

Current Chapter 4 – Nominations and Elections Section 4.5 after Ordinance #23-05 was passed, highlighted sections remain unchanged after the recent update

Sec. 4.5 – Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a special election shall occur on the date established by the City Council per Minn Stat. §205.10, as the same may be revised, amended or recodified, to elect a successor to serve for the remainder of the unexpired term of the office vacated.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the case of a vacancy where there remains less than 365 days in the unexpired term, the council shall, by a majority vote, appoint a successor to serve for the remainder of said term. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.5 If two or fewer candidates file an affidavit of candidacy, the special primary election shall be canceled and the special general election may be moved up to the primary date with Council approval. If this option is utilized, it must be noted on the resolution calling for a special election.
- 4.5.6 If there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the city council shall fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration.

Possible Changes to recommend to the Charter Commission:

Sec. 4.5 – Vacancy of municipal elected office

Option # 1 Option to appoint if there is a vacancy with less than 365 days in the term

Redline:

4.5.4 In the ~~event ease~~ of a vacancy where there remains less than 365 days in the unexpired term; ~~in an elected office of the city~~, the council ~~may shall~~, by a majority vote, appoint a successor to serve ~~the balance of for~~ the ~~unexpired remainder of said~~ term ~~or until a successor elected at a special election held pursuant to this section is qualified~~. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.6 ~~If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, and an appointment has been made there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the individual appointed city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.”~~

Changes Accepted:

4.5.4 In the event of a vacancy where there remains less than 365 days in the unexpired term in an elected office of the city, the council may, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, and an appointment has been made, the individual appointed to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

Option #2 - Option to appoint with a majority vote if there is a vacancy on Council no matter the amount left in the unexpired term

Redline:

- 4.5.4 In the ~~event~~ ~~case~~ of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council ~~may shall~~, by a majority vote, appoint a successor to serve ~~the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified~~. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.6 ~~If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, and an individual has been appointed there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the individual appointed city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.~~”

Changes Accepted:

- 4.5.4 In the event of a vacancy in an elected office of the city, the council may, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, and an individual has been appointed, the individual appointed to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

Option #3 – Switches 4.5.6 & 4.5.4

4.5.4 ~~In the case of a vacancy where there remains less than 365 days in the unexpired term, the council shall, by a majority vote, appoint a successor to serve for the remainder of said term. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.~~

If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs the council may, by a majority vote, appoint a successor to serve the until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote. If a subsequent attempt to hold a special election would occur in the fourth year of the vacant term, no special election would be held. The council may appoint a successor according to Sec. 4.5.6 of this chapter.

4.5.6 ~~If there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the city council shall fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration.”~~

In the case of a vacancy where there remains less than 365 days in the unexpired term, the council may, by a majority vote, appoint a successor to serve for the remainder of said term. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Changes Accepted:

4.5.4 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs the council may, by a majority vote, appoint a successor to serve until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote. If a subsequent attempt to hold a special election would occur in the fourth year of the vacant term, no special election would be held. The council may appoint a successor according to Sec. 4.5.6 of this chapter.

4.5.6 In the case of a vacancy where there remains less than 365 days in the unexpired term, the council may, by a majority vote, appoint a successor to serve for the remainder of said term. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Option # 4 – No Changes to Sections 4.5.4 or 4.5.6

- 4.5.4 In the case of a vacancy where there remains less than 365 days in the unexpired term, the council shall, by a majority vote, appoint a successor to serve for the remainder of said term. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.6 If there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the city council shall fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration.