

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SENATE BILL 95  
RATIFIED BILL**

**AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES  
IN TABOR CITY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-63 reads as rewritten:

**"§ 160A-63. Vacancies.**

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. ~~The elected successor shall then serve the remainder of the unexpired term.~~ If, at the next regularly scheduled city election, any unexpired terms are to be filled in accordance with this section, the election for the full terms and the unexpired terms shall be conducted together and held on the same ballot. The candidates receiving the highest number of votes equal to the number of full terms shall be elected to serve those full terms, and the candidates receiving the next highest number of votes equal to the number of unexpired terms shall be elected to serve the remainder of those unexpired terms. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party."

**SECTION 2.** This act applies to the Town of Tabor City only.

**SECTION 3.** This act is effective when it becomes law and expires on December 31, 2013.

In the General Assembly read three times and ratified this the 12<sup>th</sup> day of March, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

