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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 839

02/07/2019 Authored by Huot and Nornes
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to elections; amending process to fill a school board vacancy; allowing
1.3 appointee to a vacancy to serve the remainder of the unexpired term; amending
1.4 Minnesota Statutes 2018, section 123B.09, subdivision 5b.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6 Section 1. Minnesota Statutes 2018, section 123B.09, subdivision 5b, is amended to read:
1.7 Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy on the
1.8 board, other than a vacancy described in subdivision 4, must be filled by board appointment
1.9 at a regular or special meeting. The appointment shall be evidenced by a resolution entered
1.10 in the minutes and shall be effective 30 days following adoption of the resolution, subject
1.11 to paragraph (b). If the appointment becomes effective, ~~it shall continue until an election is~~
1.12 ~~held under this subdivision. All elections to fill vacancies shall be for the unexpired term.~~
1.13 ~~A special election to fill the vacancy must be held no later than the first Tuesday after the~~
1.14 ~~first Monday in November following the vacancy. If the vacancy occurs less than 90 days~~
1.15 ~~prior to the first Tuesday after the first Monday in November in the year in which the vacancy~~
1.16 ~~occurs, the special election must be held no later than the first Tuesday after the first Monday~~
1.17 ~~in November of the following calendar year. If the vacancy occurs less than 90 days prior~~
1.18 ~~to the first Tuesday after the first Monday in November in the third year of the term, no~~
1.19 ~~special election is required. If the vacancy is filled by a special election, the person elected~~
1.20 ~~at that election for the ensuing term shall take office immediately after receiving the~~
1.21 ~~certificate of election, filing the bond, and taking the oath of office~~ the appointee shall serve
1.22 for the remainder of the unexpired term.

2.1 (b) An appointment made under paragraph (a) shall not be effective if a petition to reject  
2.2 the appointee is filed with the school district clerk. To be valid, a petition to reject an  
2.3 appointee must be signed by a number of eligible voters residing in the district equal to at  
2.4 least five percent of the total number of voters voting in the district at the most recent state  
2.5 general election, and must be filed within 30 days of the board's adoption of the resolution  
2.6 making the appointment. If a valid petition is filed according to the requirements of this  
2.7 paragraph, the appointment by the school board is ineffective and the board must name a  
2.8 new appointee as provided in paragraph (a).

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to vacancies  
2.10 created on or after that date.