

**AN ORDINANCE PROVIDING FOR SPECIAL ELECTIONS TO FILL  
CERTAIN VACANCIES IN ELECTED OFFICES AT TIMES OTHER THAN  
THE REGULAR CITY GENERAL ELECTION  
ORDINANCE NO. 210**

**The City Council of Benson, Minnesota ordains:**

**SECTION 1. DEFINITIONS**

For the purposes of this ordinance, the following terms shall have the following meanings:

**City.** The City of Benson, County of Swift, State of Minnesota.

**General Election.** A “general election” is an election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

**Special Election.** A “special election” is an election held at any time to fill vacancies in public offices.

**Vacancy.** A vacancy occurs for the reasons stated in the Charter, Minnesota Statute Section 351.02 or other state law.

**SECTION 2. APPOINTMENT TO VACANCY**

**If less than one year left in term.** Pursuant to Minnesota statute 9412.02, subd. 2a, a person shall be appointed to fill the remaining term of the vacancy.

**If More than one year left in term.** Pursuant to Minnesota Statute 412.02, subd. 2a, a person shall be appointed to fill the vacancy until the special election is held and the winner of the special election is qualified to take office.

**SECTION 3. SPECIAL ELECTION TIMING**

If a vacancy occurs and a special election to fill the unexpired term is required pursuant to Minnesota Statute Section 412.02, Subd. 2a, and there are more than 365 days until the next general election, then the special election to fill the vacancy shall be held prior to the general election, but no later than 120 days after the date of the vacancy.

**SECTION 4. REPEAL**

Ordinance number 30.03, VACANCIES IN COUNCIL, adopted on April 6, 1978 is repealed.

**SECTION 5. SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**SECTION 6. EFFECTIVE DATE**

This ordinance becomes effective upon passage and publication.

First Reading:           July 6, 2021  
Second Reading:       July 19, 2021  
Published:               July 21, 2021