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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 729

- 02/01/2017 Authored by Fenton and O'Driscoll
- The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 03/20/2017 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/16/2017 Referred to the Chief Clerk for Comparison with S. F. No. 514
- 05/17/2017 Postponed Indefinitely

A bill for an act

1.1 relating to elections; making technical and policy changes to provisions related to

1.2 the administration of elections; providing uniform special election dates; changing

1.3 the date of the state primary from August to June; changing the date of primary

1.4 elections conducted by a political subdivision in certain circumstances; authorizing

1.5 the appointment of certain county offices; amending Minnesota Statutes 2016,

1.6 sections 103B.545, subdivision 2; 123A.46, subdivision 12; 123B.09, subdivision

1.7 5b; 123B.63, subdivision 3; 126C.17, subdivision 11; 128D.05, subdivision 2;

1.8 201.121, subdivision 1; 201.225, subdivision 2; 203B.081, subdivision 3; 204B.09,

1.9 subdivision 3; 204B.13, subdivision 1; 204B.14, subdivision 2; 204B.16,

1.10 subdivision 1a; 204B.21; 204B.31, subdivision 2; 204C.32, subdivision 2; 204C.33,

1.11 subdivision 3; 204D.03, subdivision 1; 204D.09, subdivision 1; 204D.28,

1.12 subdivision 5; 205.065, subdivisions 1, 2, 5; 205.07, subdivisions 1, 3; 205.10, by

1.13 adding a subdivision; 205A.03, subdivisions 1, 2; 205A.05, subdivisions 1, 2, by

1.14 adding a subdivision; 205A.06, subdivision 1a; 205A.11, subdivision 2a; 206.61,

1.15 subdivision 5; 206.82, subdivision 2; 208.04, subdivision 1; 211B.11, subdivision

1.16 1; 216B.46; 365A.06, subdivision 2; 367.33, subdivision 1; 375.08; 375.101,

1.17 subdivision 1; 375B.07, subdivision 2; 375B.10; 382.01; 382.02; 383B.031,

1.18 subdivision 1; 383E.24, subdivision 7; 410.10, subdivision 1; 447.32, subdivision

1.19 2; 475.59; proposing coding for new law in Minnesota Statutes, chapters 204B;

1.20 375A; repealing Minnesota Statutes 2016, section 205.10, subdivision 3.

1.21

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

ELECTION ADMINISTRATION

Section 1. Minnesota Statutes 2016, section 123B.09, subdivision 5b, is amended to read:

Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy on the board, other than a vacancy described in subdivision 4, must be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall be effective 30 days following adoption of the resolution, subject to paragraph (b). If the appointment becomes effective, it shall continue until an election is

2.1 held under this subdivision. All elections to fill vacancies shall be for the unexpired term.  
2.2 A special election to fill the vacancy must be held no later than the first Tuesday after the  
2.3 first Monday in November following the vacancy. If the vacancy occurs less than 90 days  
2.4 prior to the first Tuesday after the first Monday in November in the year in which the vacancy  
2.5 occurs, the special election must be held no later than the first Tuesday after the first Monday  
2.6 in November of the following calendar year. If the vacancy occurs less than 90 days prior  
2.7 to the first Tuesday after the first Monday in November in the third year of the term, no  
2.8 special election is required. If the vacancy is filled by a special election, the person elected  
2.9 at that election for the ensuing term shall take office immediately after receiving the  
2.10 certificate of election, filing the bond, and taking the oath of office.

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

2.19 Sec. 2. Minnesota Statutes 2016, section 201.121, subdivision 1, is amended to read:

2.20 Subdivision 1. **Entry of registration information.** (a) At the time a voter registration  
2.21 application is properly completed, submitted, and received in accordance with sections  
2.22 201.061 and 201.071, the county auditor shall enter the information contained on it into the  
2.23 statewide registration system. Voter registration applications completed before election day  
2.24 must be entered into the statewide registration system within ten days after they have been  
2.25 submitted to the county auditor. Voter registration applications completed on election day  
2.26 must be entered into the statewide registration system within 42 days after the election,  
2.27 unless the county auditor notifies the secretary of state before the ~~42-day~~ deadline has  
2.28 expired that the deadline will not be met. Upon receipt of a notification under this paragraph,  
2.29 the secretary of state must extend the deadline for that county auditor by an additional 28  
2.30 days. The secretary of state may waive a county's obligations under this paragraph if, on  
2.31 good cause shown, the county demonstrates its permanent inability to comply.

2.32 The secretary of state must post data on each county's compliance with this paragraph on  
2.33 the secretary of state's Web site including, as applicable, the date each county fully complied  
2.34 or the deadline by which a county's compliance must be complete.

3.1 (b) Upon receiving a completed voter registration application, the secretary of state may  
3.2 electronically transmit the information on the application to the appropriate county auditor  
3.3 as soon as possible for review by the county auditor before final entry into the statewide  
3.4 registration system. The secretary of state may mail the voter registration application to the  
3.5 county auditor.

3.6 (c) Within ten days after the county auditor has entered information from a voter  
3.7 registration application into the statewide registration system, the secretary of state shall  
3.8 compare the voter's name, date of birth, and driver's license number, state identification  
3.9 number, or the last four digits of the Social Security number with the same information  
3.10 contained in the Department of Public Safety database.

3.11 (d) The secretary of state shall provide a report to the county auditor on a weekly basis  
3.12 that includes a list of voters whose name, date of birth, or identification number have been  
3.13 compared with the same information in the Department of Public Safety database and cannot  
3.14 be verified as provided in this subdivision. The report must list separately those voters who  
3.15 have submitted a voter registration application by mail and have not voted in a federal  
3.16 election in this state.

3.17 (e) The county auditor shall compile a list of voters for whom the county auditor and  
3.18 the secretary of state are unable to conclude that information on the voter registration  
3.19 application and the corresponding information in the Department of Public Safety database  
3.20 relate to the same person.

3.21 (f) The county auditor shall send a notice of incomplete registration to any voter whose  
3.22 name appears on the list and change the voter's status to "incomplete." A voter who receives  
3.23 a notice of incomplete registration from the county auditor may either provide the information  
3.24 required to complete the registration at least 21 days before the next election or at the polling  
3.25 place on election day.

3.26 Sec. 3. Minnesota Statutes 2016, section 201.225, subdivision 2, is amended to read:

3.27 Subd. 2. **Technology requirements.** An electronic roster must:

3.28 (1) be able to be loaded with a data file that includes voter registration data in a file  
3.29 format prescribed by the secretary of state;

3.30 (2) allow for data to be exported in a file format prescribed by the secretary of state;

3.31 (3) allow for data to be entered manually or by scanning a Minnesota driver's license or  
3.32 identification card to locate a voter record or populate a voter registration application that  
3.33 would be printed and signed and dated by the voter. The printed registration application

4.1 can be either a printed form, labels printed with voter information to be affixed to a preprinted  
4.2 form, ~~or~~ a combination of both, or an electronic record that the voter signs electronically  
4.3 and is printed following its completion at the polling place;

4.4 (4) allow an election judge to update data that was populated from a scanned driver's  
4.5 license or identification card;

4.6 (5) cue an election judge to ask for and input data that is not populated from a scanned  
4.7 driver's license or identification card that is otherwise required to be collected from the voter  
4.8 or an election judge;

4.9 (6) immediately alert the election judge if the voter has provided information that indicates  
4.10 that the voter is not eligible to vote;

4.11 (7) immediately alert the election judge if the electronic roster indicates that a voter has  
4.12 already voted in that precinct, the voter's registration status is challenged, or it appears the  
4.13 voter resides in a different precinct;

4.14 (8) provide immediate instructions on how to resolve a particular type of challenge when  
4.15 a voter's record is challenged;

4.16 (9) provide for a printed voter signature certificate, containing the voter's name, address  
4.17 of residence, date of birth, voter identification number, the oath required by section 204C.10,  
4.18 and a space for the voter's original signature. The printed voter signature certificate can be  
4.19 either a printed form or a label printed with the voter's information to be affixed to the oath,  
4.20 or an electronic record that the voter signs electronically and is printed following its  
4.21 completion at the polling place;

4.22 (10) contain only preregistered voters within the precinct, and not contain preregistered  
4.23 voter data on voters registered outside of the precinct;

4.24 (11) be only networked within the polling location on election day, except for the purpose  
4.25 of updating absentee ballot records;

4.26 (12) meet minimum security, reliability, and networking standards established by the  
4.27 Office of the Secretary of State in consultation with the Office of MN.IT Services;

4.28 (13) be capable of providing a voter's correct polling place; and

4.29 (14) perform any other functions necessary for the efficient and secure administration  
4.30 of the participating election, as determined by the secretary of state.

5.1 Electronic rosters used only for election day registration do not need to comply with clauses  
5.2 (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need  
5.3 to comply with clauses (4) and (5).

5.4 Sec. 4. Minnesota Statutes 2016, section 203B.081, subdivision 3, is amended to read:

5.5 Subd. 3. **Alternative procedure.** (a) The county auditor may make available a ballot  
5.6 counter and ballot box for use by the voters ~~during the seven days before the election~~. If a  
5.7 ballot counter and ballot box is provided, a voter must be given the option either (1) to vote  
5.8 using the process provided in section 203B.08, subdivision 1, or (2) to vote in the manner  
5.9 provided in this subdivision. When providing these options, the county auditor must inform  
5.10 the voter that choosing to cast an absentee ballot in the manner provided in this subdivision  
5.11 prohibits the voter from submitting a replacement absentee ballot at a later date.

5.12 (b) If a voter chooses to vote in the manner provided in this subdivision, the voter must  
5.13 state the voter's name, address, and date of birth to the county auditor or municipal clerk.  
5.14 The voter shall sign a voter's certificate, which must include the voter's name, identification  
5.15 number, and the certification required by section 201.071, subdivision 1. The certificate  
5.16 must also include the following statement: "I understand that my absentee ballot will be  
5.17 counted as cast today, and that I cannot submit a replacement absentee ballot to change my  
5.18 votes at a later date." The signature of an individual on the voter's certificate and the issuance  
5.19 of a ballot to the individual is evidence of the intent of the individual to vote at that election.

5.20 (c) After signing the voter's certificate, the voter shall be issued a ballot and immediately  
5.21 retire to a voting station or other designated location in the polling place to mark the ballot.  
5.22 The ballot must not be taken from the polling place. If the voter spoils the ballot, the voter  
5.23 may return it to the election official in exchange for a new ballot. After completing the  
5.24 ballot, the voter shall deposit the ballot into the ballot box.

5.25 (d) The election official must immediately record that the voter has voted in the manner  
5.26 provided in section 203B.121, subdivision 3.

5.27 (e) The election duties required by this subdivision must be performed by the county  
5.28 auditor, municipal clerk, or a deputy of the auditor or clerk.

5.29 Sec. 5. Minnesota Statutes 2016, section 204B.09, subdivision 3, is amended to read:

5.30 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who  
5.31 wants write-in votes for the candidate to be counted must file a written request with the  
5.32 filing office for the office sought not more than 84 days before the primary and no later

6.1 than the seventh day before the general election. The filing officer shall provide copies of  
6.2 the form to make the request. No written request shall be accepted later than 5:00 p.m. on  
6.3 the last day for filing a written request.

6.4 (b) A candidate for president of the United States who files a request under this  
6.5 subdivision must include the name of a candidate for vice-president of the United States.  
6.6 The request must also include the name of at least one candidate for presidential elector.  
6.7 The total number of names of candidates for presidential elector on the request may not  
6.8 exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

6.9 (c) A candidate for governor who files a request under this subdivision must include the  
6.10 name of a candidate for lieutenant governor.

