

INFORMATION BRIEF
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County Offices: Combining or Making Appointed

This information brief describes the general law governing how certain county government offices may be changed from elected to appointed positions and how certain offices may be combined. It also summarizes what options counties have implemented and whether they have used general or special law.

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What county offices can be changed from elective to appointive under general law and how?

Under [Minnesota Statutes, section 382.01](#), each county must have an elected county auditor, treasurer, sheriff, recorder, attorney, and coroner. But since 1973, [Minnesota Statutes, section 375A.10](#), has allowed a county to appoint an auditor, treasurer, sheriff, or recorder, if the offices have not been abolished by the adoption of other options.

These options may be adopted only after the voters in the county approve it in a referendum. [Minn. Stat. § 375A.12](#). The referendum may be initiated by:

- a resolution by the county board,
- a petition signed by voters equal in number to 5 percent of the electors voting at the last election for the office of governor, or
- a recommendation of a county government study commission. If a study commission has been established under [Minnesota Statutes, section 375A.13](#), a referendum on an option may not be initiated by a resolution of the county board or a petition of voters until after the commission has completed its study.

If an office is made appointive, the board of county commissioners makes the appointment to the office. The statutorily required duties, functions, and responsibilities of the office are then vested in and performed by the board of county commissioners through a board-appointed department head. The board can initiate and direct any reorganization, consolidation, reallocation, or delegation of duties, functions, or responsibilities for the purpose of promoting efficiency in county government; the board may also make any other necessary administrative changes including abolishing or terminating the office or the transfer of personnel, without diminishing, prohibiting, or avoiding those specific statutorily required duties to be performed by those officials. [Minn. Stat. § 375A.10](#), subd. 3.

The officer elected to the office at the time of the adoption of this option serves as the head of any department created by the board of county commissioners to perform the functions formerly performed by the office until the term of office expires. [Minn. Stat. § 375A.10](#), subd. 3.

What county offices can be combined and how?

1. Auditor and Treasurer

The offices of the county auditor and treasurer may be combined. [Minn. Stat. § 375A.10](#), subd. 2, cl. (c). If the combined office is to be appointive, a referendum must be held under section [375A.12](#). If the combined office is to remain elective, the proposed change generally is not subject to a referendum and if a referendum is not held, the resolution providing for the change must be adopted by 80 percent of the county board members. However, the county board may still require a referendum on the change. In addition, a referendum may be required if a petition is signed by a number of voters equal to 10 percent of those voting in the county at the last

general election. The county auditor must receive the petition for a referendum within 30 days after the second publication of the board resolution that orders the combination.

The persons last elected as auditor and treasurer before the resolution has been adopted serve in those offices until the completion of the terms to which they were elected.

The statutorily required duties, functions, and responsibilities of the county auditor and the county treasurer are then vested in and performed by the auditor-treasurer.

2. Assessor and Auditor, Treasurer, or Auditor-Treasurer

A number of counties have combined the office of assessor with that of auditor, treasurer, or auditor-treasurer. Because of concerns with the compatibility of these offices, the law now explicitly provides for combining the offices. Whenever the assessor's office is combined with another, the person holding the office still must meet the qualifications required for assessor.

Compatible offices. The office of county assessor is compatible with the office of auditor, treasurer, or auditor-treasurer if those offices are appointed positions. A combined assessor-auditor must not serve on the board of appeal and equalization. The county board must not delegate any authority, power, or responsibility under the tax abatement process to the combined office.

An elected county auditor, treasurer, or auditor-treasurer may also serve as the county assessor if the auditor, treasurer, or auditor-treasurer office will be an appointed position within five years. The five-year period covers the time it might take from the referendum to make the auditor, treasurer, or auditor-treasurer an appointed office until the current elected officeholder's term expires.

Incompatible offices. A county assessor must not serve in the listed elected positions: county attorney, county board member, elected auditor, elected treasurer, elected auditor-treasurer, town board supervisor for a town in the same county, or mayor or city council member for a city in the same county. Similarly, a city assessor must not also serve as a mayor or city council member for the same city, and a town assessor must not serve as a town board supervisor for the same town.

