

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4951

(SENATE AUTHORS: WESTLIN)

DATE
03/13/2024

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Introduction and first reading
Referred to Elections

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to school boards; modifying the requirements to fill a vacancy in the office
1.3 of school board member; amending Minnesota Statutes 2022, section 123B.09,
1.4 subdivision 5b.

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

1.6 Section 1. Minnesota Statutes 2022, section 123B.09, subdivision 5b, is amended to read:

1.7 Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy on the
1.8 board, other than a vacancy described in subdivision 4, must be filled by board appointment
1.9 at a regular or special meeting. The appointment shall be evidenced by a resolution entered
1.10 in the minutes and shall be effective 30 days following adoption of the resolution, subject
1.11 to paragraph ~~(b)~~ (d). If the appointment becomes effective, it shall continue for the remainder
1.12 of the unexpired term or until an election is held under this subdivision, as applicable. All
1.13 elections to fill vacancies shall be for the unexpired term. A special election to fill the
1.14 vacancy must be held no later than the first Tuesday after the first Monday in November
1.15 following the vacancy. If the vacancy occurs less than 90 days prior to the first Tuesday
1.16 after the first Monday in November in the year in which the vacancy occurs, the special
1.17 election must be held no later than the first Tuesday after the first Monday in November of
1.18 the following calendar year. ~~If the vacancy occurs less than 90 days prior to the first Tuesday~~
1.19 ~~after the first Monday in November in the third year of the term, no special election is~~
1.20 ~~required. If the vacancy is filled by a special election, the person elected at that election for~~
1.21 ~~the ensuing term shall take office immediately after receiving the certificate of election,~~
1.22 ~~filing the bond, and taking the oath of office.~~

2.1 (b) Notwithstanding paragraph (a), if the vacancy occurs less than two years prior to the
2.2 expiration of the term, no special election is required and the appointee of the board shall
2.3 serve for the remainder of the unexpired term, subject to paragraph (d).

2.4 (c) Notwithstanding paragraph (a), if the vacancy occurs less than 90 days prior to the
2.5 expiration of the term, the board may, but is not required to, fill the vacancy by board
2.6 appointment at a regular or special meeting.

2.7 ~~(b)~~ (d) An appointment made under paragraph (a) shall not be effective if a petition to
2.8 reject the appointee is filed with the school district clerk. To be valid, a petition to reject an
2.9 appointee must be signed by a number of eligible voters residing in the district equal to at
2.10 least five percent of the total number of voters voting in the district at the most recent state
2.11 general election, and must be filed within 30 days of the board's adoption of the resolution
2.12 making the appointment. If a valid petition is filed according to the requirements of this
2.13 paragraph, the appointment by the school board is ineffective and the board must name a
2.14 new appointee as provided in paragraph (a).

2.15 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to vacancies
2.16 occurring on or after that date.