

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2478

(SENATE AUTHORS: NEWMAN)

DATE	D-PG	OFFICIAL STATUS
03/10/2014	6071	Introduction and first reading Referred to State and Local Government

A bill for an act
relating to elections; requiring a special election to fill a vacancy in the office of
county attorney; amending Minnesota Statutes 2012, sections 375.08; 382.02.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2012, section 375.08, is amended to read:

375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.

Subdivision 1. By board appointment. When a vacancy occurs in the office of
county auditor, county treasurer, county recorder, sheriff, ~~county attorney~~, county surveyor,
or coroner, the county board shall fill it by appointment. For that purpose it shall meet at
the usual place of meeting, upon one day's notice from the chair or clerk, which shall be
served personally upon each member in the same manner as a district court summons.
The person appointed shall give the bond and take the oath required by law, and serve the
remainder of the term, and until a successor qualifies. When a vacancy occurs in an office
that has a chief deputy or first assistant, the chief deputy or first assistant may perform all
the duties and functions of the office until it is filled by appointment by the county board.

Subd. 2. Filling vacancy in county attorney office; special election. The county
board may appoint an attorney licensed to practice law in the state to fill a vacancy in
the office of county attorney. The procedures in subdivision 1 apply to an appointment
made under this subdivision. A person appointed to fill a vacancy in the office of county
attorney need not be a resident of the county, and shall serve until a successor is elected
and qualified. A special election to fill a vacancy in the office of county attorney must be
held no later than one year following the date the office became vacant, provided that if
less than one year remains in the unexpired term at the time the office becomes vacant, a
special election shall not be held and the vacancy shall be filled at the general election. A

2.1 person elected to fill a vacancy at a special election serves the remainder of the unexpired
2.2 term and until a successor is elected and qualified.

2.3 Sec. 2. Minnesota Statutes 2012, section 382.02, is amended to read:

2.4 **382.02 VACANCIES, HOW FILLED.**

2.5 Except as otherwise provided in section 375.08, any appointment made to fill a
2.6 vacancy in any of the offices named in section 382.01 shall be for the balance of such
2.7 entire term, and be made by the county board.