Except for an elective office that will become appointive, an assessor who accepts an office that is incompatible with the office of assessor is deemed to have resigned from the assessor position on the day of taking the incompatible office.

[Minn. Stat. § 273.061](#), subs. 1a, 1b, 1c.

Can a county change a position that has been combined or made appointed back to an elected position?

Yes, but not until at least three years have passed. After three years, any office that has been combined or made appointed under [chapter 375A](#) may be changed back following the same procedures. [Minn. Stat. § 375A.12](#), subd. 6. However, if the change was made pursuant to special law, then special law is needed to change back. Since 2011, special laws to authorize changing offices to appointed positions have also included a provision to provide for reverting to electing the offices that is substantially the same as the general law.

How many counties have implemented changes in county offices?

As of 2017, nearly all counties have implemented changes in their county offices, whether under general or special law.¹

Use of the General Law

Combining the Elected Auditor and Treasurer Offices. The following 46 counties appear to have used general law authority to combine the offices of elected auditor and treasurer: Becker, Beltrami, Brown, Carlton, Chisago, Clay, Clearwater, Cook,² Cottonwood, Crow Wing, Douglas, Faribault, Fillmore, Freeborn,³ Isanti, Jackson, Kanabec, Kittson, Koochiching, Lake of the Woods, LeSueur, Lyon, Marshall, McLeod, Mille Lacs, Morrison, Mower, Norman, Otter Tail, Pennington, Pine, Pope, Redwood, Renville, Rice, Sherburne, Stearns, Stevens, Todd, Traverse, Wabasha, Wadena,⁴ Waseca, Wilkin, Winona, and Wright.

Sibley County's auditor and treasurer will be combined offices as of January 1, 2019, pursuant to a referendum vote favoring the combination.

Several of these counties have since obtained special legislation to change the elected auditor-treasurer office to an appointed position, subject to a reverse referendum, but not all have implemented the special legislation.

¹ The information in this section is based on a phone survey of all counties in 2016, 2016 election results, and the 2017-2018 *Minnesota Legislative Manual* (known as the "Blue Book," published by the Office of the Minnesota Secretary of State).

² Cook County held a referendum on the proposal in 1976 and the part to combine the offices passed, but the part to make the combined office appointive failed.

³ Freeborn County combined the offices of auditor and treasurer in 1982 following a referendum on the question.

⁴ Wadena County was authorized by [Laws 1994, chapter 394](#), to combine the offices of auditor and treasurer, subject to local approval of the special legislation. Wadena County did not file the local approval as required, and the authority under special law has expired. However, the offices are combined, presumably under general law in [Minnesota Statutes, chapter 375A](#).

Other offices. In Dodge County, the auditor-treasurer position became an appointed position in 2007, following approval by the voters at the 2004 general election. The recorder's office became an appointed office following voter approval at the 2012 primary election.

In Douglas, Fillmore, and Kanabec counties, voters at the 2016 general election rejected making the offices of auditor-treasurer and recorder appointed positions.

In Mille Lacs County, the auditor and treasurer positions were combined following a referendum in 1980. A 1974 referendum to combine the offices and make the combined office appointive failed. The recorder position became an appointed position at the beginning of 2007, following approval by the voters at the 2004 general election.

In Swift County, the voters approved changing the offices of recorder and auditor to appointed positions at the November 2012 general election.

To date, no county has opted to make the sheriff an appointed position.

Special Laws

The table below shows that more than half of the counties have special laws that authorized those counties to combine or make appointive certain county offices. Even though a county has gotten special law authority, it has not always resulted in implementing the change.⁵

Once an office is made an appointed position, the county board may reorganize, reallocate, delegate, or otherwise change how the required functions of the office are performed. This means that in some counties, the specific office or title may not exist but the functions are still performed.

Before 2001, some special laws provided for a reverse referendum, but not all. Since 2001, special legislation has contained substantially the same conditions. A special law:

- (1) requires local approval by the governing body for the law to take effect;
- (2) requires the county board to adopt the resolution providing for the change by at least 80 percent vote of the board;
- (3) provides for a reverse referendum; and
- (4) provides for the elected officeholder, if any, to continue to hold the office until the term expires.

