

**83A.040 Election of mayors and legislative bodies -- Qualifications -- Vacancies -- Removal of elected officers.**

- (1) A mayor shall be elected by the voters of each city at a regular election. A candidate for mayor shall be a resident of the city for not less than one (1) year prior to his or her election. His or her term of office shall begin on the first day of January following his or her election and shall be for four (4) years and until his or her successor qualifies. If a person is elected or appointed as mayor in response to a vacancy and serves less than four (4) calendar years, then that period of service shall not be considered for purposes of re-election a term of office. A mayor shall be at least twenty-one (21) years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office.
- (2) If a vacancy occurs in the office of mayor, the following provisions shall apply:
  - (a) The legislative body of the city shall fill the vacancy within thirty (30) days;
  - (b) A member of the legislative body in any city organized and governed under the commission plan as provided by KRS 83A.140 or city manager plan as provided by KRS 83A.150 may vote for himself;
  - (c) A member of the legislative body in any city organized and governed under the mayor-council plan as provided by KRS 83A.130 and in any city of the first class organized under the mayor-alderman plan as provided by KRS Chapter 83 shall not vote for himself; and
  - (d) The legislative body shall elect from among its members an individual to preside over meetings of the legislative body during any vacancy in the office of mayor in accordance with the provisions of KRS 83A.130 to 83A.150.
- (3) When voting to fill the vacancy created by a resignation of a mayor the resigning mayor shall not vote on his or her successor.
- (4) Each legislative body member shall be elected at large by the voters of each city at a regular election. A candidate for a legislative body shall be a resident of the city for not less than one (1) year prior to his or her election. His or her term of office shall begin on the first day of January following his or her election and shall be for two (2) years, except as provided by KRS 83A.050. A member shall be at least eighteen (18) years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office.
- (5) If one (1) or more vacancies on a legislative body occur in a way that one (1) or more members remain seated, the remaining members shall within thirty (30) days fill the vacancies one (1) at a time, giving each new appointee reasonable notice of his or her selection as will enable him or her to meet and act with the remaining members in making further appointments until all vacancies are filled. If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies shall be filled as provided in this section.
- (6) If for any reason, any vacancy in the office of mayor or the legislative body is not filled within thirty (30) days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.

- (7) No vacancy by reason of voluntary resignation in the office of mayor or on a legislative body shall occur unless a written resignation which specifies a resignation date is tendered to the legislative body. The resignation may be submitted through electronic mail if it originates from the official's electronic mail address and includes also the official's handwritten signature. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring on or after the date specified in the written letter of resignation. If a resignation date is not specified, the written resignation shall be deemed to become effective at the first regular or special meeting of the legislative body occurring on or after its receipt.
- (8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be filled temporarily by appointment, the legislative body or the Governor, whichever is designated to make the appointment, shall immediately notify in writing both the county clerk and the Secretary of State of the vacancy.
- (9) Except in cities of the first class, any elected officer, in case of misconduct, incapacity, or willful neglect in the performance of the duties of his or her office, may be removed from office by a unanimous vote of the members of the legislative body exclusive of any member to be removed, who shall not vote in the deliberation of his or her removal. No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, shall have the right to appeal to the Circuit Court of the county and the appeal shall be on the record. No officer so removed shall be eligible to fill the office vacated before the expiration of the term to which originally elected.
- (10) Removal of an elected officer in cities of the first class shall be governed by the provisions of KRS 83.660.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 114, sec. 3, effective June 29, 2023. -- Amended 2012 Ky. Acts ch. 49, sec. 3, effective July 12, 2012. -- Amended 2008 Ky. Acts ch. 79, sec. 17, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 16, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 368, sec. 1, effective January 1, 2001. -- Amended 1990 Ky. Acts ch. 366, sec. 8, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 17, sec. 5, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 80, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 434, sec. 10, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 235, sec. 4, effective July 15, 1980.