

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

D

SENATE BILL 269
Redistricting and Elections Committee Substitute Adopted 3/31/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S269-PCS15314-ST-22

Short Title: Vacancies in Durham/Cary 2021 Elections. (Local)

Sponsors:

Referred to:

March 15, 2021

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.(a)** Section 13.2 of the Charter of the City of Durham, being Chapter
6 671 of the Session Laws of 1975, as amended by Chapter 852 of the Session Laws of 1979, reads
7 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, may, within 60 days~~ 120 days of the vacancy, ~~choose~~ appoint
12 some qualified person for Mayor or call for a special election in accordance with Section 13.3 of
13 this Chapter for the remainder of the unexpired portion of the term.

14 (c) If a vacancy occurs in the office of Council member, the City Council ~~shall, except~~
15 ~~as provided in subsection (d) of this section, may, within 60 days~~ 120 days of the vacancy, ~~choose~~
16 appoint some qualified person to fill the place of such Council member or call for a special
17 election in accordance with Section 13.3 of this Chapter for the remainder of the unexpired
18 portion of the term.

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

22 (d) If the City Council fails to choose ~~does not appoint~~ some qualified person within ~~60~~
23 ~~days~~ 120 days after the vacancy occurs, it may not fill the vacancy by appointment, but shall call
24 a special election under the provisions of Section 13.3 of this Chapter, provided that if the
25 vacancy occurs after the first day of June in the year in which the term is to expire, the City
26 Council need not call a special election.

27 (e) Notwithstanding the remainder of this section, if a State or county primary or general
28 election, municipal primary or general election, referendum, or special election is scheduled to
29 be held within 120 days of the date the vacancy occurs, and there are at least 10 days prior to the
30 date by which mail-in absentee ballots must be available for voting in that scheduled election,
31 the City Council shall call for a special election in accordance with Section 13.3 of this Chapter
32 to fill the vacancy for the remainder of the unexpired portion of the term to coincide with that
33 scheduled election."



* S 2 6 9 - P C S 1 5 3 1 4 - S T - 2 2 *

1 **SECTION 1.(b)** Section 13.3 of the Charter of the City of Durham, being Chapter
2 671 of the Session Laws of 1975, as amended by Chapter 852 of the Session Laws of 1979 and
3 S.L. 2001-480, reads as rewritten:

4 "~~§ 13.3.~~Sec. 13.3. Special election to fill vacancies. – (a) If the City Council ~~is required to~~
5 ~~call~~calls a special election under the provisions of Section 13.2 of this Charter, it shall follow
6 the procedures of this section.

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

9 (c) The City Council shall within seven days of the expiration of the ~~60-day~~120-day
10 period provided in Section 13.2(d) of this Charter adopt a resolution calling a special election.
11 Such special election may be held on the same date as any county or State or municipal primary,
12 or general election, referendum or special election, but may not otherwise be held within the
13 period beginning 30 days before and ending 30 days after the date of any such election, primary,
14 special election, or referendum.

15 "

16 **SECTION 2.** This act is effective when it becomes law.