Since 2011, an additional provision that spells out how the county may revert to making offices elective after having made them appointive under the special law is included in any special law.⁶

⁵ A special law is a law that applies to only a part of a class—for example, one county as opposed to all counties. For more information on special laws, see the information brief *Special Legislation*, October 2016.

⁶ See *Laws 2011, chapter 99*, for example.

In 2001, 2006, 2009, 2013, 2015, and 2017 legislation was debated, but not enacted, that would have made it easier under general law to change certain county offices from elective to appointive positions.⁷

Special Laws Enacted					
County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Anoka ⁸	1989 ch. 243	1989 ch. 243	1989 ch. 243		
Beltrami			2007 ch. 26		
Benton ⁹			1997 ch. 91; 2017, ch. 92, art. 3, § 2	1997 ch. 91	1997 ch. 91
Big Stone ¹⁰				1992 ch. 421	
Blue Earth	1990 ch. 431	1990 ch. 431	1990 ch. 431		
Carlton			2002 ch. 263		
Carver	2006 ch. 173	2006 ch. 173	2006 ch. 173		
Cass ¹¹			2001 ch. 105		2001 ch. 105
Chippewa				1992 ch. 421	
Chisago ¹²			1998 ch. 302		
Clay ¹³			2014 ch. 146 § 3		2014 ch. 146 § 3
Crow Wing ¹⁴			2015 ch. 38		2015 ch. 38

⁷ See H.F. 1290/S.F. 510 (2001); H.F. 2946/S.F. 2805 (2006); H.F. 1278/S.F.1125 (2009); H.F. 800/S.F. 966 (2013); H.F. 1179/S.F. 675 (2015); H.F. 1696/S.F. 1426 (2017) (limited to county recorders).

⁸ In [Laws 2005, chapter 28](#), these provisions were codified in [Minnesota Statutes, sections 383E.03](#) to 383E.06.

⁹ In Benton County, a referendum pursuant to a petition was held following the 1997 special law’s enactment. The part that combined the offices of auditor and treasurer passed, but the part to make the office of recorder and the combined office of auditor-treasurer appointive failed. In 2017, the county was again authorized to make the office of recorder appointive, subject to reverse referendum.

¹⁰ Big Stone County never approved the local law as required. A petition for a referendum was filed and the referendum failed. Thus, the option was not implemented and the authority to implement it under special law has expired.

¹¹ Cass County approved the law but has not yet made the recorder an appointive position. The 2017-2018 *Minnesota Legislative Manual* shows that the elected recorder’s term expires 2019. The auditor-treasurer’s position was made appointive effective May 1, 2005.

¹² The 2017-2018 *Minnesota Legislative Manual* shows the recorder with a term ending in 2019, which indicates it is an elected position.

¹³ The 2017-2018 *Minnesota Legislative Manual* shows the recorder with a term ending in 2019, which indicates it is an elected position.

¹⁴ The 2017-2018 *Minnesota Legislative Manual* shows the offices with terms ending in 2019, which indicates they are elected positions.

Special Laws Enacted					
County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Dakota ¹⁵			1991 ch. 338	1991 ch. 338	1998 ch. 308
Freeborn ¹⁶			1994 ch. 393		1994 ch. 393
Goodhue			2001 ch. 184		2001 ch. 184
Hennepin ¹⁷			1967 ch. 599		1967 ch. 599
Hubbard	2001 ch. 105	2001 ch. 105	2001 ch. 105		
Itasca				1993 ch.127	
Jackson ¹⁸					2014 ch. 146 § 1
Kandiyohi			2014 ch. 146 § 4	1992 ch. 421	2014 ch. 146 § 4
Kittson			2011 ch. 99		2011 ch. 99
Koochiching ¹⁹			1994 ch. 387		
Lac qui Parle			2005 ch. 75 § 2		2005 ch. 75 § 2
Lake ²⁰			2014 ch. 146 § 2	1974 ch. 227	2014 ch. 146 § 2
Lyon			2014 ch. 146 § 5		2014 ch. 146 § 5
Marshall ²¹			2011 ch. 99; 2017 ch. 92, art. 3, § 5		2011 ch. 99
Martin				1991 ch. 81	
Morrison			2017 ch. 92, art. 3, § 1		
Murray				1993 ch. 200	
Nicollet					2008 ch. 160

¹⁵ Dakota County’s law is now codified in [Minnesota Statutes, section 383D.09](#).

