

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 128*
PROPOSED COMMITTEE SUBSTITUTE S128-PCS75156-ST-4

Short Title: Carrboro Office of Alderman.

(Local)

Sponsors:

Referred to:

February 25, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE
3 THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY
4 APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL
5 STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS
6 UNDER CERTAIN CONDITIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 2-2 of the Charter of the Town of Carrboro, being Chapter
9 476 of the 1987 Session Laws, as amended by S.L. 2007-270, reads as rewritten:

10 **"Section 2-2. Election of Mayor and Aldermen.** (a) The mayor and the aldermen shall be
11 elected by the voters of the entire town. The mayor shall be elected for a term of two years and
12 the aldermen shall be elected for staggered terms of four years.

13 (b) The municipal elections in the Town of Carrboro shall be nonpartisan and decided
14 by a simple plurality. No primary elections shall be held. The municipal elections shall be
15 conducted pursuant to the applicable provisions of Chapter 163 of the North Carolina General
16 Statutes, particularly Articles 23 and 24 thereof.

17 (c) In the municipal elections to be held in 1987, and every two years thereafter, the
18 mayor shall be elected for a term of two years. In the 1987 election (and the municipal elections
19 held every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen
20 whose terms expire in 1987 (and every four years thereafter). In the municipal elections to be
21 held in 1989 (and every four years thereafter), three aldermen shall be elected to fill the seats of
22 the aldermen whose terms expire in 1989 (and every four years thereafter).

23 (d) In the general municipal election the candidate receiving the highest number of
24 votes for mayor shall be elected. The three candidates in such election receiving the highest
25 number of votes for the office of alderman shall be elected for full four-year terms.

26 (e) Vacancies that occur in the office of mayor shall be filled by appointment of the
27 board of aldermen in accordance with the provisions of G.S. 160A-63.

28 (f) ~~Notwithstanding the first four sentences of G.S. 160A-63, but subject to this~~
29 ~~subsection and subsection (g) of this section,~~ Vacancies that occur on the board of aldermen
30 (other than vacancies in the office of mayor) shall be filled by appointment of the board of
31 aldermen in accordance with the provisions of G.S. 160A-63, except that whenever a seat on
32 the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or
33 more of the term of office of that seat remains ~~unexpired, such seat shall be filled by a special~~
34 ~~election. Such special election shall be called by unexpired,~~ the board of aldermen ~~by the~~
35 ~~adoption of may instead adopt~~ a resolution pursuant to G.S. 163-287 ~~at the next regular or~~
36 ~~special meeting of the board held after the vacancy occurs calling for a special election to fill~~



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1 ~~such vacancy. Such resolution shall not schedule an election~~ an election shall not be scheduled
2 during the time period beginning on the first Monday in July and ending on the last Monday in
3 August in any calendar year. Vacancies that occur in the office of alderman at a time when less
4 than one year of that alderman's term of office remains unexpired shall be filled by appointment
5 of the board of aldermen in accordance with G.S. 160A-63.

6 (g) If the board of aldermen adopts a resolution calling for a special election to fill one
7 or more vacant ~~board~~ seats as provided in subsection (f) of this section, and the resolution sets
8 as the date of such election the same date as a ~~regular~~ municipal general election, then ~~(i)~~
9 the resolution shall provide that the same filing period, filing fee, and absentee voting period that
10 are applicable to the three seats on the board whose terms are expiring shall also apply to the
11 special election for the vacant seat or ~~seats;~~ (ii) seats. If the resolution sets as the date of such
12 election concurrent with an election other than the municipal general election, then the
13 resolution shall prescribe the filing period and the filing fee. If the resolution sets as the date of
14 such election a date other than the same date as another election, then the resolution shall
15 prescribe the filing period, filing fee, and absentee voting period for such special election,
16 including an alternative location for one-stop absentee voting within the corporate limits of the
17 municipality, rather than the office of the board of elections, if no other elections are conducted
18 within the county on the same date.

19 (h) Whenever a vacancy on the board of aldermen is to be filled at a general municipal
20 election (for the remaining two years of the unexpired term of the vacant seat), then (i)
21 candidates who seek to fill either the expiring seats or the vacant seats for the office of
22 alderman shall file and appear on the ballot simply as candidates for election to the board of
23 aldermen (i.e. they shall not be allowed to file or appear on the ballot as a candidate for either a
24 particular vacant seat or an expiring for a four-year term or for the unexpired term of a vacant
25 seat); and ~~(iii)~~ (ii) the three candidates receiving the highest number of votes for the office of
26 alderman shall be elected to full four-year terms, and the person receiving the fourth highest
27 number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of
28 votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or
29 seats."

30 **SECTION 2.** This act is effective when it becomes law and applies to any vacancy
31 on the board of aldermen occurring on or after the date.