

NORTHFIELD CHARTER SECTION 3.5

General Rule: Vacancies are filled based upon whether the vacancy occurs in the first half or the second half of the year.

1. If the vacancy occurs in the **first half of the year**, the appointee serves **until the end of the current year**. A replacement is elected in November of the year in which the appointment expires. A **special election** is held if no regular election is scheduled for that November.

NOTES:

A. No matter how much time is left on the unexpired term, **the replacement is chosen in the fall of that year**. The maximum service time of the appointed person in this scenario is 6-12 months. The elected representative then finishes the remaining term, if any, of the person whose office was vacated.

The elected representative serves a full term only if the term of the person vacating was set to expire in the year the vacancy was created. If the vacated term was not set to expire, then the person elected will serve a shortened term, either one year or three years.

B. This section **requires a special election** if the vacancy was created in the first half of a year where vacating person's term was not set to expire that year.

C. This section requires vacancies to be filled by the council ", suggesting the appointment should be made promptly. If the vacancy occurs before the last day for candidate filing, and the council has appointed a replacement, the appointed person can file for the seat. **If the vacancy occurs after the last date for candidate filing, but before July 1, the appointed person will not be able to run for that position.**

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D. The current section creates a **gap in representation** since the appointee serves only "until the end of the current year" whereas the elected replacement may not be sworn in until sometime after the beginning of the next year.

Suggestion: The person elected shall serve out the remaining unexpired portion of the term of the office vacated, or until the qualification of a successor, whichever occurs first . If applicable, the ballot shall clearly state that the position to be filled is for an unexpired term, and shall state the date of expiration of the unexpired term.

Minnesota Statute 412.02 addresses this issue by use of the terms “unexpired term” and “qualification of a successor”.

2. If the vacancy occurs in the **second half of the year**, the appointee serves until **the end of the following year**. A **special election is required** if no regular election is scheduled for November of the following year.

NOTES:

A. **The maximum service time for the appointee in this scenario is 18 months.** The appointee will always have the opportunity to file as a candidate for the unexpired term if a four year term was vacated, or for a new term if a two year term was vacated. Appointee could also run for a different seat if eligible.

B. If the vacancy is created in a year where a regular election is scheduled, **there will always be a special election**, as the following year will be an “off year” where no regular election will otherwise be scheduled.

C. The gap in representation needs resolution as noted above..

D. Section 3.5 should be amended to cover the scenario where the vacancy is created on January 1, June 30, July 1, or December 31 **Suggestion: This could be resolved by specifically including these dates rather than referencing the times in between these dates, or by going to a system based on candidate filing times.**