6.11 Sec. 6. Minnesota Statutes 2016, section 204B.13, subdivision 1, is amended to read:

6.12 Subdivision 1. **Partisan office.** (a) A vacancy in nomination for a partisan office must  
6.13 be filled in the manner provided by this section. A vacancy in nomination exists for a partisan  
6.14 office when a major political party candidate who has been nominated in accordance with  
6.15 section 204D.03, subdivision 3, or 204D.10, subdivision 1:

6.16 (1) dies;

6.17 (2) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at least  
6.18 one day prior to the general election with the same official who received the affidavit of  
6.19 candidacy; or

6.20 (3) is determined to be ineligible to hold the office the candidate is seeking, pursuant to  
6.21 a court order issued under section 204B.44.

6.22 (b) An affidavit of withdrawal filed under paragraph (a), clause ~~(3)~~ (2), must state that  
6.23 the candidate has been diagnosed with a catastrophic illness that will permanently and  
6.24 continuously incapacitate the candidate and prevent the candidate from performing the  
6.25 duties of the office sought, if elected. The affidavit must be accompanied by a certificate  
6.26 verifying the candidate's illness meets the requirements of this paragraph, signed by at least  
6.27 two licensed physicians. The affidavit and certificate may be filed by the candidate or the  
6.28 candidate's legal guardian.

6.29 Sec. 7. Minnesota Statutes 2016, section 204B.16, subdivision 1a, is amended to read:

6.30 Subd. 1a. **Notice to voters.** If the location of a polling place has been changed, the  
6.31 governing body establishing the polling place shall send to every affected household with  
6.32 at least one registered voter in the precinct a nonforwardable mailed notice stating the

7.1 location of the new polling place at least 25 days before the next election. The secretary of  
 7.2 state shall prepare a sample of this notice. A notice that is returned as undeliverable must  
 7.3 be forwarded immediately to the county auditor. This subdivision does not apply to a polling  
 7.4 place location that is changed on election day under section ~~204B.17~~ 204B.175.

7.5 Sec. 8. Minnesota Statutes 2016, section 204B.21, is amended to read:

7.6 **204B.21 APPOINTMENT OF ELECTION JUDGES.**

7.7 Subdivision 1. **Appointment lists; duties of political parties and secretary of state.**

7.8 On May 1 in a year in which there is an election for a partisan political office, each major  
 7.9 political party shall prepare a list of eligible voters to act as election judges in each election  
 7.10 precinct. The list provided by the party must indicate which eligible voters are willing to  
 7.11 travel to a precinct outside of their home jurisdiction to act as an election judge, and the  
 7.12 jurisdictions to which each eligible voter is willing to travel for that purpose. The political  
 7.13 parties shall furnish the lists electronically to the secretary of state, in a format specified by  
 7.14 the secretary of state. The secretary of state must combine the data received from each  
 7.15 political party under this subdivision and must process the data to locate the precinct in  
 7.16 which the address provided for each potential election judge is located. If the data submitted  
 7.17 by a political party is insufficient for the secretary of state to locate the proper precinct, the  
 7.18 associated name must not appear in any list forwarded to an appointing authority under this  
 7.19 subdivision. The secretary of state shall notify political parties of any proposed election  
 7.20 judges with addresses that could not be located in a precinct.

7.21 By May 15, the secretary of state shall furnish electronically to the county auditor a list  
 7.22 of the appropriate names for each election precinct in the jurisdiction of the appointing  
 7.23 authority, and a list of the names of individuals residing outside of the jurisdiction who  
 7.24 indicated a willingness to travel to that jurisdiction to act as an election judge, noting the  
 7.25 political party affiliation of each individual on the list. The county auditor must promptly  
 7.26 forward the appropriate names to the appropriate municipal clerk.

7.27 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a  
 7.28 municipality shall be appointed by the governing body of the municipality. Election judges  
 7.29 for precincts in unorganized territory and for performing election-related duties assigned  
 7.30 by the county auditor shall be appointed by the county board. Election judges for a precinct  
 7.31 composed of two or more municipalities must be appointed by the governing body of the  
 7.32 municipality or municipalities responsible for appointing election judges as provided in the  
 7.33 agreement to combine for election purposes. Except as otherwise provided in this section,  
 7.34 appointments shall be made from ~~lists~~ the list of voters who reside in each precinct, furnished

8.1 pursuant to subdivision 1, subject to the eligibility requirements and other qualifications  
8.2 established or authorized under section 204B.19. At least two election judges in each precinct  
8.3 must be affiliated with different major political parties. If no lists have been furnished or if  
8.4 additional election judges are required after all listed names in that municipality have been  
8.5 exhausted, the appointing authority may appoint other individuals who meet the qualifications  
8.6 to serve as an election judge, including persons on the list furnished pursuant to subdivision  
8.7 1 who indicated a willingness to travel to the municipality, and persons who are not affiliated  
8.8 with a major political party. The appointments shall be made at least 25 days before the  
8.9 election at which the election judges will serve, except that the appointing authority may  
8.10 pass a resolution authorizing the appointment of additional election judges within the 25  
8.11 days before the election if the appointing authority determines that additional election judges  
8.12 will be required.

8.13 Sec. 9. Minnesota Statutes 2016, section 204B.31, subdivision 2, is amended to read:

8.14 Subd. 2. **Volunteer service; election judge travel.** (a) Any person appointed to serve  
8.15 as an election judge may elect to serve without payment by submitting a written statement  
8.16 to the appropriate governing body no later than ten days before the election.

8.17 (b) Subdivision 1 does not require the payment of mileage or other travel expenses to  
8.18 an election judge residing in another jurisdiction, if the election judge's name was included  
8.19 on the list of individuals who indicated a willingness to travel to another jurisdiction provided  
8.20 under section 204B.21, subdivision 1.

8.21 Sec. 10. **[204B.49] "I VOTED" STICKERS.**

8.22 The secretary of state, county auditor, municipal clerk, school district clerk, or an election  
8.23 judge may provide a sticker containing the words "I VOTED," and nothing more, to an  
8.24 individual who:

8.25 (1) has successfully deposited a ballot into a ballot box, under section 203B.081,  
8.26 subdivision 3, or 204C.13, subdivision 5;

8.27 (2) is provided an absentee ballot under section 203B.07, subdivision 1, or 203B.21,  
8.28 subdivision 2; or

8.29 (3) is provided a ballot by mail under section 204B.45 or 204B.46.



9.1 Sec. 11. Minnesota Statutes 2016, section 204C.32, subdivision 2, is amended to read:

9.2 Subd. 2. **State canvass.** The State Canvassing Board shall meet ~~at the secretary of state's~~  
 9.3 ~~office~~ at a public meeting space located in the Capitol complex area seven days after the  
 9.4 state primary to canvass the certified copies of the county canvassing board reports received  
 9.5 from the county auditors. Immediately after the canvassing board declares the results, the  
 9.6 secretary of state shall certify the names of the nominees to the county auditors. The secretary  
 9.7 of state shall mail to each nominee a notice of nomination.

9.8 Sec. 12. Minnesota Statutes 2016, section 204C.33, subdivision 3, is amended to read:

9.9 Subd. 3. **State canvass.** The State Canvassing Board shall meet ~~at the secretary of state's~~  
 9.10 ~~office~~ at a public meeting space located in the Capitol complex area on the third Tuesday  
 9.11 following the state general election to canvass the certified copies of the county canvassing  
 9.12 board reports received from the county auditors and shall prepare a report that states:

9.13 ~~(a)~~ (1) the number of individuals voting in the state and in each county;

9.14 ~~(b)~~ (2) the number of votes received by each of the candidates, specifying the counties  
 9.15 in which they were cast; and

9.16 ~~(c)~~ (3) the number of votes counted for and against each constitutional amendment,  
 9.17 specifying the counties in which they were cast.

9.18 All members of the State Canvassing Board shall sign the report and certify its  
 9.19 correctness. The State Canvassing Board shall declare the result within three days after  
 9.20 completing the canvass.

9.21 Sec. 13. Minnesota Statutes 2016, section 205.065, subdivision 5, is amended to read:

9.22 Subd. 5. **Results.** ~~(a)~~ The municipal primary shall be conducted and the returns made  
 9.23 in the manner provided for the state primary so far as practicable. ~~If the primary is conducted:~~

9.24 ~~(1) only within that municipality, a~~ The canvass may be conducted on either the second  
 9.25 or third day after the primary; ~~or~~

9.26 ~~(2) in conjunction with the state primary, the canvass must be conducted on the third~~  
 9.27 ~~day after the primary, except as otherwise provided in paragraph (b).~~

9.28 The governing body of the municipality shall canvass the returns, and the two candidates  
 9.29 for each office who receive the highest number of votes, or a number of candidates equal  
 9.30 to twice the number of individuals to be elected to the office, who receive the highest number  
 9.31 of votes, shall be the nominees for the office named. Their names shall be certified to the

10.1 municipal clerk who shall place them on the municipal general election ballot without  
10.2 partisan designation and without payment of an additional fee.

10.3 ~~(b) Following a municipal primary as described in paragraph (a), clause (2), a canvass~~  
10.4 ~~may be conducted on the second day after the primary if the county auditor of each county~~  
10.5 ~~in which the municipality is located agrees to administratively review the municipality's~~  
10.6 ~~primary voting statistics for accuracy and completeness within a time that permits the canvass~~  
10.7 ~~to be conducted on that day.~~

10.8 Sec. 14. Minnesota Statutes 2016, section 205.07, subdivision 1, is amended to read:

10.9 Subdivision 1. **Date of election.** The municipal general election in each city shall be  
10.10 held on the first Tuesday after the first Monday in November in every even-numbered year.  
10.11 Notwithstanding any provision of law to the contrary and subject to the provisions of this  
10.12 section, the governing body of a city may, by ordinance passed at a regular meeting held  
10.13 ~~before June 1 of any year, elect to~~ at least 180 calendar days before the first day to file for  
10.14 candidacy in the next municipal election, decide to hold the election on the first Tuesday  
10.15 after the first Monday in November in ~~each~~ either an even- or odd-numbered year. A city  
10.16 may hold elections in either the even-numbered year or the odd-numbered year, but not  
10.17 both. When a city changes its elections from one year to another, and does not provide for  
10.18 the expiration of terms by ordinance, the term of an incumbent expiring at a time when no  
10.19 municipal election is held in the months immediately prior to expiration is extended until  
10.20 the date for taking office following the next scheduled municipal election. If the change  
10.21 results in having three council members to be elected at a succeeding election, the two  
10.22 individuals receiving the highest vote shall serve for terms of four years and the individual  
10.23 receiving the third highest number of votes shall serve for a term of two years. To provide  
10.24 an orderly transition to the odd or even year election plan, the governing body of the city  
10.25 may adopt supplementary ordinances regulating initial elections and officers to be chosen  
10.26 at the elections and shortening or lengthening the terms of incumbents and those elected at  
10.27 the initial election. The term of office for the mayor may be either two or four years. The  
10.28 term of office of council members is four years. Whenever the time of the municipal election  
10.29 is changed, the city clerk immediately shall notify in writing the county auditor and secretary  
10.30 of state of the change of date. Thereafter the municipal general election shall be held on the  
10.31 first Tuesday after the first Monday in November in each odd-numbered or even-numbered  
10.32 year until the ordinance is revoked and notification of the change is made. A municipal  
10.33 general election scheduled to be held in an odd-numbered year may be postponed for  
10.34 inclement weather as provided in section 205.105.

11.1 Sec. 15. Minnesota Statutes 2016, section 205A.05, subdivision 2, is amended to read:

11.2 Subd. 2. **Vacancies in school district offices.** Special elections to fill vacancies in  
11.3 elective school district offices shall be held in school districts pursuant to section ~~123B.095~~  
11.4 123B.09. When more than one vacancy exists in an office elected at-large, voters must be  
11.5 instructed to vote for up to the number of vacancies to be filled.

