

ROELAND PARK SPECIAL ELECTIONS

November, 2018



Code Section 6-101(e)(1)

Election of Governing Body

- This code section applies when the vacancy occurs 180 days or more prior to the next regular City Council election (November 5, 2019)

Keep in Mind

- The following deadline dates are based on a hypothetical final date of January 14, 2019 for a Councilmember to resign.
- The Johnson County Election Office has indicated it will take 90 days from the time it is notified of the City's intent to hold the special election to the actual date of the special election. This differs from the code language.
- The next regular election is scheduled for November 5, 2019.

January 14, 2019
Councilmember
Vacancy Notice
Date



**January 14,
2019**

Councilmember
Vacancy Notice
Date

January 21, 2019

Within 5 days of vacancy
(January 19 is a Saturday),
City Clerk must notify
County Election Officer that
special election will be held
and obtain special election
date



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**January 24,
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City Clerk must
publish Notice of
Vacancy within
10 days after
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February 4, 2019
Deadline at 5:00
p.m. to file
statement of
candidacy and filing
fee 20th day after
publication of notice



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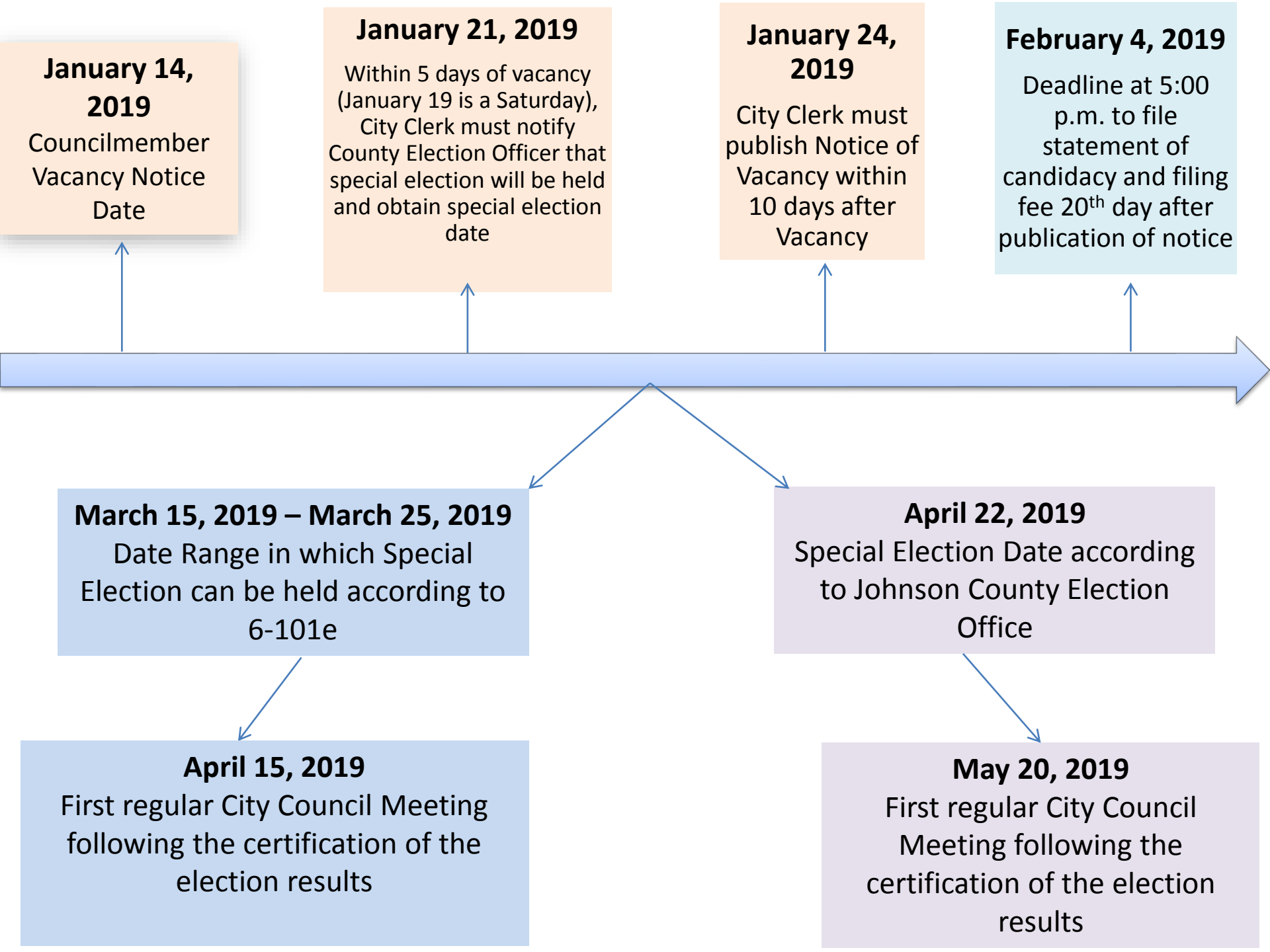
OR

