

CITY OF SALEM CHARTER § 59A. - Vacancies in office of mayor and council; procedure for filling.

A. Mayor – Vacancy arising in the office of Mayor.

If a vacancy occurs in the office of mayor by death, removal or resignation during the first to 36 months, inclusive, of the term ending on December 31 for which the mayor was elected, the city clerk shall forthwith order an election to fill such vacancy for the remainder of the unexpired term. Such election may be held at the time of the regular municipal election so long as the vacancy does not occur more than six months prior to the regular municipal election. ~~Until the time of the election,~~ the city council shall hold a meeting to elect, by majority vote, one of its members as acting mayor until a candidate for mayor is elected and the election results are certified. If the city council fails to elect a member at said meeting or within 30 days thereafter, the president of the city council shall become acting mayor, shall exercise all the rights and powers of mayor and shall be sworn to the faithful discharge of the mayor's duties. The candidate for mayor elected at such election shall take office immediately upon the certification of the results of the election. Unless a councillor serving as acting mayor under this section formally resigns, the councillor shall, upon the election and qualification of a successor mayor, resume their service as a councilor in the capacity to which they were elected and shall serve for the remainder of the unexpired term.

If a vacancy occurs during the thirty-seventh month beginning January 1 through the end of the term for which the mayor was elected, a meeting shall be held by the city council to elect, by majority vote, one of its members as acting mayor for the remainder of the unexpired term. If the city council fails to elect a member at said meeting or within 30 days thereafter, the president of the city council shall become acting mayor, shall exercise all the rights and powers of mayor and shall be sworn to the faithful discharge of the mayor's duties. Provided, however, that a councillor serving as mayor under this section shall be considered an incumbent councillor for election-related purposes.

B. Councillor – Vacancy arising in the office of City Council

If a vacancy occurs at any time in the office of a councillor elected by and from the qualified voters of the city, such vacancy shall be filled forthwith by a majority vote of all the remaining members of the city council for the remainder of the unexpired term.

If a vacancy occurs, before the last six months of the term, in the office of a councillor elected by and from the voters of a ward, the city council shall forthwith order an election to fill such vacancy for the remainder of the unexpired term.

A councillor selected to fill an unexpired term under the provisions of this section shall not be considered an elected incumbent for election-related purposes.

When a councillor is serving as acting mayor under Subsection A, so as to facilitate the continued orderly administration and operations of the city, the required quantum of vote of council action shall be calculated based upon a ten-member body.

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