11.6 Sec. 16. Minnesota Statutes 2016, section 208.04, subdivision 1, is amended to read:

11.7 Subdivision 1. **Form of presidential ballots.** When presidential electors and alternates  
11.8 are to be voted for, a vote cast for the party candidates for president and vice president shall  
11.9 be deemed a vote for that party's electors and alternates as filed with the secretary of state.  
11.10 The secretary of state shall certify the names of all duly nominated presidential and vice  
11.11 presidential candidates to the county auditors of the counties of the state. Each county  
11.12 auditor, subject to the rules of the secretary of state, shall cause the names of the candidates  
11.13 of each major political party and the candidates nominated by petition to be ~~printed in capital~~  
11.14 ~~letters,~~ set in type of the same size and style as for candidates on the state general election  
11.15 ballot, before the party designation. To the left of, and on the same line with the names of  
11.16 the candidates for president and vice president, near the margin, shall be placed ~~a square or~~  
11.17 ~~box~~ an oval or similar target shape, in which the voters may indicate their choice ~~by marking~~  
11.18 ~~an "X."~~.

11.19 The form for the presidential ballot and the relative position of the several candidates  
11.20 shall be determined by the rules applicable to other state officers. The state ballot, with the  
11.21 required heading, shall be printed on the same piece of paper and shall be below the  
11.22 presidential ballot with a blank space between one inch in width.

11.23 Sec. 17. Minnesota Statutes 2016, section 211B.11, subdivision 1, is amended to read:

11.24 Subdivision 1. **Soliciting near polling places.** A person may not display campaign  
11.25 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within  
11.26 a polling place or within 100 feet of the building in which a polling place is situated, or  
11.27 anywhere on the public property on which a polling place is situated, on primary or election  
11.28 day to vote for or refrain from voting for a candidate or ballot question. A person may not  
11.29 provide political badges, political buttons, or other political insignia to be worn at or about  
11.30 the polling place on the day of a primary or election. A political badge, political button, or  
11.31 other political insignia may not be worn at or about the polling place on primary or election  
11.32 day. This section applies to areas established by the county auditor or municipal clerk for  
11.33 absentee voting as provided in chapter 203B.

12.1 ~~The secretary of state, county auditor, municipal clerk, or school district clerk may~~  
12.2 ~~provide stickers which contain the words "I VOTED" and nothing more. Election judges~~  
12.3 ~~may offer a sticker of this type to each voter who has signed the polling place roster or voter~~  
12.4 ~~signature certificate~~ Nothing in this subdivision prohibits the distribution of "I VOTED"  
12.5 stickers as provided in section 204B.49.

## 12.6 ARTICLE 2

### 12.7 UNIFORM SPECIAL ELECTIONS

12.8 Section 1. Minnesota Statutes 2016, section 103B.545, subdivision 2, is amended to read:

12.9 Subd. 2. **Election.** The county board or joint county authority shall conduct a special  
12.10 election ~~in July or August after receiving the referendum petition~~ on a date authorized in  
12.11 section 205.10, subdivision 3a. The special election must be held within the proposed lake  
12.12 improvement district. The county auditor shall administer the special election.

12.13 Sec. 2. Minnesota Statutes 2016, section 123A.46, subdivision 12, is amended to read:

12.14 Subd. 12. **Election date.** If an election is required under subdivision 11, then before the  
12.15 expiration of a 45 day period after the date of the order for dissolution and attachment, the  
12.16 auditor shall set a date and call the election by filing a written order for the election and  
12.17 serving a copy of the order personally or by mail on the clerk of the district in which the  
12.18 election is to be held. ~~The date shall be not less than 15 nor more than 30 days after the date~~  
12.19 ~~of the order, upon which date a special election shall be held in the district proposed for~~  
12.20 dissolution and must be held on a date authorized in section 205A.05, subdivision 1a. The  
12.21 auditor shall post and publish notice of the election according to law. Upon receipt of the  
12.22 notice, the board shall conduct the election.

12.23 Sec. 3. Minnesota Statutes 2016, section 123B.63, subdivision 3, is amended to read:

12.24 Subd. 3. **Capital project levy referendum.** (a) A district may levy the local tax rate  
12.25 approved by a majority of the electors voting on the question to provide funds for an approved  
12.26 project. The election must take place no more than five years before the estimated date of  
12.27 commencement of the project. The referendum must be held on a date ~~set by the board~~  
12.28 authorized by section 205A.05, subdivision 1a. A district must meet the requirements of  
12.29 section 123B.71 for projects funded under this section. If a review and comment is required  
12.30 under section 123B.71, subdivision 8, a referendum for a project not receiving a positive  
12.31 review and comment by the commissioner must be approved by at least 60 percent of the  
12.32 voters at the election.

13.1 (b) The referendum may be called by the school board and may be held:

13.2 (1) separately, before an election for the issuance of obligations for the project under  
13.3 chapter 475; or

13.4 (2) in conjunction with an election for the issuance of obligations for the project under  
13.5 chapter 475; or

13.6 (3) notwithstanding section 475.59, as a conjunctive question authorizing both the capital  
13.7 project levy and the issuance of obligations for the project under chapter 475. Any obligations  
13.8 authorized for a project may be issued within five years of the date of the election.

13.9 (c) The ballot must provide a general description of the proposed project, state the  
13.10 estimated total cost of the project, state whether the project has received a positive or negative  
13.11 review and comment from the commissioner, state the maximum amount of the capital  
13.12 project levy as a percentage of net tax capacity, state the amount that will be raised by that  
13.13 local tax rate in the first year it is to be levied, and state the maximum number of years that  
13.14 the levy authorization will apply.

13.15 The ballot must contain a textual portion with the information required in this section  
13.16 and a question stating substantially the following:

13.17 "Shall the capital project levy proposed by the board of ..... School District No. ....  
13.18 be approved?"

13.19 If approved, the amount provided by the approved local tax rate applied to the net tax  
13.20 capacity for the year preceding the year the levy is certified may be certified for the number  
13.21 of years, not to exceed ten, approved.

13.22 (d) If the district proposes a new capital project to begin at the time the existing capital  
13.23 project expires and at the same maximum tax rate, the general description on the ballot may  
13.24 state that the capital project levy is being renewed and that the tax rate is not being increased  
13.25 from the previous year's rate. An election to renew authority under this paragraph may be  
13.26 called at any time that is otherwise authorized by this subdivision. The ballot notice required  
13.27 under section 275.60 may be modified to read:

13.28 "BY VOTING YES ON THIS BALLOT QUESTION, YOU ARE VOTING TO RENEW  
13.29 AN EXISTING CAPITAL PROJECTS REFERENDUM THAT IS SCHEDULED TO  
13.30 EXPIRE."

13.31 (e) In the event a conjunctive question proposes to authorize both the capital project  
13.32 levy and the issuance of obligations for the project, appropriate language authorizing the  
13.33 issuance of obligations must also be included in the question.

14.1 (f) The district must notify the commissioner of the results of the referendum.

14.2 Sec. 4. Minnesota Statutes 2016, section 126C.17, subdivision 11, is amended to read:

14.3 Subd. 11. **Referendum date.** (a) Except for a referendum held under paragraph (b), any  
14.4 referendum under this section held on a day other than the first Tuesday after the first  
14.5 Monday in November must be conducted by mail in accordance with section 204B.46 and  
14.6 held on a date authorized by section 205A.05, subdivision 1a. Notwithstanding subdivision  
14.7 9, paragraph (b), to the contrary, in the case of a referendum conducted by mail under this  
14.8 paragraph, the notice required by subdivision 9, paragraph (b), must be prepared and delivered  
14.9 by first-class mail at least 20 days before the referendum.

14.10 (b) In addition to the referenda allowed in subdivision 9, clause (a), the commissioner  
14.11 may grant authority to a district to hold a referendum on a ~~different day~~ date authorized by  
14.12 section 205A.05, subdivision 1a, if the district is in statutory operating debt and has an  
14.13 approved plan or has received an extension from the department to file a plan to eliminate  
14.14 the statutory operating debt.

14.15 (c) The commissioner must approve, deny, or modify each district's request for a  
14.16 referendum levy on a different day within 60 days of receiving the request from a district.

14.17 Sec. 5. Minnesota Statutes 2016, section 128D.05, subdivision 2, is amended to read:

14.18 Subd. 2. **Time of change.** A proposed change in election years adopted under subdivision  
14.19 1 is effective 240 days after passage and publication or at a later date fixed in the proposal.  
14.20 Within 180 days after passage and publication of the proposal, a petition requesting a  
14.21 referendum on the proposal may be filed with the school district clerk. The petition must  
14.22 be signed by eligible voters equal in number to five percent of the total number of votes  
14.23 cast in the city of Minneapolis at the most recent state general election. If the requisite  
14.24 petition is filed within the prescribed period, the proposal does not become effective until  
14.25 it is approved by a majority of the voters voting on the question at a general or special  
14.26 election held ~~at least 60 days after submission of the petition~~ on a date authorized by section  
14.27 205A.05, subdivision 1a. If the petition is filed, the governing body may reconsider its  
14.28 action in adopting the proposal.

14.29 Sec. 6. Minnesota Statutes 2016, section 205.07, subdivision 3, is amended to read:

14.30 Subd. 3. **Effect of ordinance; referendum.** An ordinance changing the year of the  
14.31 municipal election is effective 240 days after passage and publication or at a later date fixed  
14.32 in the ordinance. Within 180 days after passage and publication of the ordinance, a petition

15.1 requesting a referendum on the ordinance may be filed with the city clerk. The petition shall  
15.2 be signed by eligible voters equal in number to ten percent of the total number of votes cast  
15.3 in the city at the last municipal general election. If the requisite petition is filed within the  
15.4 prescribed period, the ordinance shall not become effective until it is approved by a majority  
15.5 of the voters voting on the question at a general or special election held ~~at least 60 days~~  
15.6 ~~after submission of the petition~~ on a date authorized by section 205.10, subdivision 3a. If  
15.7 the petition is filed, the governing body may reconsider its action in adopting the ordinance.

15.8 Sec. 7. Minnesota Statutes 2016, section 205.10, is amended by adding a subdivision to  
15.9 read:

15.10 Subd. 3a. **Special election dates.** (a) Except as allowed in paragraph (b) and subdivision  
15.11 4, a special election held in a city or town must be held on one of the following dates: the  
15.12 second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the  
15.13 second Tuesday in August, or the first Tuesday after the first Monday in November. A home  
15.14 rule charter city must not designate additional dates in its charter.

15.15 (b) A special election may be held on a date other than those designated in paragraph  
15.16 (a) if the special election is held in response to an emergency or disaster. "Emergency"  
15.17 means an unforeseen combination of circumstances that calls for immediate action to prevent  
15.18 a disaster from developing or occurring. "Disaster" means a situation that creates an actual  
15.19 or imminent serious threat to the health and safety of persons or a situation that has resulted  
15.20 or is likely to result in catastrophic loss to property or the environment.

15.21 Sec. 8. Minnesota Statutes 2016, section 205A.05, subdivision 1, is amended to read:

15.22 Subdivision 1. **Questions.** ~~(a)~~ Special elections must be held for a school district on a  
15.23 question on which the voters are authorized by law to pass judgment. The school board may  
15.24 on its own motion call a special election to vote on any matter requiring approval of the  
15.25 voters of a district. Upon petition filed with the school board of 50 or more voters of the  
15.26 school district or five percent of the number of voters voting at the preceding school district  
15.27 general election, whichever is greater, the school board shall by resolution call a special  
15.28 election to vote on any matter requiring approval of the voters of a district. A question is  
15.29 carried only with the majority in its favor required by law. The election officials for a special  
15.30 election are the same as for the most recent school district general election unless changed  
15.31 according to law. Otherwise, special elections must be conducted and the returns made in  
15.32 the manner provided for the school district general election.

