

Charter Commission  
Proposed new Section 3.5

Section 3.5. – Vacancies in the Council or in the Office of Mayor.

An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the city clerk, fails to attend council meetings for sixty (60) days without just cause, is convicted of a felony, ceases to reside in the city or ward from which elected, or is adjudged incompetent by a court of competent jurisdiction. In each such case, the council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy. The vacancy shall be filled by council appointment until an election is held as provided in this section. In case of a tie vote in the council, the mayor shall make the appointment.

If the vacancy occurs before the first day of the filing period for candidacy, the election shall be held in the current year and the appointed person shall serve until the qualification of a successor. If the vacancy occurs on or after the first day of the filing period for candidacy, the election shall be held in the following year and the appointed person shall serve until the qualification of a successor. For the purposes of this section, "filing period for candidacy" shall mean the dates set by the Minnesota Secretary of State for filing affidavits of candidacy for city offices for candidates in cities where a primary is possible, regardless of whether or not a regular municipal election is scheduled.

A special election shall be held if no regular municipal general election is scheduled for the designated current or following year.

If the appointed person resigns after a successor is elected but before the successor is qualified, the elected successor shall be qualified as soon as practicable. The elected successor shall serve the remainder of the vacated term or, if the vacated term is expired, serve a full term.

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