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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.

Contents

Page

What county offices can be changed from elective to appointive and how?.....	2
What county offices can be combined and how?.....	2
How many counties have implemented changes in county offices?.....	4
Can a county change a position that has been combined or made appointed back to an elected position?	10

What county offices can be changed from elective to appointive 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 a county auditor, county treasurer, sheriff, or county 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](#), subds. 1a, 1b, 1c.

How many counties have implemented changes in county offices?

Seventy of Minnesota's 87 counties have implemented one or more changes in county offices. The table below indicates what options counties have used and provides a citation to the session law if the option was authorized by special legislation. An "X" means that the 2013-2014 *Minnesota Legislative Manual*¹ indicates the option followed by the county, presumably pursuant to the general law. As can be seen at a glance, the most popular options are making the office of county recorder an appointed position and combining the offices of auditor and treasurer, whether the combined office remains elective or is made appointive. Less than half of the options exercised were done so under general law authority. Those that were exercised under general law authority were the ones that do not require a referendum, although in several instances a referendum was in fact held. Most changes were made following special legislation. To date, no county has opted to make the sheriff an appointive position.

Since 2001, special legislation allowing a county to make a position appointed or combining auditor and treasurer has:

- (1) required the county board to adopt the resolution providing for the change by at least 80 percent;
- (2) provided for a reverse referendum;
- (3) required local approval; and
- (4) provided for the elected officeholder, if any, to continue to hold the office until the term expires.

In 2001, 2006, 2009, and again in 2013, 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.² Since 2001, 22 counties have gotten special legislation to make the changes under substantially the same conditions as were proposed in these bills to change the general law.

In 2011, an additional provision was enacted in a special law that spells out how the county may revert to making offices elective after having made them appointive under the special law.³

¹ Office of the Minnesota Secretary of State, *Minnesota Legislative Manual 2013-2014* (St. Paul, 2013); also known as the *Minnesota Blue Book*, www.sos.state.mn.us/index.aspx?page=1744.

² 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)

³ See [Laws 2011, ch. 99](#).

Counties That Have Exercised Options

LA = local approval required and done • **NR** = no referendum required • **RR** = reverse referendum required • **X** = 2013-2014 *Minnesota Legislative Manual* indicates the position. It is assumed it was established under [Minnesota Statutes, chapter 375A](#), because there is no known special legislation.

County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Anoka ⁴	1989 c 243 (RR, LA)	1989 c 243 (RR, LA)	1989 c 243 (RR, LA)		
Becker				X	
Beltrami			2007 c 26 (RR, LA)	X	
Benton ⁵				1997 c 91 (RR)	
Blue Earth	1990 c 431 (RR, LA)	1990 c 431 (RR, LA)	1990 c 431 (RR, LA)		
Brown				X	
Carlton			2002 c 263 (RR, LA)	X	
Carver ⁶	2006 c 173 (RR, LA)	2006 c 173 (RR, LA)	2006 c 173 (RR, LA)		
Cass ⁷			2001 c 105 (RR, LA)		2001 c 105 (RR, LA)
Chippewa				1992 c 421 (RR, LA)	
Chisago ⁸			1998 c 302 (RR, LA)		
Clay			2014 c 146 § 3 (RR, LA)	X	2014 c 146 § 3 (RR, LA)

⁴ In [Laws 2005, chapter 28](#), these provisions were codified in [Minnesota Statutes, sections 383E.03](#) to 383E.06.

⁵ [Laws 1997, chapter 91](#), also authorized Benton County to make the offices of recorder and auditor-treasurer appointive but these options were not implemented. There was a petition to require a referendum and the part that combined the offices of auditor and treasurer passed, but the part to make the combined office appointive failed.

⁶ The 2013-2014 *Minnesota Legislative Manual* shows the auditor-treasurer as a combined position.

⁷ Although Cass County approved the law, it has not implemented the option to make the recorder an appointed position. The 2013-2014 *Minnesota Legislative Manual* shows that the elected recorder's term expires 2015. The auditor-treasurer's position was made appointive effective May 1, 2005.

⁸ The 2013-2014 *Minnesota Legislative Manual* shows that the county has a recorder-treasurer with a term ending in 2015. The county website shows the offices as separate but occupied by the same person.

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County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Cook ⁹				X	
Cottonwood				X	
Crow Wing				X	
Dakota ¹⁰			1991 c 338 (RR)	1991 c 338 (RR)	1998 c 308 (RR, LA)
Dodge ¹¹			X		X
Douglas				X	
Faribault				X	
Fillmore				X	
Freeborn ¹²				X	
Goodhue			2001 c 184 (RR, LA)		2001 c 184 (RR, LA)
Hennepin			1967 Minn. Stat. § 383B.025		1967 Minn. Stat. § 383B.025
Hubbard	2001 c 105 (RR, LA)	2001 c 105 (RR, LA)	2001 c 105 (RR, LA)		
Isanti				X	
Itasca					1993 c 127 (RR, LA)

⁹ A referendum on the proposal was held in 1976 and the part to combine the offices passed, but the part to make the combined office appointive failed.

