

**CHAPTER 40-03.1**  
**CHANGE FROM COUNCIL SYSTEM TO COMMISSION SYSTEM**

**40-03.1-01. Change from council system of government - Petition required.**

Any city which shall have operated for more than six years since the adoption of the city council system of government or since the last election at which the question of changing from the council system was rejected by a vote of the qualified electors, may change its organization thereunder and adopt the city commission form of government. The proceeding to change shall be initiated by a petition asking for such change signed by not less than forty percent of the qualified electors of the city, as determined by the total number of qualified electors voting at the preceding general election. The signatures to such petition need not be appended to a single paper, but one of the signers upon each paper shall make oath before an officer competent to administer oaths that each signature appearing upon such paper is the genuine signature of the person whose name it purports to be. Each petition, in addition to the names of the signers, shall contain the name, address, and age of each petitioner, and the length of the petitioner's residence in the city. Any petitioner shall be permitted to withdraw that petitioner's name from a petition within five days after the petition is filed.

**40-03.1-02. City auditor to pass on sufficiency of petition.**

Within thirty days after a petition to change from the council system of government is filed, the city auditor shall examine the petition and ascertain from the voters' register whether or not the petition is signed by the required number of qualified electors. The city auditor shall attach to the petition the city auditor's certificate showing the result of the city auditor's examination, and if the city auditor finds the petition to be insufficient, the city auditor's certificate shall show the reason for such determination. An insufficient petition may be amended within ten days after the city auditor's certificate is made. Within thirty days after an amended petition is filed, the city auditor shall make an examination thereof, and if the city auditor's certificate shows such amended petition to be insufficient, the petition shall be returned to the person filing the same without prejudice to the filing of a new petition. If the city auditor shall find the petition or the amended petition to be sufficient, the city auditor shall place the same with the city auditor's certificate before the governing body of the municipality.

**40-03.1-03. Procedure when petition to change from council system of government is filed - Special election - Ballot.**

When a petition to change from the council system of government, together with the city auditor's certificate of sufficiency, is filed with the governing body of a municipality, the governing body shall call a special election at which only the question of changing from the council system of government will be submitted. The date of such election shall not be less than thirty days nor more than ninety days after the date of the auditor's certificate has been filed. The election shall be conducted, returns thereof made, and the result thereof declared in all respects as are other city elections. Notice of such election shall be given by the publication of the proposition to be voted upon, the places where the election will be held, and the date of the election, in each newspaper published in the city, not more than twenty days and not less than five days before the date of such election. The ballot to be used at the election provided for in this section shall be in substantially the following form:

Shall the city of \_\_\_\_\_ change from its organization under the council system of government and become a city under the commission form of government?

Yes

No