



Office of the City Attorney

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Memorandum

To: Common Council
From: Brian Running
Re: Filling a Council Vacancy

Here's a summary of the methods by which a Council seat vacancy can be filled.

Resignations from the Common Council are expressly allowed by Wis. Stat. §17.03(2). A resignation officially creates a vacancy in the office.

Vacancies in the office of alderman can be addressed in one of three ways, according to Wis. Stat. §17.23(1)(am):

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

Whether to leave the seat vacant until the next election will generally be determined by the length of the remaining term. A district should not go unrepresented for a substantial period of time. The term of the vacant seat in District 3 will not expire until April, 2026, so clearly the seat should not remain vacant until the next election.

A special election involves a lot of time, effort, and expense for our Clerk's office, and that should be a significant factor in the decision.

The simplest and most economical course is for the Council to appoint a successor to complete the remaining term. This provides representation for the district and avoids unnecessary strain on the Clerk's office and the budget.

Please let me know if you have any questions about the process.