¹⁰ Dakota County's law is now codified in [Minnesota Statutes, section 383D.09](#).

¹¹ The auditor-treasurer's office became an appointed office at the beginning of 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.

¹² The offices of auditor and treasurer were combined in 1982 following a referendum on the question. Freeborn County was given special authority 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.

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County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Jackson				X	2014 c 146 § 1 (RR, LA)
Kanabec				X	
Kandiyohi			2014 c 146 § 4 (RR, LA)	1992 c 421 (RR, LA)	2014 c 146 § 4 (RR, LA)
Kittson ¹³			2011 c 99 (RR, LA)	X	2011 c 99 (RR, LA)
Koochiching				X	
Lac qui Parle			2005 c 75 § 2 (RR, LA)		2005 c 75 § 2 (RR, LA)
Lake			2014 c 146 § 2 (RR, LA)	1974 c 227 (RR)	2014 c 146 § 2 (RR, LA)
LeSueur				X	
Lyon			2014 c 146 § 5 (RR, LA)	X	2014 c 146 § 5 (RR, LA)
Marshall				X	
Martin				1991 c 81 (RR, LA)	
McLeod				X	
Mille Lacs ¹⁴			X	X	
Morrison				X	
Mower				X	
Murray				1993 c 200 (RR, LA)	
Nicollet					2008 c 160 (RR, LA)

¹³ The 2013-2014 *Minnesota Legislative Manual* indicated the elected recorder's term ends in 2015.

¹⁴ The auditor-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.

Counties That Have Exercised Options

LA = local approval required and done • **NR** = no referendum required • **RR** = reverse referendum required • **X** = 2013-2014 *Minnesota Legislative Manual* indicates the position. It is assumed it was established under Minnesota Statutes, chapter 375A, because there is no known special legislation.

County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Nobles ¹⁵				1993 c 200 (RR, LA)	
Norman				X	
Olmsted			1992 c 474 (RR, LA)	1990 c 438 (RR, LA)	1998 c 307 (RR, LA)
Pine ¹⁶			2002 c 263 (RR, LA)	X	
Polk			2002 c 258 (RR, LA)	1993 c 127 (RR, LA)	2002 c 258 (RR, LA)
Pope				X	
Ramsey	1971-73 Minn. Stat. § 383A.20	1971-73 Minn. Stat. § 383A.20	1971-73 Minn. Stat. § 383A.20		
Redwood				X	
Renville				X	
Rice				X	
Rock			2003 c 43 (RR, LA)	1993 c 200 (RR, LA)	2008 c 209 (RR, LA)
St. Louis			1986 Minn. Stat. § 383C.136 (NR, LA)	1969 Minn. Stat. § 383C.136	
Scott ¹⁷	1997 c 90 (RR)	1997 c 90 (RR)	1997 c 90 (RR)		
Sherburne				X	
Stearns				X	

¹⁵ Nobles County was authorized by special law in 2005 to make the recorder and auditor-treasurer positions appointed, subject to local approval and reverse referendum. [Laws 2005, ch. 75](#), § 3. The county did not file the certificate of local approval with the secretary of state and the law did not take effect.

¹⁶ 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.

¹⁷ [Laws 2000, chapter 259](#), allowed Scott County to generally reorganize and transfer the duties of the appointive positions to the county administrator.

Counties That Have Exercised Options

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County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Steele			2002 c 256 (RR, LA)		
Stevens				X	
Swift ¹⁸	X		X		
Todd				X	
Traverse				X	
Wabasha				X	
Wadena ¹⁹				X	
Waseca				X	
Washington			1997 c 153 (RR, LA)		1997 c 153 (RR, LA)
Winona				X	
Wright			2001 c 180 (RR)	X	
Yellow Medicine			2008 c 161 (RR, LA)		2008 c 161 (RR, LA)

¹⁸ The voters of Swift County approved changing the offices of recorder and auditor to appointed positions at the November 2012 general election.

¹⁹ 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 2013-2014 *Minnesota Legislative Manual* indicates that the offices are combined; presumably the combination was done under general law in [Minnesota Statutes, chapter 375A](#).

Several counties unsuccessfully tried to change their county offices. Big Stone County was authorized by [Laws 1992, chapter 421](#), to combine the offices of auditor and treasurer (elective, subject to reverse referendum), but 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.

Koochiching County was authorized by [Laws 1994, chapter 387](#), 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.

Pipestone County was authorized by [Laws 1993, chapter 200](#), 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.

Pope County was authorized by special law in 2005 to make the recorder and auditor-treasurer positions appointed, subject to local approval and reverse referendum. [Laws 2005, ch. 75, § 1](#). When a petition for a referendum was filed, the 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.

[Laws 2011, chapter 99](#), authorized Marshall to provide for appointment of the recorder and auditor-treasurer, but after the Marshall County Board held a public hearing, the board voted not to implement the change. The offices remain elected. (See the county board meeting minutes for August 2, 2011.)

In addition, a number of other counties held referenda that failed on whether to change county offices.

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.

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