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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3632

1.1 A bill for an act  
1.2 relating to local government; authorizing the filling of a vacancy in the position  
1.3 of sheriff or county attorney by special election; amending Minnesota Statutes  
1.4 2022, section 375.08; proposing coding for new law in Minnesota Statutes, chapter  
1.5 375.

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

1.7 Section 1. Minnesota Statutes 2022, section 375.08, is amended to read:

1.8 **375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.**

1.9 Except for vacancies filled under section 375.081, when a vacancy occurs in the office  
1.10 of an elected county auditor, county treasurer, county recorder, sheriff, county attorney,  
1.11 county surveyor, or coroner, the county board shall fill it by appointment. For that purpose  
1.12 it shall meet at the usual place of meeting, upon one day's notice from the chair or clerk,  
1.13 which shall be served personally upon each member in the same manner as a district court  
1.14 summons. The person appointed shall give the bond and take the oath required by law, and  
1.15 serve the remainder of the term, and until a successor qualifies. When a vacancy occurs in  
1.16 an office that has a chief deputy or first assistant, the chief deputy or first assistant may  
1.17 perform all the duties and functions of the office until it is filled by appointment by the  
1.18 county board.

1.19 **Sec. 2. [375.081] VACANCY IN OFFICE OF SHERIFF OR COUNTY ATTORNEY.**

1.20 (a) As an alternative to the appointment procedure provided in section 375.08, a vacancy  
1.21 in the office of sheriff or county attorney may be filled at a special election as provided in  
1.22 this section. The county board may by resolution call for a special election to be held  
1.23 according to the earliest of the following time schedules:

- 2.1 (1) not less than 120 days following the date the vacancy is declared, but no later than  
2.2 12 weeks prior to the date of the next regularly scheduled primary election; or
- 2.3 (2) no sooner than 120 days following the next regularly scheduled general election.
- 2.4 (b) The person elected at the special election shall take office immediately after receipt  
2.5 of the certificate of election and upon filing the bond and taking the oath of office and shall  
2.6 serve the remainder of the unexpired term.