**Providing for Special Elections to Fill Council Vacancies, LMC Model Ordinance**

*League staff thoughtfully develops models for your city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in the Information Memo* [*“City Special Elections.”*](https://www.lmc.org/resources/city-special-elections/)

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

**ORDINANCE NO.** **\_\_\_\_\_**

*This is an optional ordinance that calls for special elections to be held at a time other than a general election.*

*If a city must hold a special election to fill a long-term vacancy there are two options. First, the city can hold the special election to fill a vacancy on council at the same time as the next regular city election. This seems to be the most common scenario. Second, the city may hold a special election before the next general election. To do so, the city council must adopt an ordinance that specifies under what circumstances this will be done. There are two options for this type of ordinance. One way is to pass an ordinance that will apply to all future special elections. This model ordinance is intended to address this situation. The other way is to pass an ordinance that applies only to one particular special election. This model ordinance may be modified to fit this purpose.*

**AN ORDINANCE PROVIDING FOR SPECIAL ELECTIONS TO FILL CERTAIN VACANCIES IN ELECTED OFFICES AT TIMES OTHER THAN THE REGULAR CITY GENERAL ELECTION**

**The City Council of \_\_\_\_\_, Minnesota ordains:**

**SECTION 1. DEFINITIONS**

For the purposes of this ordinance, the following terms shall have the following meanings:

**City.** The City of \_\_\_\_\_\_\_\_\_\_, County of \_\_\_\_\_\_\_\_\_\_, State of Minnesota.

**General Election.** A “general election” is an election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

**Special Election.** A “special election” is an election held at any time to fill vacancies in public offices.

**Vacancy.** A vacancy occurs for the reasons stated in Minnesota Statute Section 351.02 or other state law.

**SECTION 2. APPOINTMENT TO VACANCY**

Pursuant to Minnesota Statute § 412.02, subd. 2a, a person shall be appointed to fill the vacancy until the special election is held and the winner of the special election is qualified to take office.

**SECTION 3. SPECIAL ELECTION TIMING**

If a vacancy occurs and a special election to fill the unexpired term is required pursuant to Minnesota Statute Section 412.02, subd. 2a, and there are more than \_\_\_\_ days until the next general election, then the special election to fill the vacancy shall be held prior to the general election, but no later than \_\_\_\_ days after the date of the vacancy.

The special election must be held on one of the uniform election dates pursuant to Minn. Stat. 205.10, subd. 3a.

**SECTION 4. REPEAL**

Ordinance Number (number of ordinance), (title of ordinance), adopted on \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_is repealed.

*This section is only necessary if a prior ordinance needs to be repealed. If there is no prior ordinance, delete this section.*

**SECTION 5. SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**SECTION 6. EFFECTIVE DATE**

This ordinance becomes effective upon passage and publication.

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk