

Minnesota Statute §412,02 subd. 2a. Vacancy

General Rule: Vacancies are filled based upon whether the vacancy occurs before or after the first date for candidate filings.

1. If the vacancy occurs **before the filing date** with **more than two years remaining in the term**.

A. If there is a regular city election scheduled for that year, The **vacancy is filled at the regular city election** to serve the unexpired portion of the term.

**NOTE:** If the vacancy occurs after the filing time expires, presumably it would take a special election the following year to fill the position at the election scheduled for that year, in order to allow candidates to file for the vacant seat.

B. If there is not a regular city election scheduled for that year, the vacancy can be filled **either** by a **special election** to be held that year, **or** at the next regular city election the following year

2. If the vacancy occurs **on or after the filing date** with **less than two years remaining in the term the vacancy is filled at the next general election for that position**. No special election is required. The appointed person serves until the qualification of a successor.

**NOTE:** Once again, if the next general election is scheduled for that year, the person appointed would not be able to run for the seat if the filing time has expired. A special election would be required to allow that person to run.

The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy unless the vacancy is filled at the same time as a regular scheduled election.