



Re: Declaring the Results of the August 5, 2025 Special Municipal Election

Background:

According to Section 9.3 of the Charter, the City Council is required to declare the results of all municipal elections. Council is required to declare those results at the next regularly scheduled City Council meeting after the election authority has certified the election results.

The Christian County Clerk, the election authority for Christian County and the City, has provided the certification of the election to the City.

Analysis:

The candidate that received the most votes at the August 5th Special Election was disqualified from running in the election by the Missouri Ethics Commission on June 10th, 2025. The candidate submitted a letter of resignation for the District 1 seat to my office on August 15th, 2025. Due to the disqualification from the Missouri Ethics Commission and the letter of resignation, the District 1 Council Member position is still vacant.

Mayor Giddens has recommended Mr. Jay Ortiz for the vacant position.

Recommendation:

Staff recommends approval of the resolution to declare the election results and fill the vacant District 1 position.

MEMO SUBMITTED BY:

Rebekka Coffey | City Clerk

bcoffey@nixa.com | 417-725-3785

RESOLUTION NO. 2025-39

A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA DECLARING THE RESULTS OF THE AUGUST 5, 2025, SPECIAL MUNICIPAL ELECTION; DECLARING A VACANCY IN THE DISTRICT 1 CITY COUNCIL SEAT; AND FILLING SAID VACANCY WITH THE APPOINTMENT OF JAY ORTIZ.

WHEREAS a Municipal Election was held within the City of Nixa on August 5, 2025; and

WHEREAS the official returns of said election have been certified by the Christian County Clerk and provided to the City, said certification is attached hereto and incorporated herein by this reference as "Resolution Exhibit A;" and

WHEREAS Section 9.3 of the City Charter requires the City Council to declare the results of any municipal election following certification of said election at the next regularly scheduled Council meeting; and

WHEREAS to comply with the requirements of the City Charter and State Law, the City Council desires to declare the results of said election; and

WHEREAS the candidate receiving the most votes at said election submitted a letter of resignation to the City Clerk on August 15, 2025, a copy of said correspondence is attached hereto as "Resolution Exhibit B;" and

WHEREAS the Executive Director of the Missouri Ethics Commission, on June 10, 2025, notified the City Clerk that said candidate was no longer qualified to run for the office they sought, a copy of said correspondence is attached hereto as "Resolution Exhibit C;" and

WHEREAS because of the Executive Director of the Commission's determination and the subsequent resignation of the candidate, the Council finds and declares the office of Councilmember for District I is vacant; and

WHEREAS pursuant to Section 3.6 of the Nixa City Charter, the Council desires to fill the vacancy with the appointment of Mr. Jay Ortiz.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: The election herein referred to has been found to have been held in all respects as required by the laws of the State of Missouri and the Charter and Ordinances of the City of Nixa, at designated voting places, that all qualified electors of the City and no others were permitted to vote, and that the results of the election is found and declared as follows:

Councilmember District I – Eight Month Term

RESOLUTION NO. 2025-39

Brian Popejoy – Number of Votes – 73

SECTION 2: Attached and incorporated hereto as “Resolution Exhibit A” is the full, true, and correct copy of the election certification for the August 8, 2025, election as provided by the Christian County Clerk. Said certification is the final certification of said election results and constitutes the official returns pursuant to Section 115.507, RSMo.

SECTION 3: The City Council, pursuant to Section 3.7 of the Nixa City Charter, finds that the candidate receiving the most votes on the August 5, 2025, election is disqualified from office for the reasons expressed in the correspondence from the Executive Director of the Missouri Ethics Commission (Resolution Exhibit C) and because of said candidate’s resignation (Resolution Exhibit B). Due to the candidate’s disqualification, the City Council declares that the office of City Councilmember of District I is vacant.

SECTION 4: The office of City Councilmember for District I being found and declared to be vacant, the City Council hereby appoints Mr. Jay Ortiz to fill said vacancy.

SECTION 5: This Resolution shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS 26TH DAY OF August 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

**CERTIFICATION OF ELECTION RESULTS
BY CHRISTIAN COUNTY CLERK**

To: Bekka Coffey, City Clerk of the City of Nixa, Christian County, Missouri.

The following is the Official Certificate of Election Results of the Special Election held on August 5, 2025, in Christian County, Missouri, and certified on August 8, 2025.

I, Paula Brumfield, Christian County Clerk, do hereby certify the election returns for the City of Nixa, Christian County, Missouri.

**FOR COUNCIL MEMBER DISTRICT I
FOR EIGHT (8) MONTH TERM
VOTE FOR ONE**

BRIAN POPEJOY

73 VOTES

CERTIFICATION OF ELECTION RESULTS

I, Paula Brumfield, County Clerk/Election Authority of Christian County, Missouri, do hereby certify that the foregoing is a full and accurate return of all votes cast at the above-named polling place for all CANDIDATES and FOR and AGAINST all propositions at said election as certified to me by the duly qualified and acting judges of said election.




County Clerk/Election Authority
Christian County Missouri



Outlook

Resignation letter

From Brian Popejoy <bpopejoy@nixa.com>

Date Fri 8/15/2025 1:50 PM

To Rebekka Coffey <bcoffey@nixa.com>

To whom it may concern,

I am writing you to formally resign from the district one seat on city council. Due to my negligence on getting my paperwork filled out and sent to the Missouri Ethics Commission on time I am no longer eligible for this position. I appreciate your time and patience throughout this process.

Thank You,
Brian Popejoy

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MISSOURI ETHICS COMMISSION
P.O. Box 1254
Jefferson City, MO 65102
www.mec.mo.gov
(573) 751-2020 / (800) 392-8660

RESOLUTION EXHIBIT C

Stacey Heislen
Executive Director

June 10, 2025

City of Nixa
Rebekka Coffey - City Clerk
715 W. Mt. Vernon
PO Box 395
Nixa, MO 65714

Dear Election Filing Official:

Based on information received by our office, it is our understanding that your office received a declaration of candidacy for the August 5, 2025, election from the following candidate(s):

Brian Popejoy Candidate City Council

This candidate failed to file their personal financial disclosure statement on or by May 20, 2025, the deadline for filing, to avoid disqualification from the ballot.

Please note that Section 105.492.2, RSMo. provides:

“If a candidate for office does not file a financial interest statement by the close of business on the twenty-first day after the last day for filing for election for which the person is a candidate, the commission shall notify the official who accepted such candidate’s declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate’s name from the ballot.”

While it has been the practice of Commission for the Commissioners to meet in open session to vote to notify the election official of that the candidate failed to file personal financial statement and is therefore disqualified, the Commission lacks a quorum to meet and to take any action as required by 105.955.6, RSMo. Because it is unclear when the Commission will have enough Commissioners to meet, we wanted to make you aware of the failure of this candidate to file the personal financial statement by the required deadline. We suggest that you consult with your legal counsel regarding this issue.

Thank you for your cooperation with this matter. Please contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Stacey Heislen", is positioned below the word "Sincerely,".

Stacey Heislen
Executive Director

Cc: Christian County