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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5375

1.1 A bill for an act

1.2 relating to elections; modifying certain school board election requirements;

1.3 repealing combined school district polling places; amending Minnesota Statutes

1.4 2022, section 123B.09, subdivision 5b; repealing Minnesota Statutes 2022, section

1.5 205A.11, subdivisions 2, 2a, 3.

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

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

1.8 Subd. 5b. **Appointments to fill vacancies; special elections.** ~~(a)~~ Any vacancy on the

1.9 board, other than a vacancy described in subdivision 4, must be filled by ~~board appointment~~

1.10 ~~at a regular or special meeting. The appointment shall be evidenced by a resolution entered~~

1.11 ~~in the minutes and shall be effective 30 days following adoption of the resolution, subject~~

1.12 ~~to paragraph (b). If the appointment becomes effective, it shall continue until an election is~~

1.13 ~~held under this subdivision~~ a special election. All elections to fill vacancies shall be for the

1.14 unexpired term. A special election to fill the vacancy must be held no later than the first

1.15 Tuesday after the first Monday in November following the vacancy. If the vacancy occurs

1.16 less than 90 days prior to the first Tuesday after the first Monday in November in the year

1.17 in which the vacancy occurs, the special election must be held no later than the first Tuesday

1.18 after the first Monday in November of the following calendar year. If the vacancy occurs

1.19 less than 90 days prior to the first Tuesday after the first Monday in November in the third

1.20 year of the term, no special election is required. If the vacancy is filled by a special election,

1.21 the person elected at that election for the ensuing term shall take office immediately after

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

1.23 ~~(b) An appointment made under paragraph (a) shall not be effective if a petition to reject~~

1.24 ~~the appointee is filed with the school district clerk. To be valid, a petition to reject an~~

2.1 ~~appointee must be signed by a number of eligible voters residing in the district equal to at~~
2.2 ~~least five percent of the total number of voters voting in the district at the most recent state~~
2.3 ~~general election, and must be filed within 30 days of the board's adoption of the resolution~~
2.4 ~~making the appointment. If a valid petition is filed according to the requirements of this~~
2.5 ~~paragraph, the appointment by the school board is ineffective and the board must name a~~
2.6 ~~new appointee as provided in paragraph (a).~~

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.8 applies to vacancies occurring on or after that date.

2.9 Sec. 2. **REPEALER.**

2.10 Minnesota Statutes 2022, section 205A.11, subdivisions 2, 2a, and 3, are repealed.

205A.11 PRECINCTS; POLLING PLACES.

Subd. 2. **Combined polling place.** (a) When no other election is being held in a school district, the school board may designate combined polling places at which the voters in those precincts may vote in the school district election.

(b) By December 31 of each year, the school board must designate, by resolution, combined polling places. The combined polling places designated in the resolution are the polling places for the following calendar year, unless a change is made:

- (1) pursuant to section 204B.175; or
- (2) because a polling place has become unavailable.

(c) If the school board designates combined polling places pursuant to this subdivision, polling places must be designated throughout the district, taking into account both geographical distribution and population distribution. A combined polling place must be at a location designated for use as a polling place by a county or municipality.

(d) In school districts that have organized into separate board member election districts under section 205A.12, a combined polling place for a school general election must be arranged so that it does not include more than one board member election district.

Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to the voters who will be voting in a combined polling place for a school district special election. The notice must include the following information: the date of the election, the hours of voting, and the location of the voter's polling place. The notice must be sent by nonforwardable mail to every affected household in the school district with at least one registered voter. The notice must be mailed no later than 14 days before the election. The mailed notice is not required for a school district special election that is held on the second Tuesday in August, the Tuesday following the first Monday in November, or for a special election conducted entirely by mail. A notice that is returned as undeliverable must be forwarded immediately to the county auditor.

Subd. 3. **Procedure.** The designation of a polling place pursuant to this section remains effective until a different polling place is designated. No designation of a new or different polling place becomes effective less than 90 days prior to an election, except that a new polling place may be designated to replace a polling place that has become unavailable for use. The school board must notify the county auditor within 30 days after the establishment of a polling place as provided in this section. The notice must include a list of the precincts that will be voting at each polling place. The school board must send the notice required by section 204B.16, subdivision 1a, after a polling place is established as provided in this section, but no additional notices of this kind are required for any subsequent similar elections until the location of the polling place or the combination of precincts voting at the polling place is changed. The secretary of state shall provide a single polling place roster for use in any polling place established as provided in this section. A single set of election judges must be appointed to serve in the polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all the precincts to be voting at the single polling place. A single ballot box may be provided for all the ballots.