

- When you run for public office remember you are entering into a public trust, which is created for the benefit of the public, not for the benefit of the officeholder. *Olson, In re*, 300 N.W. 398, 400 (Minn. 1941). Violations of that public trust can subject you to criminal prosecution.

Making decisions to deliver important services that improve the lives of your friends and neighbors can be rewarding. Serving on the town board is an important way you can preserve your quality of life and build your community.

§ 4-2 Eligibility to Serve

The Minnesota Constitution sets the eligibility requirements to hold public office and authorizes the Legislature to establish qualifications for holding local government office. Minn. Const. Art. 7, § 6; Minn. Const. Art. 12, § 3.

To be eligible to run for town office you must be:

- 1) an eligible voter;
- 2) filed as a candidate for only one position at the same election;
- 3) be at least 21 years old at the time of assuming the office; and
- 4) be a resident of the town for at least 30 days before the election.

What happens if no one runs for office?

There are a couple possibilities. First, an eligible person could win an election as a write-in candidate. The person may purposely run a write-in campaign, or be elected by surprise after receiving a winning number of write-in votes. There are many “surprise” winners in township government. The winner of an election may decline the office, though.

Second, if there is no write-in winner, or the winner declines to accept the office, then the Board appoints a successor pursuant to Minn. Stat. § 367.03.

§ 4-3 Filing for Office

Minn. Stat. § 205.13 governs the filing process. For March elections, candidates must file no more than 70 days, but not less than 56 days, before the election.

For November elections, the affidavit of candidacy must be filed not more than 98 days, but not less than 84 days before the election.

Notice of the filing period, the offices up for election, and where to file must be published in the local newspaper at least two weeks before the first day to file affidavits of candidacy and must be posted at the town’s posting places at least 10 days before the first day to file. ***The clerk’s office must be open for filing from 1:00 to 5:00 p.m. on the last day of the filing period.***

Those interested in running for a township office can contact the town clerk to file for an office. To file, a person completes an affidavit of candidacy and hands it to the town clerk along with a \$2 filing fee. Those who properly file for office will have their name printed on the town’s election ballot.

§ 4-4. Incompatible Positions

One limit placed on town officers is their ineligibility to hold certain other public offices while serving on the town board. Such a situation is known as holding incompatible positions. The courts and the Legislature have reasoned it is a violation of the public trust for one person to hold multiple public offices if those offices are incompatible. “Public offices are incompatible when their functions are inconsistent, their performance resulting in antagonism and a conflict of duty, so that the incumbent of one cannot discharge with fidelity and propriety the duties of both.” *State ex rel. Hilton v. Sword*, 157 Minn. 264, 266, 196 N.W. 467 (1923).

Such antagonism is more likely to exist when one of the positions “can interfere with or has any supervision over the other.” *Kenny v. Goergen*, 31 N.W. 210, 211 (Minn. 1886). The