

Article 7: Elections, Campaign Finance and Lobbying

Division 7: General Provisions for Filling Vacancies in Elective Offices

*(“General Provisions for Filling Vacancies in Elective Offices”
added 7-26-1999 by O-18664 N.S.)*

§27.0701 Purpose and Intent

The Charter provides that if a vacancy occurs in the office of the Mayor, City Attorney, or a *Council* district, and there is one year or less remaining in the term, the *Council* shall appoint an individual to fill the vacant seat. If the vacancy occurs with more than one year remaining in the term, the Charter requires the *Council* to call a *special election* to fill the vacancy. The purpose and intent of this division is to establish uniform provisions for filling a vacancy in any *elective office*.

(Amended 9-10-2001 by O-18979 N.S.)

(Amended 1-30-2015 by O-20454 N.S.; effective 3-1-2015.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0702 Reason for Vacancy

A vacancy in *elective office* occurs as provided by the Charter.

(“Reason for Vacancy” added 7-26-1999 by O-18664 N.S.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0703 Date of Vacancy

- (a) If a vacancy occurs by reason of resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City Clerk.
- (b) If a vacancy occurs for any reason other than resignation, recall, or removal, the date of the vacancy will be the date of adoption of the *Council’s Declaration of Vacancy*, as set forth in section 27.0704.

(“Date of Vacancy” added 7-26-1999 by O-18664 N.S.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0704 Council to Adopt Declaration of Vacancy

As soon as it is known that a vacancy exists in any *elective office* for any reason other than resignation, recall, or removal, the *Council* shall adopt a Declaration of Vacancy at its next regularly scheduled meeting, or at a special meeting called for that purpose. The Declaration of Vacancy shall include the name of the *elective office* that is vacant and the reason for the vacancy.

(“*Council to Adopt Declaration of Vacancy*” added 7-26-1999 by O-18664 N.S.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0705 Alternative of Appointment or Election

As soon as it is known that there will be a vacancy in any *elective office* for any reason other than a successful recall or removal *election*, the *Council*’s decision to fill the vacancy by appointment or *special election* or at the next regularly scheduled municipal *election* shall be determined by the length of time remaining in the term of office, in compliance with Charter sections 12, 40, and 265.

(“*Alternative of Appointment or Election*” added 7-26-1999 by O-18664 N.S.)
(Amended 1-30-2015 by O-20454 N.S.; effective 3-1-2015.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0706 Letter of Resignation May be Withdrawn

A letter of resignation from an elective officer that includes an effective date may be withdrawn by the *elective officer* in writing if that request is filed with the *Clerk* as follows:

- a) For a resignation causing a vacancy that the Charter requires to be filled by an *election*, no later than the business day before the *Council* calls a *special election* pursuant to Section 27.0902; or
- b) For a resignation causing a vacancy that the Charter requires to be filled by appointment, no later than the deadline established by the *Clerk* for filing appointment application forms pursuant to Section 27.0802.

(“*Letter of Resignation May be Withdrawn*” added 7-26-1999 by O-18664 N.S.)
(Amended 1-30-2015 by O-20454 N.S.; effective 3-1-2015.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0707 Procedures to Fill Vacancy

- (a) When a vacancy is to be filled by appointment, the *Council* shall fill such vacancy in accordance with the provisions set forth in Division 8 of this article.
- (b) When a vacancy is to be filled by *special election*, the *Council* shall fill such vacancy in accordance with the provisions set forth in Division 9 of this article.
- (c) When a vacancy occurs because of a successful recall or removal *election*, the *Council* shall fill the vacancy in accordance with the provisions set forth in the Division 27 of this article regarding recall and Division 30 of this article regarding removal.

(“*Procedures to Fill Vacancy*” added 7-26-1999 by O-18664 N.S.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0708 Effect of Redistricting on Filling a Vacancy in Council Office

If a vacancy occurs for any reason, and if redistricting has occurred between the date of the *election* of the officeholder and the date of the vacancy, the redistricting will have no effect on the boundaries used to determine who is eligible to fill the vacancy, either by appointment or *special election*. The boundaries used to fill the vacancy will be the same as those used in the original *election*, and all the following requirements shall be met:

- (a) A *candidate* for appointment or *election* will be a resident and *voter* from within the district boundaries as they existed prior to redistricting.
- (b) In order to be counted as valid, nominating signatures must come from *voters* registered within the district boundaries as they existed prior to redistricting.
- (c) A *special election* held to fill a vacancy will be held within the district boundaries as they existed prior to redistricting.

(“*Effect of Redistricting on Filling a Vacancy in Council Office*” added 7-26-1999 by O-18664 N.S.)

§27.0709 Term of Office

- (a) The term of office for an individual elected to fill a vacancy in the office of the Mayor, City Attorney, or a *Council* district pursuant to Division 9 of this article shall commence at the time the *Council* adopts the resolution declaring the results of such *election* to the vacant office, and shall expire at 10:00 a.m. on tenth day of December following the next *District General Election* or *City-wide General Election* to fill that office. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.
- (b) The term of office for an individual appointed to fill a vacancy in the office of the Mayor, City Attorney, or a *Council* district pursuant to Division 8 of this article shall commence at the time the *Council* adopts the resolution appointing that officer to fill the vacancy, and shall expire at 10:00 a.m. on tenth day of December following the *District General Election* or *City-wide General Election* to fill that office. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.
- (c) The *Clerk* or other qualified individual shall administer the oath of office to the elected or appointed officer at the time the term of office begins.

(Amended 9-10-2001 by O-18979 N.S.)

(Amended 1-30-2015 by O-20454 N.S.; effective 3-1-2015.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)