**March 15, 2019 – March
25, 2019**

Date Range in which Special
Election can be held
according to 6-101e
(60-70 days after Notice of
Vacancy)

April 22, 2019

Date upon which Special Election
will be held according to Johnson
County Election Office (90 days
from Jan. 21 - date City informs
CEO it intends to hold special
election)



Operative Code Section Breakdown and Points of Clarification

6-101e1

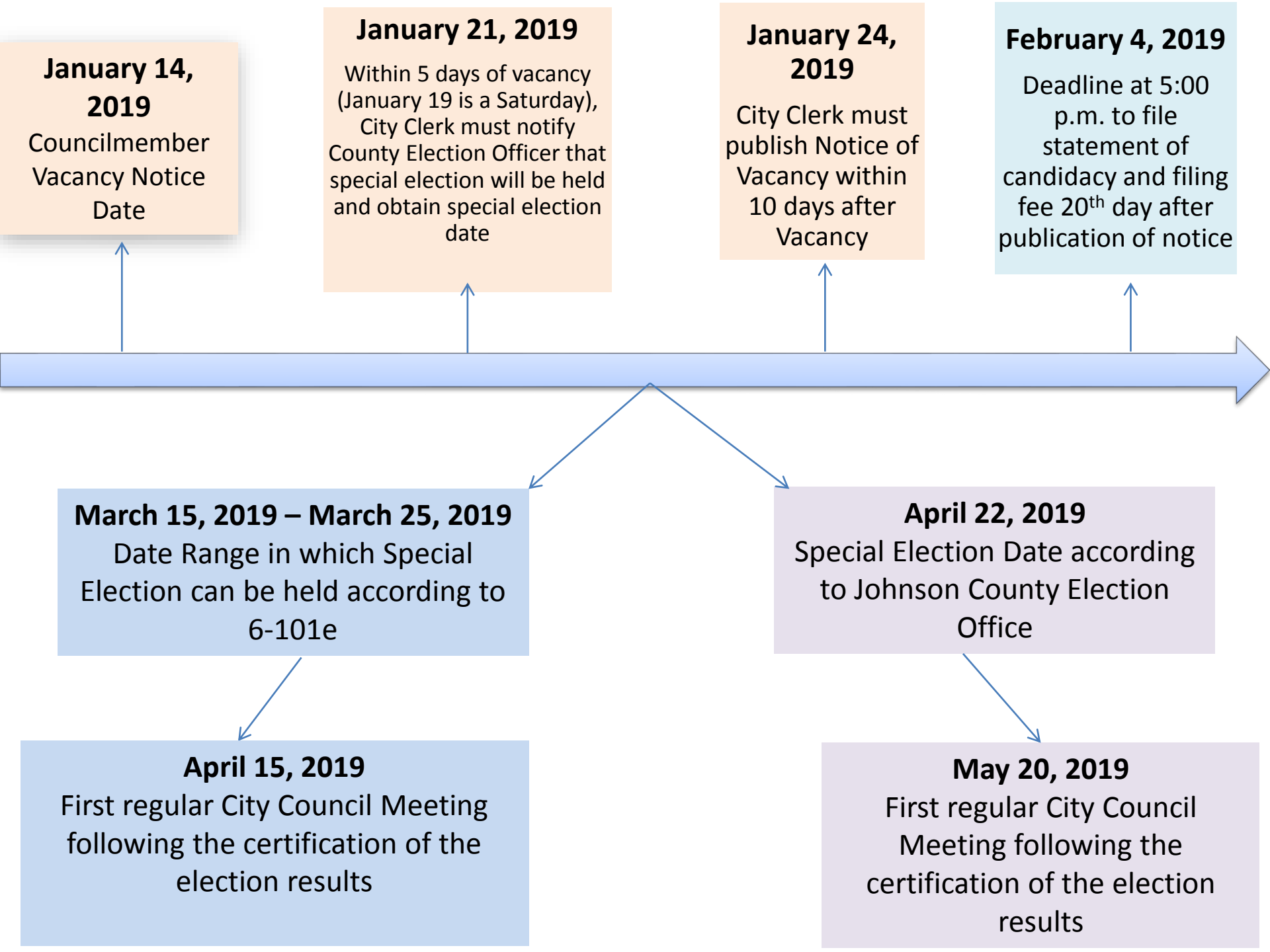
- Vacancy MORE than 180 days prior to next regular election
 - Special election held 60-70 days following vacancy or on date set by election office (90 days after city notifies CEO of its intent to hold special election)

