

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 403

AMENDMENT NO. A4  
(to be filled in by  
Principal Clerk)

S403-AST-209 [v.2]

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Comm. Sub. [YES]  
Amends Title [NO]  
Fourth Edition

Date \_\_\_\_\_, 2014

Representative Stone

1 moves to amend the bill on page 8, lines 9-10, by inserting the following between those lines:

2  
3 "SECTION 17.5.(a) G.S. 163-287 reads as rewritten:

4 "**§ 163-287. Special elections; procedure for calling.**

5 (a) Any county, municipality, or any special district shall have authority to call special  
6 elections as permitted by law. Prior to calling a special election, the governing body of the  
7 county, municipality, or special district shall adopt a resolution specifying the details of the  
8 election, and forthwith deliver the resolution to the local board of elections. The resolution shall  
9 call on the local board of elections to conduct the election described in the resolution and shall  
10 state the date on which the special election is to be conducted. In setting the date, counties,  
11 municipalities, and special districts are encouraged to set a date that will result in the highest  
12 possible voter turnout. However, ~~The~~ the special election may be held only as follows:

- 13 (1) at~~At~~ the same time as any other State, State or county ~~or municipal~~-general  
14 election-election.  
15 (2) ~~or~~-at the same time as the primary election in any even-numbered  
16 year-year.  
17 (3) At the same time as any other election requiring all the precincts in the  
18 county to be open.  
19 (4) At the same time as a municipal general election, if the special election is  
20 within the jurisdiction of the municipality only.

21 (b) Legal notice of the special election shall be published no less than 45 days prior to  
22 the special election. The local board of elections shall be responsible for publishing the legal  
23 notice. The notice shall state the date and time of the special election, the issue to be submitted  
24 to the voters, and the precincts in which the election will be held. This subsection shall not  
25 apply to bond elections.

26 (c) The last sentence of subsection (a) of this section shall not apply to any special  
27 election related to the public health or safety, including a vacancy in the office of sheriff or a  
28 bond referendum for financing of health and sanitation systems, if the governing body adopts a  
29 resolution stating the need for the special election at a time different from any other State,  
30 county, or municipal general election or the primary in any even-numbered year.

31 (d) The last sentence of subsection (a) of this section shall not apply to municipal  
32 incorporation or recall elections pursuant to local act of the General Assembly.



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1 (e) The last sentence of subsection (a) of this section shall not apply to municipal  
2 elections to fill vacancies in office pursuant to local act of the General Assembly where more  
3 than six months remain in the term of office, and if less than six months remain in the office,  
4 the governing board may fill the vacancy for the remainder of the unexpired term  
5 notwithstanding any provision of a local act of the General Assembly.

6 (f) This section shall not impact the authority of the courts or the State Board to order a  
7 new election at a time set by the courts or State Board under this Chapter."

8 **SECTION 17.5.(b)** This section becomes effective January 1, 2015, and applies to  
9 all special elections held on or after that date."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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