



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Janice Bonenfant, City Clerk  
**DATE:** December 10, 2018  
**SUBJECT:** Council Vacancies/Special Elections

### **Recommendation**

Accept the resignations of Ward Ten City Councilor Dan St. Hilaire and At-Large City Councilor Stephen Shurtleff.

Approve this report which, in accordance with the City Charter, recommends that the City Council set a date to hold a special election to fill the vacant Ward Ten Council seat and determine, by City Council vote, whether to hold a citywide special election to fill the vacant At-Large Council or to leave the seat vacant until the November 5, 2019 municipal election.

In both cases, candidates for these vacant offices would run to fill terms that would expire December 31, 2019.

### **Background**

Councilor Dan St. Hilaire's nomination, by Governor Sununu, to serve as a New Hampshire Superior Court Judge was confirmed by the State's Executive Council on December 5, 2018. Councilor St. Hilaire's resignation from City Council creates a Ward Ten Council vacancy.

Councilor Shurtleff was confirmed to serve as House Majority Leader on December 5, 2018. Councilor Shurtleff's resignation creates an At-Large Council vacancy.

As to the Ward Ten Council vacancy, Section 16 (a) of the City Charter, states that if the office of Ward Councilor becomes vacant at or before the regular August meeting of the City Council in the year of a municipal election, the vacancy shall be filled by special election. In accordance with this section of the City Charter, City Council shall prescribe a date for a special election to be held to fill the Ward Ten Council vacancy.

As to the At-Large City Council vacancy, Section 16 (b) of the City Charter states that City Council may choose to either hold a Special Election in the event that a Councilor At-Large seat becomes vacant or leave the seat vacant until the next Municipal Election.

Should Council vote to leave the seat vacant, it would remain vacant until following the November 5, 2019 Municipal Election.

Section 16 of the City Charter provides as follows:

*16. Vacancies.*

*In case a vacancy occurs in the City Council from any cause, the provisions of this section shall govern the filling thereof.*

*(a) Ward Councilor Vacancy. If the office of Ward Councilor becomes vacant at or before the regular August meeting of the City Council in the year of a municipal election, the vacancy shall be filled by special election in accordance with Paragraph (c) of this Section. However, if such a vacancy occurs after such meeting, the vacancy shall not be filled by special election but the person elected to represent the same ward for the regular term at the next municipal election shall also be deemed to have been elected to fill the said vacancy and for that purpose shall take office at the next regular meeting of the City Council following the municipal election.*

*Councilor-At-Large Vacancy. If the office of Councilor-at-large becomes vacant prior to the close of the filing period for the municipal election next following the beginning of the term of office in which the vacancy occurs, the City Council shall order the same to be filled at such election, in which event there shall be separate filing of candidacy for election to the unexpired term and the City Clerk shall include on the ballot an additional place for election to the unexpired term. In case the vacancy occurs within ten (10) days before the end of the regular filing period, the filing period for election to the unexpired term shall be extended five (5) days. In the alternative, the City Council may order the vacancy to be filled by prior special election if time permits, in accordance with Paragraph (c) of this Section. If a vacancy in the office of City Council-at-large occurs after the close of the filing period for the municipal election next following the beginning of the term of office in which the vacancy occurs, the City Council may, but is not required to, order the vacancy to be filled by special election, in accordance with Paragraph (c) of this Section.*

**Discussion**

A suggested date to hold a Special Election, whether in just one ward, or citywide, is March 5, 2019. This proposed date will allow sufficient time for the advertisement of the required special ten day filing period that would take place January 4, 2019 through January 14, 2019, while also allowing sufficient time for the printing and issuance of both regular and absentee ballots.

The candidates that receive the highest number of votes for the Councilor vacancies could be sworn into office at the regular March 11, 2019 City Council meeting.

Estimated costs for Special Elections to be held for a given ward and/or citywide are attached.