

March 12, 2009

S 596. FILLING VACANCIES IN LOCAL OFFICES. Filed 3/12/09. *TO STANDARDIZE THE PROCESS FOR FILLING OF VACANCIES IN LOCAL OFFICES.*

Repeals GS 153A-27 regarding vacancies in the office of county commissioner. Amends GS 153A-27.1 by (1) applying the statute's procedures for filling vacancies on boards of commissioners to all counties; (2) requiring that if the person being replaced was the nominee of a political party, the replacement nominee must be eligible to have filed as a candidate of that party for the most recent election for that office; (3) requiring that if the person being replaced was not the nominee of a political party, the replacement nominee must be currently eligible for election to the office; and (4) making conforming changes to the statute.

Repeals Section 12 of Chapter 763 of the 1981 Session Laws regarding procedures established for vacancies of an office of a Wake County Commissioner.

Amends GS 161-5(a1) regarding vacancies in the office of register of deeds by establishing a procedure by which the county executive committee of the party of the person being replaced may recommend three persons as possible replacements, and one of those three must be selected as the replacement. Adds eligibility requirements depending on whether the person being replaced was nominated by a political party.

Repeals GS 162-5 regarding vacancies for the office of sheriff. Amends GS 162-5.1 by (1) establishing a procedure by which the county executive committee of the party of the sheriff being replaced may recommend three persons as possible replacements, and one of those three must be selected as the replacement and (2) applying the statute's procedures for filling vacancies in the office of sheriff to all counties. Adds eligibility requirements depending on whether the person being replaced was nominated by a political party. Makes a conforming change to GS 162-3.

Amends GS 115C-37.1 regarding vacancies in the membership of county boards of education by applying the statute's procedures to all counties.

Amends procedures established in GS 160A-63 for vacancies in elective offices of cities conducting elections on a partisan basis by (1) establishing a procedure by which the county executive committee of the party of the person being replaced may recommend three persons as possible replacements, and one of those three must be selected as the replacement and (2) for the office of mayor or an at-large member of a city council, requiring the county executive committee to restrict its voting on the three proposed replacements to only those committee members representing precincts all or part of which were in the territorial area of the city or, if applicable, the district of the council member being replaced. Adds eligibility requirements depending on whether the person being replaced was nominated by a political party.

Amends GS 163-114 to clarify that, for elective county district offices where not all of the county is located in that office's district, voting on a replacement must be restricted to those members of the political party's county executive committee who reside within the district.

Intro. by Clodfelter.

GS 115C, 153A, 160A, 161, 162, 163