

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3123
Version: First engrossment

DATE: March 22, 2016

Authors: Howe and others

Subject: School board appointments and special elections to fill board vacancies

Analyst: Lisa Larson

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

Establishes when school board member vacancies can be filled by board appointment or by special election. Allows school boards to fill short-term vacancies by appointment rather than by more costly special elections.

Section

- 1** **Appointments to fill vacancies; special elections.** (a) Requires all school board vacancies, except those arising when a school board member is removed for cause or is ill or absent, to be filled, subject to a recorded board resolution, by a board appointment at a regular or special board meeting. Causes the person's appointment to the board to continue until an election is held. Requires all such elections to be for the unexpired term of the vacating member.
- Requires a special election to be held along with a school board general election if the board vacancy occurs 21 or more days before the first day to file an affidavit of candidacy for the next school district general election and more than two years remain in the vacating member's term. Directs the person appointed to fill the vacancy to continue to serve on the board until the special election is held and a successor is elected and qualified to fill the unexpired part of the vacating member's term.
- Precludes holding a special election and directs the person appointed to fill the vacancy to continue to serve the remainder of the unexpired term of the vacating board member, and until a successor is elected and qualified, if the vacancy occurs fewer than 21 days before the first day to file an affidavit of candidacy for the next school district general election or less than two years remain in the vacating member's term.

Section

(b) Requires board vacancies occurring when a board member is removed for cause to be filled consistent with the requirements in paragraph (a) except that a special election must be held to fill the vacancy if more than one year remains of the unexpired term.

- 2 **Repealer.** Repeals Minnesota Statutes, section 123B.095, governing elections and appointments for school board member vacancies, and Minnesota Statutes, section 123B.09, subdivision 5a, referring to the repealed section on school board member vacancies.
- 3 **Effective date.** Makes sections 1 and 2 effective immediately.