15.33 ~~(b) A special election may not be held:~~

16.1 ~~(1) during the 56 days before and the 56 days after a regularly scheduled primary or~~  
 16.2 ~~general election conducted wholly or partially within the school district;~~

16.3 ~~(2) on the date of a regularly scheduled town election or annual meeting in March~~  
 16.4 ~~conducted wholly or partially within the school district; or~~

16.5 ~~(3) during the 30 days before or the 30 days after a regularly scheduled town election~~  
 16.6 ~~in March conducted wholly or partially within the school district.~~

16.7 ~~(e) Notwithstanding any other law to the contrary, the time period in which a special~~  
 16.8 ~~election must be conducted under any other law may be extended by the school board to~~  
 16.9 ~~conform with the requirements of this subdivision.~~

16.10 Sec. 9. Minnesota Statutes 2016, section 205A.05, is amended by adding a subdivision to  
 16.11 read:

16.12 Subd. 1a. **Special election dates.** (a) Except as allowed in paragraph (b), a special  
 16.13 election held in a school district must be held on one of the following dates: the second  
 16.14 Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second  
 16.15 Tuesday in August, or the first Tuesday after the first Monday in November.

16.16 (b) A special election may be held on a date other than those designated in paragraph  
 16.17 (a) if the special election is held in response to an emergency or disaster. "Emergency"  
 16.18 means an unforeseen combination of circumstances that calls for immediate action to prevent  
 16.19 a disaster from developing or occurring. "Disaster" means a situation that creates an actual  
 16.20 or imminent serious threat to the health and safety of persons or a situation that has resulted  
 16.21 or is likely to result in catastrophic loss to property or the environment.

16.22 Sec. 10. Minnesota Statutes 2016, section 216B.46, is amended to read:

16.23 **216B.46 MUNICIPAL ACQUISITION PROCEDURES; NOTICE; ELECTION.**

16.24 Any municipality which desires to acquire the property of a public utility as authorized  
 16.25 under the provisions of section 216B.45 may determine to do so by resolution of the  
 16.26 governing body of the municipality taken after a public hearing of which at least 30 days'  
 16.27 published notice shall be given as determined by the governing body. The determination  
 16.28 shall become effective when ratified by a majority of the qualified electors voting on the  
 16.29 question at a special election to be held ~~for that purpose, not less than 60 nor more than 120~~  
 16.30 ~~days after the resolution of the governing body of the municipality~~ on a date authorized by  
 16.31 section 205.10, subdivision 3a.



17.1 Sec. 11. Minnesota Statutes 2016, section 365A.06, subdivision 2, is amended to read:

17.2 Subd. 2. **Election.** The town board shall hold a special election within the boundaries  
17.3 of the proposed district ~~not less than 30 nor more than 90 days after receipt of the petition~~  
17.4 on a date authorized by section 205.10, subdivision 3a. The question submitted and voted  
17.5 upon by the property owners within the territory of the proposed district must be phrased  
17.6 substantially as follows:

17.7 "Shall a subordinate service district be established to provide (service or services to be  
17.8 provided) financed by (revenue sources)?"

17.9 If a majority of those voting on the question favor creation of the district, the district  
17.10 shall begin upon certification of the vote by the town clerk. The town clerk shall administer  
17.11 the election.

17.12 Sec. 12. Minnesota Statutes 2016, section 367.33, subdivision 1, is amended to read:

17.13 Subdivision 1. **Election at annual election or special election.** Following the adoption  
17.14 of option A in a town, except a town exercising the powers of a statutory city, the town  
17.15 board may call a special town election to be held ~~not less than 30 nor more than 60 days~~  
17.16 ~~after the annual town election at which the option is adopted~~ on a date authorized by section  
17.17 205.10, subdivision 3a, to elect two additional members to the board of supervisors. In lieu  
17.18 of a special election, the town board may determine to elect the additional members at the  
17.19 next annual town election.

17.20 If the town is exercising the powers of a statutory city under section 368.01 or a special  
17.21 law granting substantially similar powers, the town board shall call a special election to be  
17.22 held ~~not less than 30 nor more than 60 days after the annual election~~ on a date authorized  
17.23 by section 205.10, subdivision 3a, at which option A is adopted to elect the two additional  
17.24 supervisors.

17.25 Sec. 13. Minnesota Statutes 2016, section 375.101, subdivision 1, is amended to read:

17.26 Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided  
17.27 in subdivision 3, a vacancy in the office of county commissioner may be filled as provided  
17.28 in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to  
17.29 be filled under this subdivision and subdivision 2, it must be filled at a special election. The  
17.30 county board may by resolution call for a special election to be held ~~according to the earliest~~  
17.31 ~~of the following time schedules:~~

18.1 ~~(1) not less than 120 days following the date the vacancy is declared, but no later than~~  
 18.2 ~~12 weeks prior to the date of the next regularly scheduled primary election;~~

18.3 ~~(2) concurrently with the next regularly scheduled primary election and general election;~~

18.4 ~~or~~

18.5 ~~(3) no sooner than 120 days following the next regularly scheduled general election on~~  
 18.6 ~~a date authorized by section 205.10, subdivision 3a.~~

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

18.12 Sec. 14. Minnesota Statutes 2016, section 375B.07, subdivision 2, is amended to read:

18.13 Subd. 2. **Election.** The county board shall make arrangements for the holding of a special  
 18.14 election ~~not less than 30 nor more than 90 days after receipt of the petition~~ on a date  
 18.15 authorized by section 205.10, subdivision 3a, within the boundaries of the proposed district.

18.16 The question to be submitted and voted upon by the qualified voters within the territory of  
 18.17 the proposed district shall be phrased substantially as follows:

18.18 "Shall a subordinate service district be established in order to provide (service or services  
 18.19 to be provided) financed by (revenue sources)?"

18.20 If a majority of those voting on the question favor creation of the proposed district, the  
 18.21 district shall be deemed created upon certification of the vote by the county auditor. The  
 18.22 county auditor shall administer the election.

18.23 Sec. 15. Minnesota Statutes 2016, section 375B.10, is amended to read:

18.24 **375B.10 WITHDRAWAL; ELECTION.**

18.25 Upon receipt of a petition signed by ten percent of the qualified voters within the territory  
 18.26 of the subordinate service district requesting the removal of the district, or pursuant to its  
 18.27 own resolution, the county board shall make arrangements for the holding of a special  
 18.28 election within the boundaries of the service district ~~not less than 30 nor more than 90 days~~  
 18.29 ~~after the resolution or receipt of the petition~~ on a date authorized by section 205.10,  
 18.30 subdivision 3a. The question to be submitted and voted upon by the qualified voters within  
 18.31 the territory of the district shall be phrased substantially as follows:

19.1 "Shall the subordinate service district presently established be removed and the service  
19.2 or services of the county as provided for the service district be discontinued?"

19.3 If a majority of those voting on the question favor the removal and discontinuance of  
19.4 the services, the service district shall be removed and the services shall be discontinued  
19.5 upon certification of the vote by the county auditor. The county auditor shall administer the  
19.6 election.

19.7 Sec. 16. Minnesota Statutes 2016, section 383B.031, subdivision 1, is amended to read:

19.8 Subdivision 1. **More than six months; special election.** Notwithstanding the provisions  
19.9 of section 375.101, if a vacancy occurs in a seat on the Board of County Commissioners of  
19.10 Hennepin County more than six months before the general election in which a commissioner  
19.11 will next be selected to occupy such seat the county auditor shall, within seven days after  
19.12 the vacancy occurs, call a special election within the affected district to fill such vacancy.  
19.13 The auditor shall specify a date for the election ~~which shall be between 56 and 77 days after~~  
19.14 ~~the vacancy occurred~~ to be held on a date authorized by section 205.10, subdivision 3a.  
19.15 Candidates shall file with the county auditor prior to the 35th day before the election. The  
19.16 primary election shall be held 14 days before the election. If no more than two candidates  
19.17 file for the office, the primary election shall be canceled and the date of the general election  
19.18 advanced 14 days.

19.19 Sec. 17. Minnesota Statutes 2016, section 383E.24, subdivision 7, is amended to read:

19.20 Subd. 7. **Referendum.** (a) Upon receipt of a petition signed by five percent of the  
19.21 qualified voters within the territory of the proposed service district prior to the effective  
19.22 date of its creation as specified in subdivision 6, the creation shall be held in abeyance  
19.23 pending a referendum vote of all qualified electors residing within the boundaries of the  
19.24 proposed service district.

19.25 (b) The county board shall make arrangements for the holding of a special election ~~not~~  
19.26 ~~less than 30 or more than 90 days after receipt of such petition~~ on a date authorized by  
19.27 section 205.10, subdivision 3a, and within the boundaries of the proposed taxing district.  
19.28 The question to be submitted and voted upon by the qualified voters within the territory of  
19.29 the proposed service district shall be phrased substantially as follows:

19.30 "Shall a subordinate service district be established in order to provide (service or services  
19.31 to be provided) financed by (revenue sources)?"

20.1 (c) If a majority of those voting on the question favor creation of the proposed subordinate  
20.2 service district, the district shall be deemed created upon certification of the vote by the  
20.3 county auditor. The county auditor shall administer the election.

20.4 Sec. 18. Minnesota Statutes 2016, section 410.10, subdivision 1, is amended to read:

20.5 Subdivision 1. **Timing; procedure; recall.** Upon delivery of such draft, the council or  
20.6 other governing body of the city shall cause the proposed charter to be submitted at the next  
20.7 general election thereafter occurring in the city within six months after the delivery of such  
20.8 draft, and if there is no general city election occurring in the city within six months after  
20.9 the delivery of such draft, then the council or other governing body of the city shall cause  
20.10 the proposed charter to be submitted at a special election to be held ~~within 90 days after the~~  
20.11 ~~delivery of such draft~~ on a date authorized by section 205.10, subdivision 3a. The council  
20.12 or other governing body may call a special election for that purpose only at any time. If the  
20.13 election is held at the same time with the general election, the voting places and election  
20.14 officers shall be the same for both elections. At any time before the council has fixed the  
20.15 date of the election upon the proposed charter, the charter commission may recall it for  
20.16 further action; and the council may authorize recall of the charter by the commission at any  
20.17 later date prior to the first publication of the proposed charter.

20.18 Sec. 19. Minnesota Statutes 2016, section 447.32, subdivision 2, is amended to read:

20.19 Subd. 2. **Elections.** Except as provided in this chapter, the Minnesota Election Law  
20.20 applies to hospital district elections, as far as practicable. Regular elections must be held in  
20.21 each hospital district at the same time, in the same election precincts, and at the same polling  
20.22 places as general elections of state and county officers. It may establish the whole district  
20.23 as a single election precinct or establish two or more different election precincts and polling  
20.24 places for the elections. If there is more than one precinct, the boundaries of the election  
20.25 precincts and the locations of the polling places must be defined in the notice of election,  
20.26 either in full or by reference to a description or map on file in the office of the clerk.

20.27 Special elections may be called by the hospital board to vote on any matter required by  
20.28 law to be submitted to the voters. A special election ~~may not be conducted either during the~~  
20.29 ~~56 days before or the 56 days after a regularly scheduled primary or general election,~~  
20.30 ~~conducted wholly or partially within the hospital district~~ must be held on a date authorized  
20.31 by section 205.10, subdivision 3a. Special elections must be held within the election precinct  
20.32 or precincts and at the polling place or places designated by the board. In the case of the

21.1 first election of officers of a new district, precincts and polling places must be set by the  
21.2 governing body of the most populous city or town included in the district.

21.3 Advisory ballots may be submitted by the hospital board on any question it wishes,  
21.4 concerning the affairs of the district, but only at a regular election or at a special election  
21.5 required for another purpose.

