



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: April 15, 2024

Re: Calling a Special Election to be Held in Ward 1 on August 6, 2024, to Elect a Council Member to Fill the Remainder of an Unexpired Term

Executive Summary

A resolution has been prepared to call a special election in Ward 1 of the City of Columbia on August 6, 2024, to elect a council member to fill the remainder of an unexpired term.

Discussion

With the recall of Council member Nick Knoth at the April 2, 2024 election, it is necessary for the Council to call a special election to elect a Ward 1 council member to fill the remainder of the unexpired term of Mr. Knoth (Section 9 of City Charter). The Ward 1 council seat will remain vacant until a successor is elected and qualified. Section 139 of the City Charter provides that any official who has been recalled is not eligible to serve in any City office during the remainder of the term for which the official was originally elected.

The exact timeframe for the special election is not set out in the City Charter so it is within the discretion of the City Council to establish the timeframe, taking into account the statutory deadlines to notify the election authority. The City's past process to adopt a resolution calling the special election and establish an expedited timeframe for submission of nominating petitions has generally taken around 60 days. There is some room for efficiencies in timing if Council wants to adopt a shorter timeframe for submission of nominating petitions, or on the flip side if Council desires the time to submit nominating petitions be enlarged (or mirror the existing) it will extend the timeframe. Staff recommends using the timeframes set forth in the attached resolution (and below) for the reasons set forth herein.

State law requires ten (10) weeks' notice to the election authority that the special election will be held with the actual names which will appear on the ballot to be provided to the election authority a minimum of six (6) weeks prior to the date of the special election (Section 115.125 RSMo). However, distribution of absentee ballots by mail may begin up to six (6) weeks prior to the election date, so the election authority in fact needs to receive the names to be printed on the ballot eight (8) weeks prior to the election date to allow adequate time for printing so as not to impair distribution of the absentee ballots (Section 115.281 RSMo). If the City does not provide a minimum of eight (8) weeks' notice to the election authority of the names to be printed on the ballot there is a high risk that any voters in Ward 1 that need to vote using an absentee ballot would not be able to receive an absentee ballot for the Ward 1 Council member election. The staff recommendation is built around the desire to ensure the availability of absentee ballots to Ward 1 voters by providing a minimum of eight (8) weeks' notice to the election authority.



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The Primary Election Day will be held this year on August 6, 2024. Although available resources of the election authority may be stretched thin, the Council could certainly exercise its discretionary authority to select a date and call a special election during the month of July or on some other date in August or September to accommodate either a shortened or extended period of time for filing a nominating petition it is certainly a possibility. If Council determines it wants to designate a day other than August 6, 2024 as the date to fill the vacancy in Ward 1, a new resolution will need to be drafted for Council consideration.

In a nutshell, the timeline established in the attached resolution, working backward from the election day, is as follows:

August 6 - Primary Election Day

June 11 - City Clerk notice to election authority of names to appear on ballot (8 weeks prior to election day)

June 4 at 5:00 p.m. - Closing date to file nominating petition (7 days prior to date required to notify election authority of names to appear on ballot)

May 28 - City Clerk notice to election authority that the City will hold a special election (notice of intent to call special election 10 weeks prior to election day - names provided 8 weeks prior)

April 23 - Opening date to file nominating petition (6 weeks prior to closing date of June 4)

April 21 - Publication of election notice in newspaper of general circulation

April 16 - Nominating packets for prospective candidates available from City Clerk

April 16 - Press release and other communication of special election process distributed

April 15 - Resolution setting special election approved by Council

Do not hesitate to reach out if there are any questions or additional information is desired.

Fiscal Impact

Short-Term Impact: The cost is based on the various entities who have placed an item on the ballot for any particular election. The City will be paying for a portion of the April election for the election of Ward 2 and Ward 6 Council members and the recall of the First Ward Council member.

In April 2022, the City's proportionate share for the costs relating to the municipal and special elections was \$65,383.33 with 18 entities having items on the ballot. City of Columbia election items in 2022 included filling positions for the Mayor, Council members for Ward 3 and Ward 4 and local use tax – with the Mayor and local use tax both being city-wide ballot measures. The cost for the August 2022 municipal special election for the Ward 3 candidate was \$20,591.50 with two entities participating.

Long-Term Impact: Not applicable.



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Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
01/16/2024	B1-24 (Ordinance No. 025561) - Calling a special election to be held on Tuesday, April 2, 2024, to consider the recall of the Council Member for Ward 1; directing notification of the election authority; describing the form of notice of election; declaring an emergency to authorize enactment of the bill on the same day as introduction.

Suggested Council Action

No recommendation.