderator conducts the meeting and the clerk keeps the minutes.

g) The scheduled business is conducted.

h) Upon a motion and a positive vote of the majority, the moderator closes or continues the meeting.

i) The minutes are filed in the clerk’s office within two days after the meeting.

8. Minn. Stat. § 365.56, subd. 2.
STATEMENT OF THE TOWN BOARD
CALLING FOR A SPECIAL TOWN MEETING
(Minn. Stat. § 365.52, subd. 1)

We, the undersigned town supervisors and the town clerk of _____________________ Township, ________________ County, Minnesota, do hereby declare that the interests of the town require a special town meeting to be held because:

[explain why the meeting must be called]

The particular business to be transacted at the meeting is as follows: [list the particular items of business to be transacted]

The meeting is to be held on the _______ day of ___________, 20___, at ___________ a.m./p.m., at the following place:_____________________________________________
[insert location]

This statement shall be filed in the town clerk’s office. After the statement is filed, the clerk shall record this statement of need and provide ten days’ published notice of the time, place, and purpose of the meeting in a qualified newspaper having general circulation in the town.

Dated this __________ day of ___________, 20___.

_________________________________
Supervisor

_________________________________
Supervisor

_________________________________
Supervisor

_________________________________
Clerk
STATEMENT OF TOWN OFFICERS AND FREEHOLDERS
CALLING FOR A SPECIAL TOWN MEETING
(Minn. Stat. § 365.52, subd. 1)

We, the undersigned town officers (one being a supervisor and the other being a supervisor or clerk), along with at least 12 landowners, of _____________________ Township, _____________________ County, Minnesota, do hereby declare that the interests of the town require a special town meeting to be held because: [explain why the meeting must be called]

The particular business to be transacted at the meeting is as follows: [list the particular items of business to be transacted]

The meeting is to be held on the _______ day of ____________, 20___, at _________ a.m./p.m., at the following place:_____________________________________________ _____________________________________________.

This statement shall be filed in the town clerk’s office. After the statement is filed, the clerk shall record this statement of need and provide ten days’ published notice of the time, place, and purpose of the meeting in a qualified newspaper having general circulation in the town.

Dated this ____________ day of ____________, 20___

__________________________
Supervisor

__________________________
Town Freeholder

__________________________
Supervisor or Clerk

__________________________
Town Freeholder

__________________________
Town Freeholder

__________________________
Town Freeholder

__________________________
Town Freeholder

(add lines)
PETITION OF TOWN ELECTORS
CALLING FOR A SPECIAL TOWN MEETING
(Minn. Stat. § 365.52, subd. 1)

We, the undersigned town electors of _____________________ Township, ______________ County, Minnesota, which constitute at least 20 percent of the number of voters at the last general election, declare that the interests of the own require a special town call a special town meeting held because: [explain why the meeting must be called]

Therefore, we hereby call a special town meeting, to be held as soon as is practicable, for the following purpose(s):

[list the particular items of business to be transacted]

This petition shall be filed in the town clerk’s office. Once filed, a date for the meeting shall be set and the clerk will provide ten days’ published notice of the time, place, and purpose of the meeting in a qualified newspaper having general circulation in the town.

Dated this __________ day of ___________, 20___

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<th>Town Elector</th>
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(add lines as needed)
__________________ Township, _______________ County

NOTICE OF A SPECIAL TOWN MEETING

Notice is hereby given that a special town meeting of the ______________ Township electors will be held on ____[date]_____, at ________a.m./p.m., at the _______[location]_________ for the following purpose(s): [describe the purposes of the meeting].

All interested parties are encouraged to attend, but only town electors are authorized to vote at the meeting.

Given under my hand this _________ day of ____________, 20__. 

______________________________

Town Clerk