21.6 Sec. 20. Minnesota Statutes 2016, section 475.59, is amended to read:

21.7 **475.59 MANNER OF SUBMISSION; NOTICE.**

21.8 Subdivision 1. Generally; notice. When the governing body of a municipality resolves  
21.9 to issue bonds for any purpose requiring the approval of the electors, it shall provide for  
21.10 submission of the proposition of their issuance at a general or special election or town or  
21.11 school district meeting. Notice of such election or meeting shall be given in the manner  
21.12 required by law and shall state the maximum amount and the purpose of the proposed issue.  
21.13 In any school district, the school board or board of education may, according to its judgment  
21.14 and discretion, submit as a single ballot question or as two or more separate questions in  
21.15 the notice of election and ballots the proposition of their issuance for any one or more of  
21.16 the following, stated conjunctively or in the alternative: acquisition or enlargement of sites,  
21.17 acquisition, betterment, erection, furnishing, equipping of one or more new schoolhouses,  
21.18 remodeling, repairing, improving, adding to, betterment, furnishing, equipping of one or  
21.19 more existing schoolhouses. In any city, town, or county, the governing body may, according  
21.20 to its judgment and discretion, submit as a single ballot question or as two or more separate  
21.21 questions in the notice of election and ballots the proposition of their issuance, stated  
21.22 conjunctively or in the alternative, for the acquisition, construction, or improvement of any  
21.23 facilities at one or more locations.

21.24 Subd. 2. Election date. An election to approve issuance of bonds under this section held  
21.25 by a municipality or school district must be held on a date authorized in section 205.10,  
21.26 subdivision 3a, or 205A.05, subdivision 1a.

21.27 Sec. 21. **REPEALER.**

21.28 Minnesota Statutes 2016, section 205.10, subdivision 3, is repealed.

21.29 Sec. 22. **EFFECTIVE DATE.**

21.30 This article is effective August 1, 2017, and applies to any special elections held on or  
21.31 after that date.

22.1 **ARTICLE 3**22.2 **JUNE PRIMARY**

22.3 Section 1. Minnesota Statutes 2016, section 204B.14, subdivision 2, is amended to read:

22.4 Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute  
22.5 at least one election precinct:

22.6 (1) each city ward; and

22.7 (2) each town and each statutory city.

22.8 (b) A single, accessible, combined polling place may be established no later than  
22.9 November 1 if a presidential nomination primary is scheduled to occur in the following  
22.10 year or ~~May~~ March 1 of any other year:

22.11 (1) for any city of the third or fourth class, any town, or any city having territory in more  
22.12 than one county, in which all the voters of the city or town shall cast their ballots;

22.13 (2) for contiguous precincts in the same municipality;

22.14 (3) for up to four contiguous municipalities located entirely outside the metropolitan  
22.15 area, as defined by section 200.02, subdivision 24, that are contained in the same county;  
22.16 or

22.17 (4) for noncontiguous precincts located in one or more counties.

22.18 Subject to the requirements of paragraph (c), a single, accessible, combined polling place  
22.19 may be established after May 1 of any year in the event of an emergency.

22.20 A copy of the ordinance or resolution establishing a combined polling place must be  
22.21 filed with the county auditor within 30 days after approval by the governing body. A polling  
22.22 place combined under clause (3) must be approved by the governing body of each  
22.23 participating municipality. A polling place combined under clause (4) must be approved by  
22.24 the governing body of each participating municipality and the secretary of state and may  
22.25 be located outside any of the noncontiguous precincts. A municipality withdrawing from  
22.26 participation in a combined polling place must do so by filing a resolution of withdrawal  
22.27 with the county auditor no later than October 1 if a presidential nomination primary is  
22.28 scheduled to occur in the following year or ~~April~~ February 1 of any other year.

22.29 The secretary of state shall provide a separate polling place roster for each precinct  
22.30 served by the combined polling place, except that in a precinct that uses electronic rosters  
22.31 the secretary of state shall provide separate data files for each precinct. A single set of  
22.32 election judges may be appointed to serve at a combined polling place. The number of

23.1 election judges required must be based on the total number of persons voting at the last  
23.2 similar election in all precincts to be voting at the combined polling place. Separate ballot  
23.3 boxes must be provided for the ballots from each precinct. The results of the election must  
23.4 be reported separately for each precinct served by the combined polling place, except in a  
23.5 polling place established under clause (2) where one of the precincts has fewer than ten  
23.6 registered voters, in which case the results of that precinct must be reported in the manner  
23.7 specified by the secretary of state.

23.8 (c) If a local elections official determines that an emergency situation preventing the  
23.9 safe, secure, and full operation of a polling place on election day has occurred or is imminent,  
23.10 the local elections official may combine two or more polling places for that election pursuant  
23.11 to this subdivision. To the extent possible, the polling places must be combined and the  
23.12 election conducted according to the requirements of paragraph (b), except that:

23.13 (1) polling places may be combined after May 1 and until the polls close on election  
23.14 day;

23.15 (2) any city or town, regardless of size or location, may establish a combined polling  
23.16 place under this paragraph;

23.17 (3) the governing body is not required to adopt an ordinance or resolution to establish  
23.18 the combined polling place;

23.19 (4) a polling place combined under paragraph (b), clause (3) or (4), must be approved  
23.20 by the local election official of each participating municipality;

23.21 (5) the local elections official must immediately notify the county auditor and the  
23.22 secretary of state of the combination, including the reason for the emergency combination  
23.23 and the location of the combined polling place. As soon as possible, the local elections  
23.24 official must also post a notice stating the reason for the combination and the location of  
23.25 the combined polling place. The notice must also be posted on the governing board's Web  
23.26 site, if one exists. The local elections official must also notify the election judges and request  
23.27 that local media outlets publicly announce the reason for the combination and the location  
23.28 of the combined polling place; and

23.29 (6) on election day, the local elections official must post a notice in large print in a  
23.30 conspicuous place at the polling place where the emergency occurred, if practical, stating  
23.31 the location of the combined polling place. The local election official must also post the  
23.32 notice, if practical, in a location visible by voters who vote from their motor vehicles as  
23.33 provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to  
23.34 section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph

24.1 must include a statement that the polling place hours at the combined polling place will be  
24.2 extended until the specified time.

24.3 Sec. 2. Minnesota Statutes 2016, section 204B.21, subdivision 1, is amended to read:

24.4 Subdivision 1. **Appointment lists; duties of political parties and secretary of state.**  
24.5 On ~~May~~ March 1 in a year in which there is an election for a partisan political office, each  
24.6 major political party shall prepare a list of eligible voters to act as election judges in each  
24.7 election precinct. The political parties shall furnish the lists electronically to the secretary  
24.8 of state, in a format specified by the secretary of state. The secretary of state must combine  
24.9 the data received from each political party under this subdivision and must process the data  
24.10 to locate the precinct in which the address provided for each potential election judge is  
24.11 located. If the data submitted by a political party is insufficient for the secretary of state to  
24.12 locate the proper precinct, the associated name must not appear in any list forwarded to an  
24.13 appointing authority under this subdivision. The secretary of state shall notify political  
24.14 parties of any proposed election judges with addresses that could not be located in a precinct.

24.15 By ~~May~~ March 15, the secretary of state shall furnish electronically to the county auditor  
24.16 a list of the appropriate names for each election precinct in the jurisdiction of the appointing  
24.17 authority, noting the political party affiliation of each individual on the list. The county  
24.18 auditor must promptly forward the appropriate names to the appropriate municipal clerk.

24.19 Sec. 3. Minnesota Statutes 2016, section 204D.03, subdivision 1, is amended to read:

24.20 Subdivision 1. **State primary.** The state primary shall be held on the ~~second~~ first Tuesday  
24.21 after the third Monday in August ~~June~~ in each even-numbered year to select the nominees  
24.22 of the major political parties for partisan offices and the nominees for nonpartisan offices  
24.23 to be filled at the state general election, other than presidential electors.

24.24 Sec. 4. Minnesota Statutes 2016, section 204D.09, subdivision 1, is amended to read:

24.25 Subdivision 1. **Example ballot.** No later than ~~May~~ March 1 of each year, the secretary  
24.26 of state shall supply each auditor with a copy of an example ballot to be used at the state  
24.27 primary and state general election. The example ballot must illustrate the format required  
24.28 for the ballots used in the primary and general elections that year. The county auditor shall  
24.29 distribute copies of the example ballot to municipal and school district clerks in municipalities  
24.30 and school districts holding elections that year. The official ballot must conform in all  
24.31 respects to the example ballot.



25.1 Sec. 5. Minnesota Statutes 2016, section 204D.28, subdivision 5, is amended to read:

25.2 Subd. 5. **Regular state primary.** "Regular state primary" means:

25.3 (a) the state primary at which candidates are nominated for offices elected at the state  
25.4 general election; or

25.5 (b) a primary held on the ~~second~~ first Tuesday after the third Monday in ~~August~~ June  
25.6 of odd-numbered years.

25.7 Sec. 6. Minnesota Statutes 2016, section 205.065, subdivision 1, is amended to read:

25.8 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating  
25.9 elective officers may be held in any city on the ~~second~~ first Tuesday after the third Monday  
25.10 in ~~August~~ June of any year in which a municipal general election is to be held for the purpose  
25.11 of electing officers. The date of a municipal primary held in an odd-numbered year may be  
25.12 postponed for inclement weather as provided in section 205.105.

25.13 Sec. 7. Minnesota Statutes 2016, section 205.065, subdivision 2, is amended to read:

25.14 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or  
25.15 resolution adopted by ~~April~~ January 15 in the year when a municipal general election is  
25.16 held, elect to choose nominees for municipal offices by a primary as provided in this section.  
25.17 The resolution or ordinance, when adopted, is effective for all ensuing municipal elections  
25.18 until it is revoked. The municipal clerk shall notify the secretary of state and the county  
25.19 auditor within 30 days after the adoption of the resolution or ordinance.

25.20 Sec. 8. Minnesota Statutes 2016, section 205A.03, subdivision 1, is amended to read:

25.21 Subdivision 1. **Resolution requiring primary in certain circumstances.** The school  
25.22 board of a school district may, by resolution adopted by ~~April~~ January 15 of any year, decide  
25.23 to choose nominees for school board by a primary as provided in this section. The resolution,  
25.24 when adopted, is effective for all ensuing elections of board members in that school district  
25.25 until it is revoked. If the board decides to choose nominees by primary and if there are more  
25.26 than two candidates for a specified school board position or more than twice as many school  
25.27 board candidates as there are at-large school board positions available, the school district  
25.28 must hold a primary.

26.1 Sec. 9. Minnesota Statutes 2016, section 205A.03, subdivision 2, is amended to read:

26.2 Subd. 2. **Date.** The school district primary must be held on the ~~second~~ first Tuesday  
26.3 after the third Monday in August June in the year when the school district general election  
26.4 is held. The clerk shall give notice of the primary in the manner provided in section 205A.07.  
26.5 The date of a school district primary held in an odd-numbered year may be postponed for  
26.6 inclement weather as provided in section 205A.055.

26.7 Sec. 10. Minnesota Statutes 2016, section 205A.06, subdivision 1a, is amended to read:

26.8 Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose  
26.9 nominees for school board by a primary election, affidavits of candidacy must be filed with  
26.10 the school district clerk no earlier than the 84th day and no later than the 70th day before  
26.11 the ~~second~~ first Tuesday after the third Monday in August June in the year when the school  
26.12 district general election is held. In all other school districts, affidavits of candidacy must be  
26.13 filed no earlier than the 98th day and no later than the 84th day before the school district  
26.14 general election.

26.15 Sec. 11. Minnesota Statutes 2016, section 205A.11, subdivision 2a, is amended to read:

26.16 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to  
26.17 the voters who will be voting in a combined polling place for a school district special election.  
26.18 The notice must include the following information: the date of the election, the hours of  
26.19 voting, and the location of the voter's polling place. The notice must be sent by  
26.20 nonforwardable mail to every affected household in the school district with at least one  
26.21 registered voter. The notice must be mailed no later than 14 days before the election. The  
26.22 mailed notice is not required for a school district special election that is held on the ~~second~~  
26.23 first Tuesday after the third Monday in August June, the Tuesday following the first Monday  
26.24 in November, or for a special election conducted entirely by mail. A notice that is returned  
26.25 as undeliverable must be forwarded immediately to the county auditor.

