

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3555

(SENATE AUTHORS: CARLSON)

DATE	D-PG	OFFICIAL STATUS
02/12/2024	11557	Introduction and first reading Referred to Elections
02/22/2024		Comm report: To pass as amended and re-refer to State and Local Government and Veterans

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 (a) Except as provided in paragraph (b) or section 375.081, when a vacancy occurs in

1.10 the office of an elected county auditor, county treasurer, county recorder, sheriff, county

1.11 attorney, county surveyor, or coroner, the county board shall ~~shall~~ must fill it by appointment at

1.12 a regular or special meeting. ~~For that purpose it shall meet at the usual place of meeting,~~

1.13 ~~upon one day's notice from the chair or clerk, which shall be served personally upon each~~

1.14 ~~member in the same manner as a district court summons.~~ The A person appointed shall to

1.15 a vacancy pursuant to this paragraph must give the bond and take the oath required by law,

1.16 and serve the remainder of the term, and until a successor qualifies.

1.17 (b) When a vacancy occurs in the office of sheriff or county attorney less than 84 days

1.18 before the state primary in the year preceding the end of the term, the county board may fill

1.19 the vacancy by appointment at a regular or special meeting. A person appointed to fill a

1.20 vacancy pursuant to this paragraph serves only until the successor is elected. The person

1.21 elected at the general election to the office for the ensuing term must take office immediately

1.22 after receiving the certificate of election, filing the bond, and taking the oath of office.

2.1 (c) When a vacancy occurs in an office that has a chief deputy or first assistant, the chief
2.2 deputy or first assistant may perform all the duties and functions of the office until it is filled
2.3 by appointment by the county board.

2.4 Sec. 2. **[375.081] VACANCY IN OFFICE OF SHERIFF OR COUNTY ATTORNEY;**
2.5 **OPTIONAL SPECIAL ELECTION.**

2.6 As an alternative to the appointment procedure provided in section 375.08, a vacancy
2.7 in the office of sheriff or county attorney may be filled at a special election as provided in
2.8 this section. The county board may, by resolution, call for a special election to be held on
2.9 a date authorized by section 205.10, subdivision 3a. The person elected at the special election
2.10 must take office immediately after receipt of the certificate of election and upon filing the
2.11 bond and taking the oath of office and must serve the remainder of the unexpired term. This
2.12 section does not apply to a vacancy that occurs less than 84 days before the state primary
2.13 in the year preceding the end of the term.