

Article II, Section 22 – Filling Vacant Council Positions.

Background:

Whether to allow an outgoing councilmember to appoint their successor or to hold a special election to fill the empty position is a novel issue for the CRC.

The proposed change allowing an outgoing councilmember to appoint their own replacement came in the form of an amendment to the Resolution proposed by Councilmember Castleberry on April 18, 2019. The Resolution was subsequently amended by Councilmember Petrone to include a proposed change that would mandate a special election in the case of a vacant councilmember position.

A chart comparing Norman’s current policy for filling vacant positions with other cities’ policies was provided to the CRC for review at its August 12, 2019 meeting. The CRC discussed both proposals and expressed a desire to follow a consistent process, recognizing that the current Charter language provides Council an option to call a Special Election or follow a committee process. Ultimately, the Committee recommended that language be drafted to codify the Committee process used recently to fill vacancies in Ward 6 and Ward 4.

The CRC voted unanimously at its September 9, 2019 meeting to recommend incorporating the selection committee process into the Charter. Subsequent to the September 2019 discussion, there was some question about the language “for a period extending until the next regular municipal election”. When a vacancy is filled and the next regular municipal election already would include election for the next term of the same seat that was filled, historically, the election for the next term has not been treated as automatically including filling the current term because the regular election is for a two-year term beginning in July per Article II, Section 2 of the Charter. In other words, the appointment continues until the expiration of the term for which the appointee was selected to fill. One remedy that was considered was to have two ballots for the same seat on the same election – one to complete the term, and one for the term beginning in July. However, according to the Election Board, this presented a completely novel issue and one not addressed by their rules. Ultimately, it would be highly discouraged by the Election Board due to the possibility of confusion.

For clarity’s sake, the Charter language could be modified to require either calling a special election, or appointing someone to fill the remainder of the term to eliminate any sort of argument about when the term begins. This would give Council flexibility to consider the available election dates in making a decision whether to appoint or elect a replacement. The CRC discussed this issue at its April 2021 meeting and asked Staff to draft an amendment to clarify this issue. During the May 2021 meeting, the CRC also discussed whether to keep the previously suggested amendment related to codifying the selection committee process. Ultimately, the CRC voted unanimously to remove the previously recommended language, and include the clarification regarding filling vacancies for the remainder of the term.

Recommended Language

Section 22. – Vacancies in office.

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Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council for a ~~period extending until the next regular municipal election, at which time an election, conducted as provided by this Charter and applicable State law, shall be~~

~~held to fill any~~ the balance of the unexpired term; provided, however, if the City Council does not fill the vacancy by appointment within sixty (60) days after the same occurs, it shall be mandatory on the part of the City Council to call and schedule a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a City Councilmember, only, and said election shall be conducted in the same manner as a regular municipal election.