

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 373

(SENATE AUTHORS: HOUSLEY, Kent, Chamberlain, Schoen and Wiger)		
DATE	D-PG	OFFICIAL STATUS
01/26/2017	396	Introduction and first reading
		Referred to Local Government
01/30/2017	453	Author added Wiger

1.1

A bill for an act

1.2

relating to counties; allowing a county board to temporarily fill a county

1.3

commissioner vacancy by appointment in certain circumstances; amending

1.4

Minnesota Statutes 2016, section 375.101, subdivision 1.

1.5

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

1.6

Section 1. Minnesota Statutes 2016, section 375.101, subdivision 1, is amended to read:

1.7

Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided

1.8

in subdivision 3, a vacancy in the office of county commissioner may be filled as provided

1.9

in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to

1.10

be filled under this subdivision and subdivision 2, it must be filled at a special election. The

1.11

county board may by resolution call for a special election to be held according to the earliest

1.12

of the following time schedules:

1.13

(1) not less than 120 days following the date the vacancy is declared, but no later than

1.14

12 weeks prior to the date of the next regularly scheduled primary election;

1.15

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

1.16

or

1.17

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

1.18

(b) The person elected at the special election shall take office immediately after receipt

1.19

of the certificate of election and upon filing the bond and taking the oath of office and shall

1.20

serve the remainder of the unexpired term. If the county has been reapportioned since the

1.21

commencement of the term of the vacant office, the election shall be based on the district

1.22

as reapportioned.

2.1 (c) If a special election is required to be held to fill a vacancy in the office of county
2.2 commissioner, the county board may temporarily fill the vacancy by appointment before
2.3 the vacancy is filled by special election. Before making an appointment to temporarily fill
2.4 a vacancy under this subdivision, the board must hold a public hearing after providing public
2.5 notice of the meeting. At the public hearing, the board must invite public testimony from
2.6 persons residing in the district in which the vacancy occurs relating to the qualifications of
2.7 the prospective appointee. After the board selects the person to temporarily fill the vacancy,
2.8 the board shall adopt and enter into the minutes of its proceedings a resolution evidencing
2.9 the appointment. The term of the appointment expires when a successor is chosen by special
2.10 election and takes the oath of office.