



## MEMORANDUM

TO: School District Superintendents  
School District Business Managers

FROM: Tom Melcher, Manager  
Division of Program Finance

DATE: November 8, 2001

SUBJECT: Clarification of Operating Referendum Statute

In response to questions that have come up recently regarding the number of operating referendum elections that may be held by a school district during a calendar year, this memorandum is to clarify the provisions of Minnesota Statutes, Section 126C.17, subdivisions 9 and 11, on this subject.

M.S. 126C.17, subdivision 9, clause (a), provides, in part:

*...The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held in a calendar year. Unless the referendum is conducted by mail under paragraph (g), the referendum must be held on the first Tuesday after the first Monday in November...*

M.S. 126C.17, subdivision 11, provides, in part:

*...In addition to the referenda allowed in subdivision 9, clause (a), the commissioner may grant authority to a district to hold a referendum on a different day if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt...*

Taken together, these provisions may be summarized as follows:

1. A school district that is not in statutory operating debt may hold only one operating referendum election in a calendar year.

- The district must choose whether to hold this one election on general election day in November or by mail ballot. It cannot hold one election on general election day in November and a second election during the same calendar year by mail ballot.
  - The district must also choose whether to make the increased levy authority effective in the next calendar year or the calendar year after that. It cannot hold one election to increase the levy effective in the next calendar year and second election during the same calendar year to increase the levy effective in the calendar year after that.
2. In addition to the one election that may be held in a calendar year by any district, school districts meeting all of the following criteria may hold a second operating referendum in a calendar year:
- The school district is in statutory operating debt,
  - It has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt, and
  - It has received approval from the commissioner to hold an additional operating referendum on a different day.

If you have questions concerning this memorandum, please contact me at 651-582-8828 or by e-mail at [tom.melcher@state.mn.us](mailto:tom.melcher@state.mn.us).