

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 653
PROPOSED HOUSE COMMITTEE SUBSTITUTE S653-PCS55499-ST-61

Short Title: Cities - Do Not Automatically Count Vote.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT NOT TO RECORD AUTOMATICALLY AN AYE VOTE FOR A MEMBER OF A
CITY COUNCIL WHEN THAT MEMBER FAILS TO VOTE, SIMILAR TO VOTING
BY BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-75 reads as rewritten:

"§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). ~~In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.~~ The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

SECTION 2. The North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and the North Carolina School Boards Association, with the assistance of the School of Government at the University of North Carolina at Chapel Hill, shall study the issue of conflicts of interest for local elected officials and report any recommendations to the 2010 Regular Session of the 2009 General Assembly on or before May 1, 2009.

SECTION 3. This act becomes effective October 1, 2009.



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