

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1165
May 19, 2020
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10801-LU-166

Short Title: Modify City Council/City of Winston-Salem.

(Local)

Sponsors: Representative Montgomery.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES AND ESTABLISH
3 TWO AT-LARGE SEATS ON THE CITY COUNCIL IN THE CITY OF
4 WINSTON-SALEM.

5 The General Assembly of North Carolina enacts:

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

10 "Section ~~4-12K~~. Vacancies.

11 (a) Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of
12 Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the
13 unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth~~
14 ~~County Executive Committee of each political party shall immediately designate a candidate for~~
15 ~~said vacancy and the Board of Aldermen City Council shall cause to be held, adopt a resolution~~
16 ~~calling for a special primary or election in the Ward which the vacating Alderman represented,~~
17 ~~an election to fill said vacancy. The candidate receiving a majority of the votes cast shall assume~~
18 ~~office forthwith. The election shall be held no later than 60 days after the vacancy occurs. Insofar~~
19 ~~as possible, the member represented to fill the vacancy for the unexpired term. Regarding a~~
20 ~~resignation, a vacancy is deemed to exist once the City Council accepts the resignation of a~~
21 ~~member, even if the effective date of the resignation is a future date. The candidate elected shall~~
22 ~~be installed at the next regular or special meeting of the City Council, or if the resigning member~~
23 ~~is still seated, the next regular or special meeting following the effective date of the resignation.~~
24 ~~The effective date of the resignation and installation of the elected candidate may occur at the~~
25 ~~same meeting, provided the resignation occurs before the installation. The primary and election~~
26 ~~shall be called and conducted in accordance with G.S. 163-287 and the remainder of the laws~~
27 ~~governing other municipal elections in the City of Winston-Salem. Winston-Salem, as modified~~
28 ~~by the following provisions:~~

29 (1) The Forsyth County Board of Elections shall conduct a special primary and
30 election and determine the results of the election in accordance with the
31 partisan primary and election method set out in G.S. 163-291.

32 (2) The Forsyth County Board of Elections shall set the date and time candidates
33 seeking party nomination may file notices of candidacy, provided that the
34 filing period opens within 14 business days after the adoption of the resolution
35 and is open for 14 business days. Each candidate shall be a resident of the
36 ward that the vacating member represented.



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 subsection (a) of this section, and should the unexpired term at the time the
12 vacancy occurs be for less than twelve months, then the Mayor of the City of Winston-Salem
13 shall immediately appoint for the unexpired part of the term the person recommended by the
14 Forsyth County Executive Committee of the political party with which the former member was
15 affiliated 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 or herself from the City, or fail to attend the meetings of the
18 Board City Council for 90 consecutive days, or should he the member willfully neglect or refuse
19 to serve, a vacancy to be filled as provided in Sections 1 and 2 subsections (a) and (b) of this
20 section shall be deemed to have been created."

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

23 **SECTION 2.(a)** Paragraph 2 of Section 12A of Chapter 232 of the Private Laws of
24 1927, as amended by Chapter 53 of the Session Laws of 1965, as amended by the Ordinance of
25 January 6, 2003, and Section 1(b) of S.L. 2011-141, reads as rewritten:

26 "2. Election of City Council. The time for election of city council members shall be as
27 provided in Section 12J of this Charter. There shall be elected ~~eight~~ 10 council members for the
28 City of Winston-Salem, who shall hold their office until their successors are qualified, of whom
29 one shall be elected from North Ward, one from Northeast Ward, one from East Ward, One from
30 Southeast Ward, one from South Ward, one from Southeast Ward, one from West Ward, ~~and one~~
31 from Northwest Ward. Ward, and two at-large members. Each council member representing a
32 ward shall be a resident of the ward in which elected, and shall be elected by the qualified voters
33 of the council member's ward only. The qualified voters of the entire City of Winston-Salem
34 shall elect the at-large members. Each at-large member shall be a resident of the City of
35 Winston-Salem. Except as provided in Section 12J of this Charter, city council members shall
36 serve for terms of four years commencing as provided by G.S. 160A-68 at the organizational
37 meeting of the city council following the election."

38 **SECTION 2.(b)** The two at-large City Council members added under subsection (a)
39 of this section shall be elected during a special primary election held no later than September 8,
40 2020.

41 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes law
42 and applies to elections held on or after that date.