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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2943

03/10/2014 Authored by Urdahl
The bill was read for the first time and referred to the Committee on Elections
03/19/2014 Adoption of Report: Re-referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to elections; requiring a special election to fill a vacancy in the office of
1.3 county attorney; amending Minnesota Statutes 2012, sections 375.08; 382.02.

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

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

1.6 **375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.**

1.7 Subdivision 1. **By board appointment.** When a vacancy occurs in the office of
1.8 county auditor, county treasurer, county recorder, sheriff, ~~county attorney~~, county surveyor,
1.9 or coroner, the county board shall fill it by appointment. For that purpose it shall meet at
1.10 the usual place of meeting, upon one day's notice from the chair or clerk, which shall be
1.11 served personally upon each member in the same manner as a district court summons.

1.12 The person appointed shall give the bond and take the oath required by law, and serve the
1.13 remainder of the term, and until a successor qualifies. When a vacancy occurs in an office
1.14 that has a chief deputy or first assistant, the chief deputy or first assistant may perform all
1.15 the duties and functions of the office until it is filled by appointment by the county board.

1.16 Subd. 2. **Filling vacancy in county attorney office; special election.** The county
1.17 board may appoint an attorney licensed to practice law in the state to fill a vacancy in
1.18 the office of county attorney. The procedures in subdivision 1 apply to an appointment
1.19 made under this subdivision. A person appointed to fill a vacancy in the office of county
1.20 attorney need not be a resident of the county, and shall serve until a successor is elected
1.21 and qualified. A special election to fill a vacancy in the office of county attorney must be
1.22 held no later than one year following the date the office became vacant, provided that if
1.23 less than one year remains in the unexpired term at the time the office becomes vacant, a
1.24 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.