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To Mayor Tim Swadley
Holly Licht, City Clerk

From Matt Dregne, City Attorney

Date April 18, 2018

Re Filling a Vacancy in the Office of Alderperson

This memo outlines the options and procedure for filling a vacancy in the office of alderperson.

1. *Options for filling the vacancy*. The Common Council may appoint a person to fill the vacancy until a successor is elected and qualified. The time at which a successor would legally have to be elected varies, depending on when the vacancy occurs. We have attached a timeline that illustrates when a successor could be elected, and in some cases would be required to be elected, based on the date of the vacancy. Where the vacancy occurs in April of year two (as is the case with the seat you vacated), the Common Council has the following options:

   a. Leave the office vacant until a special election in April 2019.

   b. Appoint someone to serve until a special election in April 2019.

   c. Leave the seat vacant until a special election in November 2018.

   d. Appoint someone to serve until a special election in November 2018.

   The person elected at a special election in November 2018 or April 2019 would serve until the regular election in April 2020.

2. *Method of appointing a person to fill the vacancy*.

   a. The Common Council may determine its own procedure for nominating candidates and selecting a person to fill the vacancy. No particular procedure is required.

   b. A simple majority vote is required to fill the vacancy. Note that the vacancy *cannot* be filled by secret ballot. Wis. Stat. § 19.88(1). The appointment is complete when the result of a sufficient vote is ascertained and announced. No resolution is necessary. It is likely that the mayor may not veto the appointment. *State ex rel. Schneider v. Darby*, 179 Wis. 147, 154 (1922).

Attachment

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OPTIONS FOR FILLING A VACANCY IN THE OFFICE OF CITY ALDERPERSON

(where Alders are elected for a 3-year term)

	YEAR ONE			YEAR TWO			YEAR THREE				YEAR FOUR
	April Election	**November**	**December 1**	April Election	**November**	**December 1**	April Election	**June 1**	**November**	**December 1**	April Election
If a vacancy occurs …	Successor shall be elected in April of Year 2										
			Successor shall be elected in April of Year 3								
				Successor shall be elected in April of Year 3							
						Successor shall be elected in April of Year 4					
	The Common Council may order a special election to be held on the Tuesday after the first Monday in November following the date of the Council's order										