

CITY OF ALLENTOWN

No. _____

RESOLUTION

R6 - 2018

Introduced by Council on January 17, 2018

Amends Council rules on the filling of vacancies by requiring the person filling the vacancy to be of the same political party as the person vacating the seat at least 30 days prior to the vacancy

Resolved by the Council of the City of Allentown, That

WHEREAS, the Home Rule Charter and Council Rules lay out requirements and procedures for filling vacancies in the Offices of Council, Mayor and the Controller; and

WHEREAS, its noted the replacement shall be a qualified voter of the same party as the person vacating the seat, or, if the person vacating the seat had no party affiliation, a person of any political party as appointed by Council is acceptable; and

WHEREAS, the Charter and Council rules do not specifically refer to a party registration time period for the replacement; and.

WHEREAS, State Voter Registration and Special Election law set forth a 30-day deadline for party registration prior to an election; and

WHEREAS, City Council finds this requirement analogous to filling a vacancy in the Offices of Council, the Mayor and the Controller.

NOW THEREFORE BE IT RESOLVED that Allentown City Council hereby amends RULE XX, **FILLING OF VACANCIES - COUNCIL, CONTROLLER AND MAYOR**, to read as follows:

RULE XX - FILLING OF VACANCIES - COUNCIL, CONTROLLER AND MAYOR

Vacancies shall be filled according to the requirements of the charter – sections 207, 304 and 405. When a vacancy occurs in the office of Council, Controller or the Mayor, City Council shall immediately advertise the vacancy in a local newspaper, on the City's website and notify the political party of the person who left office that Council will be accepting applications to fill the vacant position. Applications shall consist of a resume and a statement stating the reasons the applicant will bring value to the City as a Councilperson, Mayor or City Controller. Applications shall be received no later than fourteen days after the effective date of the vacancy.

The applications shall be reviewed by the President or Acting President of Council to make sure the applicant is qualified pursuant to the charter and applicable state law. The replacement must be a qualified voter of the same party as the person vacating the seat at least 30 days prior to the vacancy. After review, Council shall have a public meeting to review the resumes and statements of the applicants and

interview each of the candidates. The candidates shall be chosen in a random fashion for interviews.

After the interviews, Council shall vote on the candidates to fill the vacancy at a public meeting. Each councilperson will fill out and sign a ballot indicating their choice to fill the position. The ballots shall be given to the City Clerk who shall read aloud the name of the candidate selected by each councilperson. The process continues until a candidate earns a majority of votes. (26631 10/7/92; 25142 2/2/83; 26631 10/7/92; 28809 11/2/2011)

RELEVANT CHARTER PROVISIONS AND REFERENCES TO STATE LAW:

SECTION 207 FILLING OF VACANCIES

A vacancy in the Council shall be filled by a majority vote of the remaining Members of Council. If the Council fails to act within thirty (30) days following the occurrence of the vacancy, the court of Common Pleas of Lehigh County shall, upon petition of three (3) Members of Council or ten (10) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. The replacement Council member shall be a qualified voter of the same party as the person vacating the seat, or, if the person vacating the seat had no party affiliation, a person of any political party as appointed by Council. The individual appointed will remain in office until the first Monday in January following the next municipal election. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term.

SECTION 304 VACANCY

A. If the office of the Mayor becomes vacant for any reason, Council shall appoint an interim Mayor of the same political party who shall serve until the next Municipal election.

B. If the Council fails to act within thirty days following the occurrence of the vacancy, the Court of Common Pleas of Lehigh County shall, upon petition of three members of Council or ten qualified electors of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. A vacancy in the office of Mayor shall be filled at the next Municipal Election, in the manner provided by law. The person elected shall hold the qualifications for the office of the Mayor and shall serve the remaining portion of the vacated term.

C. If the vacancy occurs more than ninety (90) days before the next general municipal election, the appointee as selected in the preceding paragraph shall serve until the first Monday of January next following said election. If a portion of the term remains beyond said date, an individual shall be elected at said general municipal election to serve from the first Monday of January following said election to the end of the term as provided in Section 302.

D. Until the vacancy is filled, the President of Council shall act as Mayor. If the President of Council should resign or be unable to act, the Acting Mayor shall be chosen by a majority vote of the remaining members of Council to serve as Acting Mayor until the vacancy is filled by election.

SECTION 405 VACANCY

A. If the office of the City Controller becomes vacant for any reason, Council shall appoint an interim City Controller, of the same political party, who shall serve until the next Municipal Election.

B. A vacancy in the office of the City Controller shall be filled at the next Municipal Election, in the manner provided by law. The person elected shall hold the qualifications for the office of the City Controller and shall serve the remaining portion of the vacated term.

STATE LAW

Under the Voter Registration Law, a registered elector can change his/her enrollment of political party in writing filed with the registrar "by the deadline for registration." 25 Pa. C.S.A § 1503. 25 Pa.C.S.A. §1326 (b) sets forth the deadlines. A voter must be registered to vote 30 days before an election.

“In the case of a special election... held on a day other than a primary, general or municipal election, the registration forms shall not be processed... for the 30 days prior to the special election for such election.” 25 Pa.C.S.A § 1326 (c)(1).

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