26.26 Sec. 12. Minnesota Statutes 2016, section 206.61, subdivision 5, is amended to read:

26.27 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation of  
26.28 names of candidates must be observed as far as practicable by changing the order of the  
26.29 names on an electronic voting system in the various precincts so that each name appears on  
26.30 the machines or marking devices used in a municipality substantially an equal number of  
26.31 times in the first, last, and in each intermediate place in the list or group in which they  
26.32 belong. However, the arrangement of candidates' names must be the same on all voting

27.1 systems used in the same precinct. If the number of names to be alternated exceeds the  
27.2 number of precincts, the election official responsible for providing the ballots, in accordance  
27.3 with subdivision 1, shall determine by lot the alternation of names.

27.4 If an electronic ballot marker is used with a paper ballot that is not an optical scan ballot  
27.5 card, the manner of alternation of candidate names on the paper ballot must be as prescribed  
27.6 for optical scan ballots in this subdivision.

27.7 The rules adopted by the secretary of state for the rotation of candidate names must use  
27.8 the number of registered voters in each precinct as of 8:00 a.m. on ~~May~~ March 1 of the year  
27.9 when the rotation will be made as the basis for determining the rotation of names.

27.10 Sec. 13. Minnesota Statutes 2016, section 206.82, subdivision 2, is amended to read:

27.11 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting system  
27.12 is used and the county auditor of a county in which an electronic voting system is used in  
27.13 more than one municipality and the county auditor of a county in which a counting center  
27.14 serving more than one municipality is located shall prepare a plan which indicates acquisition  
27.15 of sufficient facilities, computer time, and professional services and which describes the  
27.16 proposed manner of complying with section 206.80. The plan must be signed, notarized,  
27.17 and submitted to the secretary of state more than 60 days before the first election at which  
27.18 the municipality uses an electronic voting system. Before ~~May~~ March 1 of each subsequent  
27.19 general election year, the clerk or auditor shall submit to the secretary of state notification  
27.20 of any changes to the plan on file with the secretary of state. The secretary of state shall  
27.21 review each plan for its sufficiency and may request technical assistance from the Office  
27.22 of MN.IT Services or other agency which may be operating as the central computer authority.  
27.23 The secretary of state shall notify each reporting authority of the sufficiency or insufficiency  
27.24 of its plan within 20 days of receipt of the plan. The attorney general, upon request of the  
27.25 secretary of state, may seek a district court order requiring an election official to fulfill  
27.26 duties imposed by this subdivision or by rules promulgated pursuant to this section.

27.27 Sec. 14. **EFFECTIVE DATE.**

27.28 Sections 1 to 13 are effective January 1, 2018, and apply to elections conducted on or  
27.29 after that date.

## 27.30 ARTICLE 4

### 27.31 COUNTY OFFICES

27.32 Section 1. Minnesota Statutes 2016, section 375.08, is amended to read:

28.1 **375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.**

28.2 When a vacancy occurs in the office of an elected county auditor, county treasurer,  
28.3 county recorder, sheriff, county attorney, county surveyor, or coroner, the county board  
28.4 shall fill it by appointment. For that purpose it shall meet at the usual place of meeting, upon  
28.5 one day's notice from the chair or clerk, which shall be served personally upon each member  
28.6 in the same manner as a district court summons. The person appointed shall give the bond  
28.7 and take the oath required by law, and serve the remainder of the term, and until a successor  
28.8 qualifies. When a vacancy occurs in an office that has a chief deputy or first assistant, the  
28.9 chief deputy or first assistant may perform all the duties and functions of the office until it  
28.10 is filled by appointment by the county board.

28.11 Sec. 2. Minnesota Statutes 2016, section 375.101, subdivision 1, is amended to read:

28.12 Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided  
28.13 in subdivision 3, a vacancy in the office of county commissioner may be filled as provided  
28.14 in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to  
28.15 be filled under this subdivision and subdivision 2, it must be filled at a special election. The  
28.16 county board may by resolution call for a special election to be held according to the earliest  
28.17 of the following time schedules:

28.18 (1) not less than 120 days following the date the vacancy is declared, but no later than  
28.19 12 weeks prior to the date of the next regularly scheduled primary election;

28.20 (2) concurrently with the next regularly scheduled primary election and general election;  
28.21 or

28.22 (3) no sooner than 120 days following the next regularly scheduled general election.

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

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

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

29.4 **Sec. 3. [375A.1205] APPOINTING COUNTY RECORDERS.**

29.5 Subdivision 1. **Authority to appoint county recorder.** A county board may appoint  
29.6 the county recorder under section 375A.10, subdivision 2, by following the process outlined  
29.7 in this section. Notwithstanding section 375A.12, a referendum is not required if the  
29.8 appointment is made pursuant to this section. A county board shall only use the authority  
29.9 to appoint under the following circumstances:

29.10 (1) there is a vacancy in the office due to resignation or death; or

29.11 (2) there is a signed contract with the county board and the incumbent recorder that  
29.12 provides that the incumbent officer will be appointed to the position and retain tenure, pay,  
29.13 and benefits equal to or greater than length of service.

29.14 Subd. 2. **Responsibility of county officer.** At least 104 days before the filing date for  
29.15 office under section 204B.09, an elected county officer must notify the county board in  
29.16 writing whether the officer will be filing for another term. If the officer indicates in writing  
29.17 that the officer will not file for the office and the county board has passed a resolution under  
29.18 subdivision 6, affidavits of candidacy will not be accepted for that office and the office will  
29.19 not be placed on the ballot.

29.20 Subd. 3. **Board controls; may change as long as duties done.** Upon adoption of a  
29.21 resolution by the county board of commissioners and subject to subdivisions 5 and 6, the  
29.22 duties of an elected official required by statute whose office is made appointive as authorized  
29.23 by this section must be discharged by the county board of commissioners acting through a  
29.24 department head appointed by the board for that purpose. Reorganization, reallocation,  
29.25 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
29.26 the discharge of duties required by statute.

29.27 Subd. 4. **Discharge or demotion.** (a) A county recorder who was elected at the most  
29.28 recent election for that office prior to a county board resolution to make the office appointed,  
29.29 and is appointed by the county board to the office, may not be involuntarily demoted or  
29.30 discharged except for incompetency or misconduct.

29.31 (b) Before demoting or discharging an office holder under this subdivision, the board  
29.32 must notify the office holder in writing and state its grounds for the proposed demotion or  
29.33 discharge in reasonable detail. Within ten days after receipt of this notification, the office

30.1 holder may make a written request for a hearing before an arbitrator and the request must  
30.2 be granted before final action is taken. Failure to request a hearing before an arbitrator  
30.3 during this period is considered acquiescence to the board's action. The board may suspend  
30.4 an office holder with pay pending the conclusion of the hearing and determination of the  
30.5 issues raised in the hearing after charges have been filed which constitute grounds for  
30.6 demotion or discharge. If an office holder has been charged with a felony and the underlying  
30.7 conduct that is the subject of the felony charge is a ground for a proposed discharge, the  
30.8 suspension pending the conclusion of the hearing and determination of the issues may be  
30.9 without pay. If a hearing under this subdivision is held, the board must reimburse the office  
30.10 holder for any salary or compensation withheld if the final decision of the arbitrator does  
30.11 not result in a penalty or discharge of the office holder.

30.12 (c) If the office holder and the board are unable to mutually agree on an arbitrator, the  
30.13 board must request from the Bureau of Mediation Services a list of seven persons qualified  
30.14 to serve as an arbitrator. If the office holder and the board are unable to mutually agree on  
30.15 an arbitrator from the list provided, the parties shall alternately strike names from the list  
30.16 until the name of one arbitrator remains. The person remaining after the striking procedure  
30.17 must be the arbitrator. If the parties are unable to agree on who shall strike the first name,  
30.18 the question must be decided by a flip of a coin. The office holder and the board must share  
30.19 equally the costs and fees of the arbitrator except as set forth in paragraph (g).

30.20 (d) The arbitrator shall determine, by a preponderance of the evidence, whether the  
30.21 grounds for discharge or demotion exist to support the proposed discharge or demotion. A  
30.22 lesser penalty than demotion or discharge may be imposed by the arbitrator only to the  
30.23 extent that either party proposes such lesser penalty in the proceeding. In making the  
30.24 determination, the arbitration proceeding is governed by sections 572B.15 to 572B.28.

30.25 (e) An arbitration hearing conducted under this subdivision is a meeting for preliminary  
30.26 consideration of allegations or charges within the meaning of section 13D.05, subdivision  
30.27 3, paragraph (a), and must be closed, unless the office holder requests it to be open.

30.28 (f) The arbitrator's award is final and binding on the parties, subject to sections 572B.18  
30.29 to 572B.28.

30.30 (g) In the event the arbitrator rules not to demote or discharge the office holder, the  
30.31 board shall pay all of the costs and fees of the arbitrator and the attorney fees of the office  
30.32 holder.

30.33 Subd. 5. **Incumbents to complete term.** The person elected at the last general election  
30.34 to an office made appointive under this section must serve in that capacity and perform the

31.1 duties, functions, and responsibilities required by statute until the completion of the term  
31.2 of office to which the person was elected, or until a vacancy occurs in the office, whichever  
31.3 occurs earlier.

31.4 Subd. 6. **Publishing resolution; petition; referendum.** (a) Before the adoption of the  
31.5 resolution to provide for the appointment of an office as described in subdivision 1, the  
31.6 county board must publish a proposed resolution notifying the public of its intent to consider  
31.7 the issue once each week, for two consecutive weeks, in the official publication of the  
31.8 county. Following publication and prior to formally adopting the resolution, the county  
31.9 board shall provide an opportunity at its next regular meeting for public comment relating  
31.10 to the issue. After the public comment opportunity, at the same meeting or a subsequent  
31.11 meeting, the county board of commissioners may adopt a resolution that provides for the  
31.12 appointment of the office or offices as permitted in this section. The resolution must be  
31.13 approved by at least 80 percent of the members of the county board. The resolution may  
31.14 take effect 30 days after it is adopted, or at a later date stated in the resolution, unless a  
31.15 petition is filed as provided in paragraph (b).

31.16 (b) Except when an office is made appointive under subdivision 1, clause (2), within 30  
31.17 days after the county board adopts the resolution, a petition requesting a referendum may  
31.18 be filed with the county auditor. The petition must be signed by at least ten percent of the  
31.19 registered voters of the county. The petition must meet the requirements of the secretary of  
31.20 state, as provided in section 204B.071, and any rules adopted to implement that section. If  
31.21 the petition is sufficient, the county board resolution is rescinded.

31.22 Subd. 7. **Reverting to elected offices.** (a) The county board may adopt a resolution to  
31.23 provide for the election of an office made an appointed position under this section, but not  
31.24 until at least three years after the office was made an appointed position. The county board  
31.25 must publish a proposed resolution notifying the public of its intent to consider the issue  
31.26 once each week, for two consecutive weeks, in the official publication of the county.  
31.27 Following publication and before formally adopting the resolution, the county board must  
31.28 provide an opportunity at its next regular meeting for public comment relating to the issue.  
31.29 After the public comment opportunity, at the same meeting or a subsequent meeting, the  
31.30 county board of commissioners may adopt the resolution. The resolution must be approved  
31.31 by at least 60 percent of the members of the county board and is effective August 1 following  
31.32 adoption of the resolution.

31.33 (b) The question of whether an office made an appointed position under this section  
31.34 must be made an elected office must be placed on the ballot at the next general election if  
31.35 (1) the position has been an appointed position for at least three years; (2) a petition signed

32.1 by at least ten percent of the registered voters of the county is filed with the office of the  
 32.2 county auditor by August 1 of the year in which the general election is held; and (3) the  
 32.3 petition meets the requirements of the secretary of state, as provided in section 204B.071,  
 32.4 and any rules adopted to implement that section. If a majority of the voters of the county  
 32.5 voting on the question vote in favor of making the office an elected position, the election  
 32.6 for that office must be held at the next regular or special election.

32.7 Sec. 4. Minnesota Statutes 2016, section 382.01, is amended to read:

32.8 **382.01 OFFICERS ELECTED; TERMS.**

32.9 In every county in this state there shall be elected at the general election in 1918 a county  
 32.10 auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner.

