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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. 269

January 22, 2007

Authored by Howes and Moe

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to counties; modifying procedures on the filling of vacancies for certain  
1.3 offices; amending Minnesota Statutes 2006, section 375.101, subdivision 1, by  
1.4 adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2006, section 375.101, subdivision 1, is amended to read:

1.7 Subdivision 1. **Option for filling vacancies; election in 30 to 60 90 days.** Except  
1.8 as provided in subdivision 3, a vacancy in the office of county commissioner ~~shall~~ may be  
1.9 filled as provided in this subdivision and subdivision 2, or as provided in subdivision 4. If  
1.10 the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a  
1.11 special election not less than 30 nor more than ~~60~~ 90 days after the vacancy occurs. The  
1.12 special primary or special election may be held on the same day as a regular primary or  
1.13 regular election but the special election shall be held not less than 14 days after the special  
1.14 primary. The person elected at the special election shall take office immediately after  
1.15 receipt of the certificate of election and upon filing the bond and taking the oath of office  
1.16 and shall serve the remainder of the unexpired term. If the county has been reapportioned  
1.17 since the commencement of the term of the vacant office, the election shall be based  
1.18 on the district as reapportioned.

1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.20 Sec. 2. Minnesota Statutes 2006, section 375.101, is amended by adding a subdivision  
1.21 to read:

1.22 Subd. 4. **Option for filling vacancies; appointment.** Except as provided in  
1.23 subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any

2.1 other vacancy in the office of county commissioner may be filled by board appointment at  
2.2 a regular or special meeting. The appointment shall be evidenced by a resolution entered  
2.3 in the minutes and shall continue until an election is held under this subdivision. All  
2.4 elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the  
2.5 first day to file affidavits of candidacy for the next county general election and more than  
2.6 two years remain in the unexpired term, a special election shall be held in conjunction  
2.7 with the county general election. The appointed person shall serve until the qualification  
2.8 of the successor elected to fill the unexpired part of the term at that special election. If the  
2.9 vacancy occurs on or after the first day to file affidavits of candidacy for the county general  
2.10 election, or when less than two years remain in the unexpired term, there shall be no special  
2.11 election to fill the vacancy and the appointed person shall serve the remainder of the  
2.12 unexpired term and until a successor is elected and qualifies at the county general election.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.