

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 387  
Mar 24, 2021  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10131-LU-53C

Short Title: Flexibility in Filling Vacancies/Durham. (Local)

Sponsors: Representative Hawkins.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FLEXIBILITY IN FILLING VACANCIES ON THE CITY COUNCIL  
3 IN THE CITY OF DURHAM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 13.2 of the Charter of the City of Durham, being Chapter 671  
6 of the 1975 Session Laws, as amended by Chapter 852 of the 1979 Session Laws and S.L.  
7 2001-480, reads as rewritten:

8 "~~§ 13.2.~~ Sec. 13.2. Vacancies in office of Mayor or member of City Council. – (a) For the  
9 purpose of this section, the word 'vacancy' also includes a refusal or failure to qualify for office.

10 (b) If a vacancy occurs in the office of Mayor, the City Council ~~shall, except as provided~~  
11 ~~in subsection (d) of this section, within 60 days of the vacancy, choose~~ may appoint some  
12 qualified person for Mayor for the unexpired portion of the term.

13 (c) If a vacancy occurs in the office of Council member, the City Council ~~shall, except~~  
14 ~~as provided in subsection (d) of this section, within 60 days of the vacancy, choose~~ may appoint  
15 some qualified person to fill the place of such Council member for the remainder of the unexpired  
16 term.

17 If the vacancy to be filled occurs in a seat occupied by a Council member elected from a  
18 ward, then such person chosen to fill such vacancy shall reside in the ward from which the  
19 Council member whose place is to be filled was nominated.

20 (d) If the Council ~~fails to choose~~ chooses not to appoint some qualified ~~person within 60~~  
21 ~~days after the vacancy occurs, it may not fill the vacancy by appointment, but shall~~ person, it  
22 may call a special election under the provisions of Section 13.3 of this Chapter, provided that if  
23 the vacancy occurs after the first day of June in the year in which the term is to expire, the Council  
24 need not call a special election."

25 **SECTION 2.** Section 13.3 of the Charter of the City of Durham, being Chapter 671  
26 of the 1975 Session Laws, as amended by Chapter 852 of the 1979 Session Laws and S.L.  
27 2001-480, reads as rewritten:

28 "~~§ 13.3.~~ Sec. 13.3. Special election to fill vacancies. – (a) If the City Council is required to  
29 call a special election under the provisions of Section 13.2 of this Charter, it shall follow the  
30 procedures of this section.

31 (b) The special election shall be called and conducted in accordance with G.S. 163-287,  
32 except as otherwise provided in this section.

33 (c) ~~The Council shall within seven days of the expiration of the 60 day period provided~~  
34 ~~in Section 13.2(d) of this Charter~~ If the City Council calls a special election under the provisions  
35 of Section 13.2 of this Charter, the City Council shall adopt a resolution calling a special election.  
36 Such special election may be held on the same date as any county or State or municipal primary,



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1 or general election, referendum or special election, but may not otherwise be held within the  
2 period beginning 30 days before and ending 30 days after the date of any such election, primary,  
3 special election, or referendum.

4 ...."

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