6-101e5

- Vacancy LESS than 180 days prior to next regular election
 - Vacant position is subject to election at next regular election
 - Mayor appoints person to vacancy
 - Appointed person serves until the regular election fills the position
- **Example:** Councilmember is in his or her last term and the seat is up for election at the regular election scheduled on November 5, 2019. Councilmember vacates seat on **May 10, 2019** (less than 180 prior to the regular election when the seat would be up anyway). Mayor appoints person to fill the seat from May 10, 2019 until November 5, 2019 when the position is filled by the regular election vote.

Length of Vacant Position

- Under 6-101e5, the Mayor appoints someone to fill the position from May 10, 2019 until November 5, 2019
- Based on the timeline breakdown of the applicable code section 6-101e1 (more than 180 days until next election), Councilmember's seat will not be filled until May 20, 2019



Potential Change

- **6-101e1**
 - Vacancy MORE than **180 days** prior to next regular election
 - Special election held 60-70 days following vacancy or 90 days after city notifies County Election officer.
- **6-101e5**
 - Vacancy LESS than **180 days** prior to next regular election
 - Vacant position is one that would otherwise be subject to election at that election
 - Mayor appoints person to vacancy
 - Appointed person serves until the regular election fills the position
- **Option: Change amount of time from 180 days**
 - **For example: there are 295 days between January 14, 2019 and November 5, 2019 (Next regular election date when Councilmember's seat would be up for election)**

Consider Code Clarification

Section 6-101e6

6-101e6 & Charter Ordinance 32: Conflicting Portions

In the event that the vacancy occurs less than 180 days prior to the next regular City Council election but prior to the first day of August preceding the election, and the vacant position is one that would otherwise not be subject to election at that election, the vacancy shall be filled by appointment of the Mayor with the advice and consent of a majority of the remaining members of the City Council, and the person so appointed shall serve until the position is filled by a special election for that position at the next regular City Council election. The candidate receiving the greatest number of votes for the vacant position at the special election shall fill the vacancy for the remaining term. **In the event that the vacancy occurs less than 180 days prior to the next regular** City Council election but **after the first day of August** preceding the election, and the vacant position is one that would otherwise not be subject to election at that election, **the vacancy shall be filled by a special election** on a date to be determined in consultation with the County Election Officer. The candidate **receiving the greatest number of votes for the vacant position at the next regular City Council election** shall fill the vacancy for the remaining term. The provisions of subsections (1) and (2) above pertaining to publication and mailed notices of the vacancy and the filing of statements of candidacy shall apply to the filling of any vacancy under this subsection.