

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 420
Mar 20, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10197-LU-49C*

Short Title: Board Vacancies/City of Winston-Salem. (Local)

Sponsors: Representatives Montgomery, Lambeth, Conrad, and Terry (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES ON THE CITY
3 COUNCIL IN THE CITY OF WINSTON-SALEM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Sections 1 through 3 of Chapter 1248 of the Session Laws of 1971
6 are incorporated as Section 12K in the Charter of the City of Winston-Salem. Section 12K of the
7 Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, as
8 amended, reads as rewritten:

9 "Section ~~4~~12K. Vacancies.

10 (a) Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of
11 Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the
12 unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth~~
13 ~~County Executive Committee of each political party shall immediately designate a candidate for~~
14 ~~said vacancy and the Board of Aldermen~~ City Council shall ~~cause to be held~~ adopt a resolution
15 calling for a special primary and election in the Ward which the vacating Alderman represented,
16 an election to fill said vacancy. The candidate receiving a majority of the votes cast shall assume
17 office forthwith. The election shall be held no later than 60 days after the vacancy occurs. Insofar
18 as possible, the member represented to fill the vacancy for the unexpired term. Regarding a
19 resignation, a vacancy is deemed to exist once the City Council accepts the resignation of a
20 member, even if the effective date of the resignation is a future date. The candidate elected shall
21 be installed at the next regular or special meeting of the City Council, or if the resigning member
22 is still seated, the next regular or special meeting following the effective date of the resignation.
23 The effective date of the resignation and installation of the elected candidate may occur at the
24 same meeting, provided the resignation occurs before the installation. The primary and election
25 shall be called and conducted in accordance with G.S. 163A-1592 and the remainder of the laws
26 governing other municipal elections in the City of ~~Winston-Salem~~ Winston-Salem, as modified
27 by the following provisions:

- 28 (1) The Forsyth County Board of Elections shall conduct a special primary and
29 election and determine the results of the election in accordance with the
30 partisan primary and election method set out in G.S. 163A-1615.
31 (2) The Forsyth County Board of Elections shall set the date and time candidates
32 seeking party nomination may file notices of candidacy, provided that the
33 filing period opens within 14 business days after the adoption of the resolution
34 and is open for 14 business days. Each candidate shall be a resident of the
35 ward that the vacating member represented.



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- 1 (3) The Forsyth County Board of Elections shall hold the primary election no later
2 than 60 calendar days after the close of the filing period, or as soon thereafter
3 as practicable, and shall allow for absentee ballots to be applied for and cast.
4 (4) The Forsyth County Board of Elections shall hold the general election no later
5 than 60 calendar days after the primary, or as soon thereafter as practicable,
6 and shall allow for absentee ballots to be applied for and cast. A space for
7 write-in candidates shall be printed on the ballot.
8 (5) The City Council shall reimburse the Forsyth County Board of Elections for
9 the actual cost involved in the administration of the primary and election.

10 ~~Sec. 2.(b)~~ Should a vacancy exist on ~~said Board~~ the City Council for any of the reasons
11 stated ~~above~~, in Section 1 of this act, and should the unexpired term at the time the vacancy
12 occurs be for less than twelve months, then the Mayor of the City of Winston-Salem shall
13 immediately appoint for the unexpired part of the term the person recommended by the Forsyth
14 County Executive Committee of the political party with which the former member was affiliated
15 when elected.

16 ~~Sec. 3.(c)~~ Should a member of the ~~Board of Aldermen~~ City Council of the City of
17 Winston-Salem remove himself from the City, or fail to attend the meetings of the ~~Board~~ City
18 Council for 90 consecutive days, or should he willfully neglect or refuse to serve, a vacancy to
19 be filled as provided in Sections 1 and 2 shall be deemed to have been created."

20 **SECTION 1.(b)** This section is effective when it becomes law and applies to
21 vacancies existing on or after that date.

22 **SECTION 2.(a)** Any seat that meets all of the following shall be subject to a special
23 primary and election, to be conducted using the process described in Section 1 of Chapter 1248
24 of the Session Laws of 1971, as amended by Section 1 of this act:

- 25 (1) A vacancy for that seat occurs in 2018 or 2019.
26 (2) The vacancy was filled by the City Council using the appointment process set
27 forth in G.S. 160A-63.
28 (3) The Forsyth County Board of Elections receives a petition calling for a special
29 primary and election signed by at least one percent (1%) of the total number
30 of registered voters in the ward which the seat represents, as reflected by the
31 voter registration records of the State Board of Elections as of January 1 of
32 the year in which the petition is received. The chair or director of the Forsyth
33 County Board of Elections shall verify signatures on the petition no later than
34 15 business days after receipt of the petition as provided in
35 G.S. 163A-1005(a)(1)b.
36 (4) The unexpired term of office for the seat is 12 months or more, as of the date
37 the petition, signed by at least one percent (1%) of the residents of the ward,
38 is received by the Forsyth County Board of Elections.

39 **SECTION 2.(b)** The City Council of the City of Winston-Salem shall reimburse the
40 Forsyth County Board of Elections for the actual cost involved in the administration of any
41 special primary and election conducted under this section.

42 **SECTION 2.(c)** This section is effective when it becomes law and applies to any
43 seat that was vacated in 2018 or 2019.

44 **SECTION 3.** This act is effective when it becomes law.