

MEMO

TO: Common Council
FROM: Atty. Steven T. Chesebro
DATE: April 27, 2023
RE: Filling of Vacant District 3 Alderperson

INTRODUCTION

A vacancy of a City Alderperson is controlled by Wis. Stat. § 17.23(1) which provides three options for a Common Council when a vacancy in the office of a City Alderperson exists. Those options are:

1. Fill the vacancy by majority vote of the Common Council.
2. Appoint a successor to fill the vacancy until a special election can be held.
3. Leave the seat vacant until an election is held to fill the vacancy.

Traditionally within Watertown, the vacancy has been filled by majority vote of the Common Council from eligible candidates within the District.

DISCUSSION

If the Common Council elects to hold a special election, the costs associated with doing so would be a minimum of \$2,840¹, if only two candidates chose to run. Only the Third District would participate in the special election and would choose its new Alderperson. If more than two candidates file, a primary would need to occur which would likely at least double the costs of the special election. A special election would take place between 66 – 72 days after the resolution passed by the Common Council to proceed with the special election, with the successful candidate then taking their seat after the election was certified, meaning it would likely be about August 15, 2023 before the new candidate would be in place. If this is the action the Common Council wants to take, we will need to draft a resolution to order the special election and the matter will be added to the agenda for the next Common Council meeting.

If the Common Council elects to fill the vacancy by majority vote as it has done in the past, the City would request applications from interested parties be filed with the City Clerk's Office on or before a date set by the Common Council at least one week before the Common Council meeting at which the applications will be considered. The applicants would then be given an opportunity to speak during the Common Council meeting when the vote is set to take place. Council Members would have a chance to ask brief questions of all candidates. Nominations would then be provided by Council Members for which

¹ A memo from the Clerk's office regarding the charges for a special election is attached hereto.

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060 • Fax: 920.262.4042

applicant to seat. Once all nominations are received, the Council Members would then vote for the candidate to fill the vacancy. The Council would need to determine how much time it wants to provide for applications to be received, and at which Common Council meeting they would want to consider the applicants. The earliest recommended timeline for this process would be applications received on or before May 26, 2023 for consideration at the June 6, 2023 meeting.