
Sec. 6-101. Election of Governing Body.

- (e) In the event that a vacancy in the office of Councilmember should occur by reason of resignation, with or without acceptance by the Mayor, death, removal from office for cause, or change of residency to outside the ward from which said Councilmember was elected, the vacancy shall be filled in the following manner:
- (1) In the event that the vacancy occurs 180 days or more prior to the next regular City Council election, the City Clerk shall publish a notice of the vacancy once in the official City newspaper not later than 10 days after the vacancy occurs. Notice of the vacancy shall also be published on the City's web page. The City Clerk shall, within five days of the occurrence of the vacancy, notify the County Election Officer that a special election will need to be held within the City and shall obtain from the County Election Officer a date for such election as provided in subsection (3) hereof.
 - (2) Any person desiring to be a candidate must file the statement of candidacy and pay the filing fee or submit the proper petition by 5:00 p.m. on the 20th day following the publication of the notice.
 - (3) The City shall hold a special election for the purpose of electing a Councilmember from among those persons who has properly filed a statement of candidacy as hereinbefore set forth. Such special election shall be held not less than 60 days nor more than 70 days following the date upon which such vacancy occurred, or upon such other date determined by the County Election Officer. Only qualified electors within the ward in which the vacancy occurred shall be entitled to vote. The candidate receiving the greatest number of votes upon certification of the results by the County Election Officer shall assume the position of Councilmember at the first regular meeting of the Governing Body following certification of the election results.
 - (4) Failure to follow the precise procedure provided herein shall not invalidate the results of any election held hereunder.
 - (5) In the event that the vacancy occurs less than 180 days prior to the next regular City Council election, and the vacant position is one that would otherwise 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 election at the next regular City Council election.
 - (6) 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.

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- (7) In the event that no person files as a candidate to fill a vacancy by the applicable filing deadline, the City Clerk shall coordinate with the County Election Officer to establish a date for a special election and a new filing deadline.
- (f) In the event that a vacancy in the office of the Mayor should occur because of death, resignation, removal from office for cause, change of residency to outside the limits of the City, then, if the President of the Council has executed a non-candidacy statement as hereinafter set forth, he or she shall become the Mayor until his or her successor is elected as hereinafter provided. If the President of the Council has not executed a non-candidacy statement, then the most senior Councilmember (determined by most recent continuous time in office) who has executed a non-candidacy statement shall serve as Mayor until his or her successor is elected. In the event there is not one Councilmember who is the most senior, then the Council shall choose the Mayor from among the most senior Councilmembers who have executed non-candidacy statements. A successor to the Mayor shall be selected in the following manner:
- (1) In the event that the vacancy occurs 180 or more days prior to the next regular City election at which a Mayor would be elected, the City Clerk shall publish a notice of the vacancy once in the official City newspaper not later than 10 days after the vacancy occurs. Notice of the vacancy shall also be published on the City's web page. The City Clerk shall, within five days of the occurrence of the vacancy, notify the County Election Officer that a special election will need to be held within the City and shall obtain from the County Election Officer a date for such election as provided in subsection (3) hereof.
 - (2) Any person desiring to be a candidate must file the statement of candidacy and pay the filing fee or submit the proper petition by 5:00 p.m. on the 20th day following the mailing of the notice.
 - (3) The City shall hold a special election for the purpose of electing a Mayor from among those persons who have properly filed a statement of candidacy as hereinbefore set forth. Such special election shall be held not less than 60 days nor more than 70 days following the date upon which such vacancy occurred, or upon such other date determined by the County Election Officer. Only qualified electors of the City shall be entitled to vote. The candidate receiving the greatest number of votes upon certification of the results by the County Election Officer shall assume the position of Mayor at the first regular meeting of the Governing Body following certification of the election results.
 - (4) Failure to follow the precise procedure provided herein shall not invalidate the results of any election held hereunder.
 - (5) In the event that the vacancy occurs less than 180 days prior to the filing deadline for the next regular City election at which a Mayor would be elected, the procedure provided herein shall not apply and the candidate receiving the greatest number of votes for the position of Mayor at such regular City election shall succeed to the office of Mayor.
 - (6) In the event that no person files as a candidate to fill a vacancy by the applicable filing deadline, the City Clerk shall coordinate with the County Election Officer to establish a date for a special election and a new filing deadline.

The non-candidacy statement shall be in substantially the following form:

"The undersigned Councilmember of the City of Roeland Park hereby states that I will not be a candidate for the position of Mayor to fill the unexpired term caused by the vacancy in office of the Mayor occurring 180 or more days prior to the filing deadline for the next regular City election at which the Mayor would be elected or if such vacancy has occurred less than 180 days of such filing deadline, I will not be a candidate for the position of Mayor in the next regular City election at which a Mayor would be chosen. I agree not to file a statement of candidacy for such position and further agree that any such statement filed by me or on my behalf shall be void and of no force or effect and that the County Election Officer shall not include my name

on any list of candidates for the position of Mayor at any election conducted under the provisions of this subsection."

- (g) No person shall hold or occupy more than one office of the City, whether elective or appointive, at the same time.
- (h) For purposes of this charter ordinance, the phrase "removal from office for cause" shall refer to recall pursuant to K.S.A. 25-4318 et seq., and amendments thereto, or ouster from office pursuant to K.S.A. 60-1205 et seq., and amendments thereto.

(Chart. Ord. No. 24, §§ 1, 2; Chart. Ord. No. 32, §§ 2—4, 6—9, 7-18-2016)