



Office of the City Attorney

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Memorandum

To: Common Council
From: Brian Running
Re: Filling Council Vacancies

Resignations from the Common Council are expressly allowed by Wis. Stat. §17.03(2), and create a vacancy in the office.

Vacancies in the office of alderman can be handled in one of three ways:

- The Common Council can appoint a successor to fill the remainder of the term.
- A special election can be held to fill the seat, with the Common Council appointing a temporary successor until the special election.
- The seat can be left vacant until the next regular election.

The choice will generally be determined by the length of the remaining unexpired term. A district should not go unrepresented for a substantial period of time.

If the Council makes an interim appointment, then that appointee will fill the remaining unexpired term, which because of the recent redistricting will mean representing the old district. However, that does not mean that the appointee has to reside in the old district. The appointee can reside in the new district but not the old, on the same principle that allows Council members who were districted out of their old district to continue to represent the old district until the next election. If an appointee were chosen that lives in the old district but not the new, then that appointee would not be able to run to keep the seat in the next election. That fact will probably limit the people seeking the appointment to residents of the new district only.

Please let me know if you have any questions about this.