¹⁶ Freeborn County was authorized to make the county recorder and combined office of auditor-treasurer appointive offices. [Laws 1994, ch. 393](#). Although local approval was completed for the special legislation, the options were not implemented after a referendum was held pursuant to a petition and failed.

¹⁷ Hennepin County’s special law is codified at [Minnesota Statutes, section 383B.025](#). The special law did not provide for a reverse referendum.

¹⁸ The auditor-treasurer position is still an elected position with the term ending 2019.

¹⁹ Koochiching County was authorized to make the office of county recorder appointive, and although the special legislation was approved by the county board, the option was not implemented after the referendum held pursuant to a petition failed.

²⁰ The positions are currently elected.

²¹ Marshall County, after holding a public hearing on the matter, voted not to implement the special law and did not complete approval of it. The special law has now expired and will not take effect. In 2017, the county was again authorized to make the recorder’s office appointive, subject to reverse referendum.

Special Laws Enacted					
County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Nobles ²²			2005 ch. 75 § 3	1993 ch. 200	2005 ch. 75 § 3
Olmsted			1992 ch. 474	1990 ch. 438	1998 ch. 307
Pine ²³			2002 ch. 263		2017 ch. 92, art. 3, § 3
Pipestone ²⁴				1993 ch. 200	
Polk			2002 ch. 258	1993 ch. 127	2002 ch. 258
Pope ²⁵			2005 ch. 75 § 1		2005 ch. 75 § 1
Ramsey ²⁶	1971 ch. 611	1971 ch. 611	1971 ch. 611		
Rice			2017 ch. 92, art. 3, § 6		2017 ch. 92, art. 3, § 6
Rock			2003 ch. 43	1993 ch. 200	2008 ch. 209
St. Louis ²⁷			1986 ch. 366 § 3	1969 ch. 591	
Scott ²⁸	1997 ch. 90	1997 ch. 90	1997 ch. 90		
Stearns			2017 ch. 92, art. 3, § 4		
Steele			2002 ch. 256		
Wadena ²⁹				1994 ch. 394	
Washington			1997 ch. 153		1997 ch. 153
Wright			2001 ch. 180		

²² Nobles County did not file the certificate of local approval of the 2005 law with the secretary of state and the law did not take effect.

²³ Pine County may also combine the duties of the appointed recorder and the county assessor into one department, as long as the person appointed has the qualifications required in statute for assessors.

²⁴ Pipestone County was authorized to combine the offices of auditor and treasurer, and although the county board approved the local law, the option was not implemented after the referendum held pursuant to a petition failed.

²⁵ When a petition for a referendum was filed, the Pope County board rescinded its resolution. The law was not approved and has expired. A referendum held November 6, 2012, on whether to make the offices of recorder and auditor-treasurer appointed, failed.

²⁶ Ramsey County's special law is codified at [Minnesota Statutes, section 383A.20](#).

²⁷ St. Louis County's special law is codified at [Minnesota Statutes, section 383C.136](#). In 1969, the treasurer's position was abolished and functions given to the auditor. In 1986, the recorder's position was made an appointed position. The special law did not provide for a reverse referendum.

²⁸ [Laws 2000, chapter 259](#), allowed Scott County to generally reorganize and transfer the duties of the appointive positions to the county administrator.

²⁹ Wadena County did not file the local approval as required, and the authority under special law has expired. However, the offices are combined, presumably under general law in [Minnesota Statutes, chapter 375A](#).

Special Laws Enacted					
County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Yellow Medicine			2008 ch. 161		2008 ch. 161

For more information about local governments, visit the government operations area of our website, www.house.mn/hrd/.