

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

1.1A bill for an act

1.2relating to local government; authorizing the filling of a vacancy in the position

1.3of sheriff or county attorney by special election; amending Minnesota Statutes

1.42022, section 375.08; proposing coding for new law in Minnesota Statutes, chapter

1.5375.

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

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

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

1.9Except for vacancies filled under section 375.081, when a vacancy occurs in the office

1.10of an elected county auditor, county treasurer, county recorder, sheriff, county attorney,

1.11county surveyor, or coroner, the county board shall fill it by appointment. For that purpose

1.12it shall meet at the usual place of meeting, upon one day's notice from the chair or clerk,

1.13which shall be served personally upon each member in the same manner as a district court

1.14summons. The person appointed shall give the bond and take the oath required by law, and

1.15serve the remainder of the term, and until a successor qualifies. When a vacancy occurs in

1.16an office that has a chief deputy or first assistant, the chief deputy or first assistant may

1.17perform all the duties and functions of the office until it is filled by appointment by the

1.18county board.

1.19Sec. 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

1.21in the office of sheriff or county attorney may be filled at a special election as provided in

1.22this section. The county board may by resolution call for a special election to be held

1.23according 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.