

2.1 (b) If a judge of district court fails to timely file an affidavit of candidacy and filing
2.2 fee or petition in lieu of a fee, the official with whom the affidavits of candidacy are
2.3 required to be filed shall notify the Supreme Court that the incumbent judge is not seeking
2.4 reelection. Within five days of receipt of the notice, the Supreme Court shall determine
2.5 whether the judicial position is necessary for effective judicial administration or adequate
2.6 access to the courts and notify the official responsible for certifying the election results of
2.7 its determination. In determining whether the position is necessary for adequate access to
2.8 the courts, the Supreme Court shall consider whether abolition or transfer of the position
2.9 would result in a county having no chambered judge. The Supreme Court may continue
2.10 the position, may order the position abolished, or may transfer the position to a judicial
2.11 district where the need for additional judgeships exists. If the position is continued, the
2.12 election must be held. If the position is abolished ~~or transferred~~, the election may not
2.13 be held. If the position is transferred, the court shall ~~also~~ notify the governor official
2.14 with whom nominating petitions are required to be filed in the judicial district where the
2.15 position is transferred of the transfer and an election must be held. ~~Upon transfer, the~~
2.16 ~~position is vacant and the governor shall fill it in the manner provided by law.~~ An order
2.17 abolishing or transferring a position is effective the first Monday in the next January.

2.18 (c) If an election is to be held for a position that is transferred under this subdivision
2.19 or for a position that is continued and for which only one or no candidate filed, a vacancy
2.20 in nomination exists, which may be filled as provided in section 204B.13, subdivision 4.

2.21 Sec. 2. Minnesota Statutes 2010, section 490.126, subdivision 2, is amended to read:

2.22 Subd. 2. ~~Vacancies~~ **Effective date of retirement.** Any judge may make written
2.23 application to the governor for retirement. The governor thereupon shall direct the judge's
2.24 retirement by written order ~~which, when filed, file the order~~ in the Office of the Secretary
2.25 of State, ~~effects a vacancy in the office to be filled as provided by law and notify the~~
2.26 Supreme Court for purposes of a determination under section 2.722, subdivision 4. The
2.27 retirement is effective as of the date specified by the judge in the application for retirement.