32.11 The terms of office of these officers shall be four years and shall begin on the first  
 32.12 Monday in January next succeeding their election. They shall hold office until their successors  
 32.13 are elected and qualified. Each of these offices shall ~~shall~~ must be filled by election every four  
 32.14 years thereafter, unless an office is consolidated with another county officer or made  
 32.15 appointive under chapter 375A or other general or special law.

32.16 Sec. 5. Minnesota Statutes 2016, section 382.02, is amended to read:

32.17 **382.02 VACANCIES, HOW FILLED.**

32.18 Any appointment made to fill a vacancy in any of the offices named in section 382.01  
 32.19 that has not been made appointive under chapter 375A or other general or special law shall  
 32.20 be for the balance of such entire term, and be made by the county board.

32.21 Sec. 6. **MORRISON COUNTY RECORDER MAY BE APPOINTED.**

32.22 Subdivision 1. Authorization to make office appointive. Notwithstanding Minnesota  
 32.23 Statutes, section 382.01, upon adoption of a resolution by the Morrison County Board of  
 32.24 Commissioners, the office of county recorder is not elective but must be filled by appointment  
 32.25 by the county board as provided in the resolution.

32.26 Subd. 2. Board controls; may change as long as duties done. Upon adoption of a  
 32.27 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the  
 32.28 duties of an elected official required by statute whose office is made appointive as authorized  
 32.29 by this section must be discharged by the county board of commissioners acting through a  
 32.30 department head appointed by the board for that purpose. Reorganization, reallocation,



33.1 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
33.2 the discharge of duties required by statute.

33.3 Subd. 3. **Incumbents to complete term.** The person elected at the last general election  
33.4 to an office made appointive under this section must serve in that capacity and perform the  
33.5 duties, functions, and responsibilities required by statute until the completion of the term  
33.6 of office to which the person was elected or until a vacancy occurs in the office, whichever  
33.7 occurs earlier.

33.8 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a  
33.9 resolution to provide for the appointment of the county recorder, the county board must  
33.10 publish a proposed resolution notifying the public of its intent to consider the issue once  
33.11 each week for two consecutive weeks in the official publication of the county. Following  
33.12 publication and prior to formally adopting the resolution, the county board shall provide an  
33.13 opportunity at its next regular meeting for public comment relating to the issue. After the  
33.14 public comment opportunity, at the same meeting or a subsequent meeting, the county board  
33.15 of commissioners may adopt a resolution that provides for the appointment of the county  
33.16 recorder as permitted in this section. The resolution must be approved by at least 80 percent  
33.17 of the members of the county board. The resolution may take effect 60 days after it is  
33.18 adopted, or at a later date stated in the resolution, unless a petition is filed as provided in  
33.19 paragraph (b).

33.20 (b) Within 60 days after the county board adopts the resolution, a petition requesting a  
33.21 referendum may be filed with the county auditor-treasurer. The petition must be signed by  
33.22 at least ten percent of the registered voters of the county. The petition must meet the  
33.23 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,  
33.24 and any rules adopted to implement that section. If the petition is sufficient, the question  
33.25 of appointing the county recorder must be placed on the ballot at a regular or special election.  
33.26 If a majority of the voters of the county voting on the question vote in favor of appointment,  
33.27 the resolution may be implemented.

33.28 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to  
33.29 provide for the election of an office made an appointed position under this section, but not  
33.30 until at least three years after the office was made an appointed position. The county board  
33.31 must publish a proposed resolution notifying the public of its intent to consider the issue  
33.32 once each week for two consecutive weeks in the official publication of the county. Following  
33.33 publication and before formally adopting the resolution, the county board must provide an  
33.34 opportunity at its next regular meeting for public comment relating to the issue. After the  
33.35 public comment hearing, the county board may adopt the resolution. The resolution must

34.1 be approved by at least 60 percent of the members of the county board and is effective  
34.2 August 1 following adoption of the resolution.

34.3 (b) The question of whether an office made an appointed position under this section  
34.4 must be made an elected office must be placed on the ballot at the next general election if:

34.5 (1) the position has been an appointed position for at least three years;

34.6 (2) a petition signed by at least ten percent of the registered voters of the county is filed  
34.7 with the office of the county auditor-treasurer by August 1 of the year in which the general  
34.8 election is held; and

34.9 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota  
34.10 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority  
34.11 of the voters of the county voting on the question vote in favor of making the office an  
34.12 elected position, the election for the office must be held at the next regular or special election.

34.13 **EFFECTIVE DATE.** This section is effective the day after the Morrison County Board  
34.14 of Commissioners and its chief clerical officer timely complete their compliance with  
34.15 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

34.16 **Sec. 7. BENTON COUNTY RECORDER MAY BE APPOINTED.**

34.17 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota  
34.18 Statutes, section 382.01, upon adoption of a resolution by the Benton County Board of  
34.19 Commissioners, the office of county recorder is not elective but must be filled by appointment  
34.20 by the county board as provided in the resolution.

34.21 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a  
34.22 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the  
34.23 duties of an elected official required by statute whose office is made appointive as authorized  
34.24 by this section must be discharged by the county board of commissioners acting through a  
34.25 department head appointed by the board for that purpose. Reorganization, reallocation,  
34.26 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
34.27 the discharge of duties required by statute.

34.28 Subd. 3. **Incumbents to complete term.** The person elected at the last general election  
34.29 to an office made appointive under this section must serve in that capacity and perform the  
34.30 duties, functions, and responsibilities required by statute until the completion of the term  
34.31 of office to which the person was elected or until a vacancy occurs in the office, whichever  
34.32 occurs earlier.

35.1 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a  
35.2 resolution to provide for the appointment of the county recorder, the county board must  
35.3 publish a proposed resolution notifying the public of its intent to consider the issue once  
35.4 each week for two consecutive weeks in the official publication of the county. Following  
35.5 publication and prior to formally adopting the resolution, the county board shall provide an  
35.6 opportunity at its next regular meeting for public comment relating to the issue. After the  
35.7 public comment opportunity, at the same meeting or a subsequent meeting, the county board  
35.8 of commissioners may adopt a resolution that provides for the appointment of the county  
35.9 recorder as permitted in this section. The resolution must be approved by at least 80 percent  
35.10 of the members of the county board. The resolution may take effect 60 days after it is  
35.11 adopted, or at a later date stated in the resolution, unless a petition is filed as provided in  
35.12 paragraph (b).

35.13 (b) Within 60 days after the county board adopts the resolution, a petition requesting a  
35.14 referendum may be filed with the county auditor-treasurer. The petition must be signed by  
35.15 at least ten percent of the registered voters of the county. The petition must meet the  
35.16 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,  
35.17 and any rules adopted to implement that section. If the petition is sufficient, the question  
35.18 of appointing the county recorder must be placed on the ballot at a regular or special election.  
35.19 If a majority of the voters of the county voting on the question vote in favor of appointment,  
35.20 the resolution may be implemented.

35.21 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to  
35.22 provide for the election of an office made an appointed position under this section, but not  
35.23 until at least three years after the office was made an appointed position. The county board  
35.24 must publish a proposed resolution notifying the public of its intent to consider the issue  
35.25 once each week for two consecutive weeks in the official publication of the county. Following  
35.26 publication and before formally adopting the resolution, the county board must provide an  
35.27 opportunity at its next regular meeting for public comment relating to the issue. After the  
35.28 public comment hearing, the county board may adopt the resolution. The resolution must  
35.29 be approved by at least 60 percent of the members of the county board and is effective  
35.30 August 1 following adoption of the resolution.

35.31 (b) The question of whether an office made an appointed position under this section  
35.32 must be made an elected office must be placed on the ballot at the next general election if:

35.33 (1) the position has been an appointed position for at least three years;

36.1 (2) a petition signed by at least ten percent of the registered voters of the county is filed  
36.2 with the office of the county auditor-treasurer by August 1 of the year in which the general  
36.3 election is held; and

36.4 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota  
36.5 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority  
36.6 of the voters of the county voting on the question vote in favor of making the office an  
36.7 elected position, the election for the office must be held at the next regular or special election.

36.8 **EFFECTIVE DATE.** This section is effective the day after the Benton County Board  
36.9 of Commissioners and its chief clerical officer timely complete their compliance with  
36.10 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

36.11 Sec. 8. **PINE COUNTY AUDITOR-TREASURER MAY BE APPOINTED.**

36.12 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota  
36.13 Statutes, section 382.01, upon adoption of a resolution by the Pine County Board of  
36.14 Commissioners, the office of county auditor-treasurer is not elective but must be filled by  
36.15 appointment by the county board as provided in the resolution.

36.16 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a  
36.17 resolution by the county board of commissioners and subject to subdivisions 3 and 4, the  
36.18 duties of an elected official required by statute whose office is made appointive as authorized  
36.19 by this section must be discharged by the county board of commissioners acting through a  
36.20 department head appointed by the board for that purpose. Reorganization, reallocation,  
36.21 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
36.22 the discharge of duties required by statute.

36.23 Subd. 3. **Incumbent to complete term.** The person elected at the last general election  
36.24 to an office made appointive under this section must serve in that capacity and perform the  
36.25 duties, functions, and responsibilities required by statute until the completion of the term  
36.26 of office to which the person was elected or until a vacancy occurs in the office, whichever  
36.27 occurs earlier.

36.28 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a  
36.29 resolution to provide for the appointment of the county auditor-treasurer, the county board  
36.30 must publish a proposed resolution notifying the public of its intent to consider the issue  
36.31 once each week for two consecutive weeks in the official publication of the county. Following  
36.32 publication and prior to formally adopting the resolution, the county board shall provide an  
36.33 opportunity at its next regular meeting for public comment relating to the issue. After the

37.1 public comment opportunity, at the same meeting or a subsequent meeting, the county board  
37.2 of commissioners may adopt a resolution that provides for the appointment of the county  
37.3 auditor-treasurer as permitted in this section. The resolution must be approved by at least  
37.4 80 percent of the members of the county board. The resolution may take effect 60 days after  
37.5 it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided  
37.6 in paragraph (b).

37.7 (b) Within 60 days after the county board adopts the resolution, a petition requesting a  
37.8 referendum may be filed with the county auditor-treasurer. The petition must be signed by  
37.9 at least ten percent of the registered voters of the county. The petition must meet the  
37.10 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,  
37.11 and any rules adopted to implement that section. If the petition is sufficient, the question  
37.12 of appointing the county auditor-treasurer must be placed on the ballot at a regular or special  
37.13 election. If a majority of the voters of the county voting on the question vote in favor of  
37.14 appointment, the resolution may be implemented.

37.15 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to  
37.16 provide for the election of an office made an appointed position under this section, but not  
37.17 until at least three years after the office was made an appointed position. The county board  
37.18 must publish a proposed resolution notifying the public of its intent to consider the issue  
37.19 once each week for two consecutive weeks in the official publication of the county. Following  
37.20 publication and before formally adopting the resolution, the county board must provide an  
37.21 opportunity at its next regular meeting for public comment relating to the issue. After the  
37.22 public comment hearing, the county board may adopt the resolution. The resolution must  
37.23 be approved by at least 60 percent of the members of the county board and is effective  
37.24 August 1 following adoption of the resolution.

37.25 (b) The question of whether an office made an appointed position under this section  
37.26 must be made an elected office must be placed on the ballot at the next general election if:

37.27 (1) the position has been an appointed position for at least three years;

37.28 (2) a petition signed by at least ten percent of the registered voters of the county is filed  
37.29 with the office of the county auditor-treasurer by August 1 of the year in which the general  
37.30 election is held; and

37.31 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota  
37.32 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority  
37.33 of the voters of the county voting on the question vote in favor of making the office an  
37.34 elected position, the election for the office must be held at the next regular or special election.

38.1 **EFFECTIVE DATE.** This section is effective the day after the Pine County Board of  
38.2 Commissioners and its chief clerical officer timely complete their compliance with Minnesota  
38.3 Statutes, section 645.021, subdivisions 2 and 3.

