

HOW PHILLY WORKS

Vacancies on City Council: What Happens?

At-Large City Councilman Bill Green was nominated today by Governor Corbett to become the Chair of the Philadelphia School Reform Commission. Assuming he is confirmed by the Pennsylvania Senate, he must resign his seat on Council.

Several of his Council colleagues could also resign in the near future – for instance, if they decide to run for mayor in 2015.

What happens when there are vacancies on City Council? This installment of **HOW PHILLY WORKS** tells you what to expect.

-- January 17, 2014

Why is everyone bailing from Council?

No one is bailing just yet. But, in some cases, they have no choice. Let's start with Green. State law creating the School Reform Commission (SRC), which is the state-controlled body that oversees the city's public schools, says that members can't be public officials anywhere in the state (or hold political party office) while an SRC member.

And Green's colleagues?

The City's Home Rule Charter requires all city employees – elected and non-elected – to resign before running for any other city, state or federal office (other than for reelection) without first giving up their government job. So if Council President Darrell Clarke or Councilman Jim Kenney decide to run for mayor in 2015 (both are said to be considering the race), they would have to resign once they officially become candidates.

Council elections are in 2015 too, right? So all these vacancies would get filled soon enough.

It's true that all 17 seats on City Council will be up for grabs in the 2015 election. But the City Charter says that vacancies in unexpired City Council offices (the 10 district seats and seven At-Large seats) should be filled by a special election. The date of the special election is fixed by the President of City Council.

What will happen to Green's seat if he resigns?

It depends on a few factors. When Green resigns. And when the Council President issues an order to the City Commissioners (who run city elections) to hold a special election on a specified date for city voters to choose someone to fill out Green's four-year term.

So the special election could be as early as the May 20 primary?

It could. But remember that it took the PA Senate five months to confirm Governor Corbett's nomination of former SRC Chair Pedro Ramos in 2011. And Green won't resign until he knows his



nomination is in the bag. But a special election can't be held within 30 days of Green's resignation or Clarke's order. The time frame is especially tight because ballots need to be printed well before an election.

Can Clarke decide not to call for a special election at all?

The City Charter requires a special election. But it's up to the Council President to decide if the special election will be at the next primary, the next municipal, or the next general election. As a matter of fact, a special election to fill the remaining term of At-Large Councilman David Cohen was held in November 2006 – over a year after he died. Then-Council President Anna Verna said she was in no hurry since there were six other At-Large Council members to represent city voters. (Like Cohen, Green is an At-Large Councilman.)

Let's say the special election is in November. Who will pick the candidates on the ballot?

Political party leaders.

Doesn't that give the winner of the special election a real advantage in 2015?

Assuming the winner of the special election wants to run for his or her own four-year Council term in 2015, it does give that person a leg up on challengers. But it's not a slam dunk. Carol Ann Campbell and Dan Savage won special elections to represent the Fourth District (Campbell) and Seventh District (Savage) in November 2006 – Campbell to fill Michael Nutter's seat after he resigned to run for mayor; Savage to complete Rick Mariano's term after Mariano went to prison for corruption. Six months later, Campbell and Savage both lost in the Democratic primary to keep those seats for a four-year term.

Getting back to Council members who might run for mayor. I thought I read the "resign to run" requirement might go away.

That's up to the city voters, who will be asked whether they want to eliminate the "resign to run" requirement for elected officials on the May 2014 ballot. (You can read more about this issue [here](#).) But, even if the voters approve the change, it would not apply to the 2015 elections, but would instead go into effect in January 2016. So any city employee – appointed or elected – who wants to run for another public office until then must resign in order to run.

What can I do to make sure I'm ready for a special election?

First, make sure you're registered to vote! Click [here](#) to check your registration status and [here](#) to register. We'll keep you posted on what's happening and when.

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