

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15244-LU-98A

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

Sponsors: Senators Murdock and Woodard (Primary Sponsors).

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, reads as
7 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 ~~60-120~~ days of the vacancy, ~~choose~~ 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, may,~~ within ~~60-120~~ days of the vacancy, ~~choose~~
15 appoint some qualified person to fill the place of ~~such the~~ Council member for the remainder of
16 the unexpired term.

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

20 (d) If the City Council ~~fails to choose~~ does not appoint some qualified person within ~~60~~
21 120 days after the vacancy occurs, it may not fill the vacancy by appointment, but shall call a
22 special election under the provisions of Section 13.3 of this Chapter, provided that if the vacancy
23 occurs after the first day of June in the year in which the term is to expire, the City Council need
24 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, reads as
27 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 ...

32 (c) The City Council shall within seven days of the expiration of the ~~60-day-120-day~~
33 period provided in Section 13.2(d) of this Charter adopt a resolution calling a special election.
34 ~~Such~~ The special election may be held on the same date as any county or State or municipal
35 primary, or general election, referendum or special election, but may not otherwise be held within



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1 the period beginning 30 days before and ending 30 days after the date of any such election,
2 primary, special election, or referendum.
3"
4 **SECTION 3.** This act is effective when it becomes law.