

Report to Charter Review Committee on Filling Unexpected City Council Vacancies

Advantages of appointment:

Person who could not afford to run or hadn't thought of it before might throw her hat in ring.

Could lead to more diversity, as this sets a different bar.

Cost is less than special election.

Seat gets filled faster, so avoids tie votes caused by vacancy. Thus things can get done.

Note: This method requires transparency and equity, clear criteria and strong public outreach.

In Sunnyvale, the appointment is temporary as there is often some kind of election within 12 months.

Disadvantages of appointment method:

Possibility of corruption.

Potential lack of transparency or perception thereof.

Incumbency advantage if person wants to run for that office.

Perception this is undemocratic.

Special elections:

Advantages:

Democratic

Open and transparent

Can be done at any time

Disadvantages:

More expensive

Lower voter turnout

Usually brings out a candidate with more money or funding, possibly from special interests.

In summary,

We looked at a total of 20 different jurisdictions throughout the US.

Smaller cities tended to fill the vacancy by appointment.

Larger cities tend to use the hybrid model.

Some examples of what we found -

Minnesota-

A council vacancy shall be filled by council appointment until a special election, if required, can be held. "If the vacancy occurs on or before the first day to file as a candidate for the next regular city election, or if less than two years remain in the unexpired term, the city does not need to hold a special election and the appointed person can serve out the remainder of the unexpired term.

If the vacancy occurs before the first day to file as a candidate for the next regular election and more than two years remain in the unexpired term, the city must hold a special election to fill the council vacancy"

Texarkana, TX

If vacancy has less than a year remaining, fill by appointment. If more than twelve months, than position should be filled at the next general or primary election.

Recommendations:

Suggestions for appointment process:

It is desirable to avoid a stand alone special election. Highly preferable to combine it with the general or municipal election. This ballot should be clearly marked "special election ". Thus, the appointment should be through the next statewide or general election and certification of results, unless less than a year remains in original term.

The only situation allowing for a special election would be by citizens' petition, based on required percentage of registered voters as of a certain date.

A short timeline is needed to decide on appointee; no more than 60 days, e.g., from official declaration, to choice of appointee.

City clerk would publish in various venues and on various media notice of the vacancy and invite applications, with general questions, to be returned by a certain date.

City council would develop a more specific questionnaire to be filled out by the qualified applicants.

In a public session, City Council would select 3-7 of these qualified applicants.

City Council would then develop questions, the same questions, to ask each of these applicants.

Applicants would be questioned in a public forum.

Council members would vote in public on appointee.