38.4 Sec. 9. **STEARNS COUNTY RECORDER MAY BE APPOINTED.**

38.5 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota  
38.6 Statutes, section 382.01, upon adoption of a resolution by the Stearns County Board of  
38.7 Commissioners, the office of county recorder is not elective but must be filled by appointment  
38.8 by the county board as provided in the resolution.

38.9 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a  
38.10 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the  
38.11 duties of an elected official required by statute whose office is made appointive as authorized  
38.12 by this section must be discharged by the county board of commissioners acting through a  
38.13 department head appointed by the board for that purpose. Reorganization, reallocation,  
38.14 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
38.15 the discharge of duties required by statute.

38.16 Subd. 3. **Incumbents to complete term.** The person elected at the last general election  
38.17 to an office made appointive under this section must serve in that capacity and perform the  
38.18 duties, functions, and responsibilities required by statute until the completion of the term  
38.19 of office to which the person was elected or until a vacancy occurs in the office, whichever  
38.20 occurs earlier.

38.21 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a  
38.22 resolution to provide for the appointment of the county recorder, the county board must  
38.23 publish a proposed resolution notifying the public of its intent to consider the issue once  
38.24 each week for two consecutive weeks in the official publication of the county. Following  
38.25 publication and prior to formally adopting the resolution, the county board shall provide an  
38.26 opportunity at its next regular meeting for public comment relating to the issue. After the  
38.27 public comment opportunity, at the same meeting or a subsequent meeting, the county board  
38.28 of commissioners may adopt a resolution that provides for the appointment of the county  
38.29 recorder as permitted in this section. The resolution must be approved by at least 80 percent  
38.30 of the members of the county board. The resolution may take effect 60 days after it is  
38.31 adopted, or at a later date stated in the resolution, unless a petition is filed as provided in  
38.32 paragraph (b).

38.33 (b) Within 60 days after the county board adopts the resolution, a petition requesting a  
38.34 referendum may be filed with the county auditor-treasurer. The petition must be signed by

39.1 at least ten percent of the registered voters of the county. The petition must meet the  
39.2 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,  
39.3 and any rules adopted to implement that section. If the petition is sufficient, the question  
39.4 of appointing the county recorder must be placed on the ballot at a regular or special election.  
39.5 If a majority of the voters of the county voting on the question vote in favor of appointment,  
39.6 the resolution may be implemented.

39.7 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to  
39.8 provide for the election of an office made an appointed position under this section, but not  
39.9 until at least three years after the office was made an appointed position. The county board  
39.10 must publish a proposed resolution notifying the public of its intent to consider the issue  
39.11 once each week for two consecutive weeks in the official publication of the county. Following  
39.12 publication and before formally adopting the resolution, the county board must provide an  
39.13 opportunity at its next regular meeting for public comment relating to the issue. After the  
39.14 public comment hearing, the county board may adopt the resolution. The resolution must  
39.15 be approved by at least 60 percent of the members of the county board and is effective  
39.16 August 1 following adoption of the resolution.

39.17 (b) The question of whether an office made an appointed position under this section  
39.18 must be made an elected office must be placed on the ballot at the next general election if:

39.19 (1) the position has been an appointed position for at least three years;

39.20 (2) a petition signed by at least ten percent of the registered voters of the county is filed  
39.21 with the office of the county auditor-treasurer by August 1 of the year in which the general  
39.22 election is held; and

39.23 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota  
39.24 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority  
39.25 of the voters of the county voting on the question vote in favor of making the office an  
39.26 elected position, the election for the office must be held at the next regular or special election.

39.27 **EFFECTIVE DATE.** This section is effective the day after the Stearns County Board  
39.28 of Commissioners and its chief clerical officer timely complete their compliance with  
39.29 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

39.30 Sec. 10. **MARSHALL COUNTY RECORDER MAY BE APPOINTED.**

39.31 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota  
39.32 Statutes, section 382.01, upon adoption of a resolution by the Marshall County Board of

40.1 Commissioners, the office of county recorder is not elective but must be filled by appointment  
40.2 by the county board as provided in the resolution.

40.3 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a  
40.4 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the  
40.5 duties of an elected official required by statute whose office is made appointive as authorized  
40.6 by this section must be discharged by the county board of commissioners acting through a  
40.7 department head appointed by the board for that purpose. Reorganization, reallocation,  
40.8 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
40.9 the discharge of duties required by statute.

40.10 Subd. 3. **Incumbents to complete term.** The person elected at the last general election  
40.11 to an office made appointive under this section must serve in that capacity and perform the  
40.12 duties, functions, and responsibilities required by statute until the completion of the term  
40.13 of office to which the person was elected or until a vacancy occurs in the office, whichever  
40.14 occurs earlier.

40.15 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a  
40.16 resolution to provide for the appointment of the county recorder, the county board must  
40.17 publish a proposed resolution notifying the public of its intent to consider the issue once  
40.18 each week for two consecutive weeks in the official publication of the county. Following  
40.19 publication and prior to formally adopting the resolution, the county board shall provide an  
40.20 opportunity at its next regular meeting for public comment relating to the issue. After the  
40.21 public comment opportunity, at the same meeting or a subsequent meeting, the county board  
40.22 of commissioners may adopt a resolution that provides for the appointment of the county  
40.23 recorder as permitted in this section. The resolution must be approved by at least 80 percent  
40.24 of the members of the county board. The resolution may take effect 60 days after it is  
40.25 adopted, or at a later date stated in the resolution, unless a petition is filed as provided in  
40.26 paragraph (b).

40.27 (b) Within 60 days after the county board adopts the resolution, a petition requesting a  
40.28 referendum may be filed with the county auditor-treasurer. The petition must be signed by  
40.29 at least ten percent of the registered voters of the county. The petition must meet the  
40.30 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,  
40.31 and any rules adopted to implement that section. If the petition is sufficient, the question  
40.32 of appointing the county recorder must be placed on the ballot at a regular or special election.  
40.33 If a majority of the voters of the county voting on the question vote in favor of appointment,  
40.34 the resolution may be implemented.



41.1 Subd. 5. Reverting to elected offices. (a) The county board may adopt a resolution to  
41.2 provide for the election of an office made an appointed position under this section, but not  
41.3 until at least three years after the office was made an appointed position. The county board  
41.4 must publish a proposed resolution notifying the public of its intent to consider the issue  
41.5 once each week for two consecutive weeks in the official publication of the county. Following  
41.6 publication and before formally adopting the resolution, the county board must provide an  
41.7 opportunity at its next regular meeting for public comment relating to the issue. After the  
41.8 public comment hearing, the county board may adopt the resolution. The resolution must  
41.9 be approved by at least 60 percent of the members of the county board and is effective  
41.10 August 1 following adoption of the resolution.

41.11 (b) The question of whether an office made an appointed position under this section  
41.12 must be made an elected office must be placed on the ballot at the next general election if:

41.13 (1) the position has been an appointed position for at least three years;

41.14 (2) a petition signed by at least ten percent of the registered voters of the county is filed  
41.15 with the office of the county auditor-treasurer by August 1 of the year in which the general  
41.16 election is held; and

41.17 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota  
41.18 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority  
41.19 of the voters of the county voting on the question vote in favor of making the office an  
41.20 elected position, the election for the office must be held at the next regular or special election.

41.21 **EFFECTIVE DATE.** This section is effective the day after the Marshall County Board  
41.22 of Commissioners and its chief clerical officer timely complete their compliance with  
41.23 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

41.24 Sec. 11. **RICE COUNTY AUDITOR-TREASURER AND RECORDER MAY BE**  
41.25 **APPOINTED.**

41.26 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota  
41.27 Statutes, section 382.01, upon adoption of a resolution by the Rice County Board of  
41.28 Commissioners, the offices of county auditor-treasurer and county recorder are not elective  
41.29 but must be filled by appointment by the county board as provided in the resolution.

41.30 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a  
41.31 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the  
41.32 duties of an elected official required by statute whose office is made appointive as authorized  
41.33 by this section must be discharged by the county board of commissioners acting through a

42.1 department head appointed by the board for that purpose. Reorganization, reallocation,  
42.2 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid  
42.3 the discharge of duties required by statute.

42.4 Subd. 3. **Incumbents to complete term.** The person elected at the last general election  
42.5 to an office made appointive under this section must serve in that elected capacity and  
42.6 perform the duties, functions, and responsibilities required by statute until the completion  
42.7 of the term of office to which the person was elected or until a vacancy occurs in the office,  
42.8 whichever occurs earlier.

42.9 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a  
42.10 resolution to provide for the appointment of the county auditor-treasurer and county recorder,  
42.11 the county board must publish a proposed resolution notifying the public of its intent to  
42.12 consider the issue once each week for two consecutive weeks in the official publication of  
42.13 the county. Following publication and prior to formally adopting the resolution, the county  
42.14 board shall provide an opportunity at its next regular meeting for public comment relating  
42.15 to the issue. After the public comment opportunity, at the same meeting or a subsequent  
42.16 meeting, the county board of commissioners may adopt a resolution that provides for the  
42.17 appointment of the county auditor-treasurer and county recorder as permitted in this section.  
42.18 The resolution must be approved by at least 80 percent of the members of the county board.  
42.19 The resolution may take effect 60 days after it is adopted, or at a later date stated in the  
42.20 resolution, unless a petition is filed as provided in paragraph (b).

42.21 (b) Within 60 days after the county board adopts the resolution, a petition requesting a  
42.22 referendum may be filed with the county auditor-treasurer. The petition must be signed by  
42.23 at least ten percent of the registered voters of the county. The petition must meet the  
42.24 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,  
42.25 and any rules adopted to implement that section. If the petition is sufficient, the question  
42.26 of appointing the county auditor-treasurer and county recorder must be placed on the ballot  
42.27 at a regular or special election. If a majority of the voters of the county voting on the question  
42.28 vote in favor of appointment, the resolution may be implemented.

42.29 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to  
42.30 provide for the election of an office made an appointed position under this section, but not  
42.31 until at least three years after the office was made an appointed position. The county board  
42.32 must publish a proposed resolution notifying the public of its intent to consider the issue  
42.33 once each week or two consecutive weeks in the official publication of the county. Following  
42.34 publication and before formally adopting the resolution, the county board must provide an  
42.35 opportunity at its next regular meeting for public comment relating to the issue. After the

43.1 public comment hearing, the county board may adopt the resolution. The resolution must  
43.2 be approved by at least 60 percent of the members of the county board and is effective  
43.3 August 1 following adoption of the resolution.

43.4 (b) The question of whether an office made an appointed position under this section  
43.5 must be made an elected office must be placed on the ballot at the next general election if:

43.6 (1) the position has been an appointed position for at least three years;

43.7 (2) a petition signed by at least ten percent of the registered voters of the county is filed  
43.8 with the office of the county auditor-treasurer by August 1 of the year in which the general  
43.9 election is held; and

43.10 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota  
43.11 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority  
43.12 of the voters of the county voting on the question vote in favor of making the office an  
43.13 elected position, the election for the office must be held at the next regular or special election.

43.14 **EFFECTIVE DATE.** This section is effective the day after the Rice County Board of  
43.15 Commissioners and its chief clerical officer timely complete their compliance with Minnesota  
43.16 Statutes, section 645.021, subdivisions 2 and 3.

APPENDIX  
Article locations in H0729-1

ARTICLE 1	ELECTION ADMINISTRATION .....	Page.Ln 1.23
ARTICLE 2	UNIFORM SPECIAL ELECTIONS .....	Page.Ln 12.6
ARTICLE 3	JUNE PRIMARY .....	Page.Ln 22.1
ARTICLE 4	COUNTY OFFICES .....	Page.Ln 27.30

APPENDIX  
Repealed Minnesota Statutes: H0729-1

**205.10 MUNICIPAL SPECIAL ELECTIONS.**

Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be held within 56 days after the state general election.