

**5. Government Administration, Human Resources, and Policy**  
**.1 A Local Law to Entitled “Elective Office Vacancy Reform Act”**

WHEREAS, Section C-100 of Article VII of the Ithaca City Charter currently specifies the process for filling vacancies in elective offices other than the Mayor, and

WHEREAS, Council vacancies are currently filled by appointment until at least the political year next succeeding the first annual election at which such vacancy can be filled, and

WHEREAS, Section C-33 of Article III of the Ithaca City Charter permits an Acting Mayor to retain their Council seat and mayoral duties until any vacancy in the office of the Mayor shall be filled for the unexpired term, and

WHEREAS, Common Council finds it desirable to promote transparency, equity, and fairness through a special election rather than an appointment, and

WHEREAS, the practice of filling vacancies through special election is the method utilized by the Tompkins County Legislature, now therefore

**BE IT ENACTED** by the Common Council of the City of Ithaca as follows:

Local Law No. 202\_\_-\_\_

**Section 1. Legislative Findings, Intent, and Purpose**

It is the intent of the Common Council to promote transparency, equity, and fairness with respect to the filling of vacancies for elective office in the City of Ithaca.

The Common Council makes the following findings of fact:

- A. The current process for filling vacancies does not fully serve the best interests of the City’s electorate by placing the appointment process in the hands of Council until the political year next succeeding the first annual election at which such vacancy can be filled.
- B. The community would be better served by a timely and public special election to more appropriately represent the will of the electorate.

**Section 2. Charter Amendments**

Chapter 100 of the City Charter is hereby amended as follows:

~~§C-100 Vacancy in elective office other than Mayor~~

~~If a vacancy shall happen in any elective office other than Mayor, the Common Council shall fill the same by appointment until the commencement of the political year next succeeding the first annual election at which such vacancy can be filled; and at such election, some qualified person shall be elected to such office for the residue of the term thereof, according to the provisions of this Charter.~~ it shall be filled at a special election according to the following schedule:

- If a vacancy on the Common Council or the Office of the Mayor shall occur more than 85 days before the general election of any year, such office shall be filled for the remainder of the unexpired term at a special election in the ward or district of said office.
- In the event that such a vacancy shall occur fewer than 85 days but more than 60 days before the general election of any year, such vacancy shall be filled at the next general election.

- If a vacancy occurs fewer than 60 days before the general election in a year that is not the last of the expiration of the elective office's term, such office shall be filled for the remainder of the unexpired term at a special election in the district of said office.
- In the event that a vacancy occurs fewer than 60 days before the general election in a year that is the last year of the elective office's term, the winner of the general election for said office shall fill the vacancy for the remainder of the unexpired term.

Special elections are to be called by the Common Council as soon as practicable and, in any event, to be held not later than 85 days from the date of such vacancy. Notice of a special election called hereunder shall be in the manner provided for in the Election Law for notice of a general election. To the maximum extent feasible, the provisions of the Election Law governing the conduct of a special election shall apply. It shall be the duty of the Board of Elections to prepare ballots, voting machines, and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this chapter shall be borne by the City.

### **Section 3. Severability Clause**

Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

### **Section 4. Effective Date**

Upon filing in the office of the Secretary of State, this Local Law shall take effect January 1, 2024. This Local Law is subject to referendum on petition pursuant to Municipal Home Rule Law Section 24.