

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1108

(SENATE AUTHORS: HOUSLEY, Bigham, Kent and Wiger)

DATE
02/11/2019

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333 Introduction and first reading
Referred to Local Government

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to counties; allowing a county board to temporarily fill a county
1.3 commissioner vacancy by appointment in certain circumstances; amending
1.4 Minnesota Statutes 2018, section 375.101, subdivision 1.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 375.101, subdivision 1, is amended to read:

1.7 Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided
1.8 in subdivision 3, a vacancy in the office of county commissioner may be filled as provided
1.9 in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to
1.10 be filled under this subdivision and subdivision 2, it must be filled at a special election. The
1.11 county board may by resolution call for a special election to be held on a date authorized
1.12 by section 205.10, subdivision 3a.

1.13 (b) The person elected at the special election shall take office immediately after receipt
1.14 of the certificate of election and upon filing the bond and taking the oath of office and shall
1.15 serve the remainder of the unexpired term. If the county has been reapportioned since the
1.16 commencement of the term of the vacant office, the election shall be based on the district
1.17 as reapportioned.

1.18 (c) If a special election is required to be held to fill a vacancy in the office of county
1.19 commissioner, the county board may temporarily fill the vacancy by appointment before
1.20 the vacancy is filled by special election. Before making an appointment to temporarily fill
1.21 a vacancy under this subdivision, the board must allow public testimony from persons
1.22 residing in the district in which the vacancy occurs relating to the qualifications of the
1.23 prospective appointee. After the board selects the person to temporarily fill the vacancy,

- 2.1 the board shall adopt and enter into the minutes of its proceedings a resolution evidencing
- 2.2 the appointment. The term of the appointment expires when a successor is chosen by special
- 2.3 election and takes the oath of office.