



## CITY OF SOUTH BEND

PETE BUTTIGIEG, MAYOR  
Office of the Mayor

### MAYOR BUTTIGIEG'S RESERVE DEPLOYMENT FACT SHEET

#### **Mayor Buttigieg's military service**

- Commissioned as an Ensign in the U.S. Navy Reserve on September 26, 2009.
- Serves as an intelligence officer.
- Currently holds rank of Lieutenant, Junior Grade (LTJG).
- Scheduled to be promoted to full Lieutenant (LT) in October 2013.
- Serves at Fort Sheridan, Illinois, one weekend each month.
- Serves two weeks per year in annual training. Locations have included Newport, Rhode Island; San Diego, California; and England.
- Decorations include National Defense Service Medal; Global War on Terrorism Service Medal; and Joint Meritorious Unit Award.

#### **Other elected officials who have served in the military while in office**

- Maryland Lieutenant Governor Anthony Brown was mobilized to Iraq in 2004 as an officer in the Army Reserve, while serving as a state representative in the House of Delegates.
- Delaware Attorney General Beau Biden served on a year-long deployment to Iraq in 2008-2009 while remaining in office as Attorney General.
- U.S. Senator Lindsay Graham (R-SC) is a member of the Air Force Reserve and former Senator Scott Brown (R-MA) is a member of the National Guard. Both are Judge Advocates, or Military Lawyers, and have served in Iraq and Afghanistan for short periods.



- U.S. Senator Mark Kirk (R-IL) is an intelligence officer in the Navy Reserve and has served in Iraq and Afghanistan.
- Former Indiana State Representative Scott Reske (D), who retired as a Colonel in the Marine Corps Reserve, was activated while serving in the legislature. He served in Haiti and Iraq.
- Former St. Joseph Prosecutor Chris Toth has served as an officer in both Naval and Army Reserves, and has deployed to Bosnia, Kuwait, and Iraq.

### Relevant legal background

- South Bend Municipal Code § 2-12.2 and Indiana Code § 5-6-2 govern Mayor Buttigieg's appointment of a Deputy Mayor who will serve during the Mayor's military leave of absence.
- South Bend Municipal Code § 2-12.2 expressly creates the Deputy Mayor position and sets forth the position's duties, which include "serving in [the Mayor's] absence or in the event of a vacancy in the office of Mayor."
- Indiana Code § 5-6-2 is entitled "Deputies for Officers in Military Service." Under this section, the Mayor may appoint a deputy who, during a military service related absence by the Mayor, "may perform all the duties appertaining by law to the office" of Mayor. *Id.*
- Mayor Buttigieg is exercising his authority under the Indiana Code and South Bend Municipal Code to appoint a Deputy Mayor who will perform the duties of the office of Mayor until he returns from active duty.
- Other Indiana Code sections pertaining to leaves of absence do not apply in this situation.
- Indiana Code § 5-9-4 does not apply because the Mayor may appoint a deputy under Indiana Code § 5-6-2. *See* I.C. 5-9-4-1(a)(3).
- Indiana Code §§ 3-13-8 and 36-4-5-9 which govern "vacancies" in office also do not apply because the Mayor's deployment does not create a "vacancy." As set forth in Indiana Code § 5-6-2-2, when an officeholder's absence is caused by being called to active military service and the duties under existing laws may be performed by a deputy, he does not "vacate" his office.