



From the Office of Secretary of State

John Gale

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### **Sec. of State issues opinion on filling Bellevue City Council vacancy**

LINCOLN – Secretary of State John Gale has issued a formal opinion regarding the legal avenues available for filling a vacant seat on the Bellevue City Council. His finding was issued in response to an official request submitted on behalf of the city council seeking an interpretation of the relevant state statutes.

In his written response, Gale supported the legal opinion offered by the Bellevue city attorney, Patrick Sullivan. "It's my hope that offering this opinion will, in fact, bring this deadlock to closure. As of now the people of Ward I in Bellevue have no representation."

Gale noted that state law allows for filling the vacancy through a special election if the position is not filled by appointment.

"Ward I lost its elected representative due to a resignation creating the vacancy. In effect, their votes were canceled. To be a representative government the people must have a voice through their chosen representative, either by appointment or election. A representative democracy should abhor a vacancy."

Gale said he is not advocating that the council abandon their role in appointing a candidate. "The role of the council members is to provide a check on the appointment process to ensure that the appointee is qualified and suited for the position. It's not the role of the council to arbitrarily reject an appointee because they want a different candidate – one that more closely meets their political goals."

Gale said if the city council and mayor cannot agree on an appointment a special election would appear to be the alternative.

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