

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1119

Short Title: Board Vacancies/City of Winston-Salem. (Local)

Sponsors: Representatives Lambeth, Terry, Montgomery, and Conrad (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I

December 5, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES ON THE CITY
3 COUNCIL IN THE CITY OF WINSTON-SALEM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Section 1 of Chapter 1248 of the Session Laws of 1971 reads as
6 rewritten:

7 "**Section 1.** Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of
8 Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the
9 unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth~~
10 ~~County Executive Committee of each political party shall immediately designate a candidate for~~
11 ~~said vacancy and the Board of Aldermen~~ City Council shall adopt a resolution calling for a special
12 primary and election, cause to be held, in the Ward which the vacating ~~Alderman~~ member
13 represented, ~~an election~~ to fill said ~~vacancy~~ vacancy for the unexpired term. With respect to a
14 resignation, a vacancy is deemed to exist once the City Council accepts a resignation of a
15 member, even if the effective date of the resignation is a future date. The candidate elected shall
16 be installed at the next regular or special meeting of the City Council, or if the resigning member
17 is still seated, the next regular or special meeting following the effective date of the resignation.
18 The effective date of the resignation and installation of the elected candidate can occur at the
19 same meeting, provided the resignation occurs before the installation. ~~The candidate receiving a~~
20 ~~majority of the votes cast shall assume office forthwith. The election shall be held no later than~~
21 ~~60 days after the vacancy occurs. Insofar as possible, the~~ The primary and election shall be called
22 and conducted in accordance with G.S. 163A-1592 and the remainder of the laws governing other
23 municipal elections in the City of Winston-Salem. Winston-Salem, as modified by the following
24 provisions:

- 25 (1) The special primary and election shall be conducted and the results of the
26 election determined in accordance with the partisan primary and election
27 method set out in G.S. 163A-1615.
28 (2) The Forsyth County Board of Elections shall set the date and time candidates
29 seeking party nomination may file notices of candidacy, provided that the
30 filing period opens within 14 business days after the adoption of the resolution
31 and is open for 14 business days. Each candidate shall be a resident of the
32 ward which the vacating member represented.
33 (3) The Forsyth County Board of Elections shall hold the primary election no later
34 than 60 calendar days after the close of the filing period, or as soon thereafter
35 as practicable, and shall allow for absentee ballots to be applied for and cast.



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1 (4) The Forsyth County Board of Elections shall hold the general election no later
2 than 60 calendar days after the primary, or as soon thereafter as practicable,
3 and shall allow for absentee ballots to be applied for and cast. A space for
4 write-in candidates shall be printed on the ballot.

5 (5) The City Council shall reimburse the Forsyth County Board of Elections for
6 the actual cost involved in the administration of the primary and election."

7 **SECTION 1.(b)** Section 2 of Chapter 1248 of the Session Laws of 1971 reads as
8 rewritten:

9 "**Sec. 2.** Should a vacancy exist on ~~said Board~~ the City Council for any of the reasons stated
10 above, and should the unexpired term at the time the vacancy occurs be for less than twelve
11 months, then the Mayor of the City of Winston-Salem shall immediately appoint for the
12 unexpired part of the term the person recommended by the Forsyth County Executive Committee
13 of the political party with which the former member was affiliated when elected."

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

16 **SECTION 2.(a)** Any seat that meets all of the following shall be subject to a special
17 primary and election, to be conducted using the process described in Section 1 of Chapter 1248
18 of the Session Laws of 1971, as amended in Section 1(a) of this act:

19 (1) A vacancy for that seat occurs in 2018 or 2019.

20 (2) The vacancy was filled by the City Council using the appointment process set
21 forth in G.S. 160A-63.

22 (3) The Forsyth County Board of Elections receives a petition calling for a special
23 primary and election signed by at least one percent (1%) of the total number
24 of registered voters in the ward which the seat represents, as reflected by the
25 voter registration records of the Bipartisan State Board of Elections and Ethics
26 Enforcement, as of January 1 of the year in which the petition is received. The
27 chair or director of the Forsyth County Board of Elections shall verify
28 signatures on the petition no later than 15 business days after receipt of the
29 petition as provided in G.S. 163A-1005(a)(1)b.

30 (4) The unexpired term of office for the seat is 12 months or more, as of the date
31 the petition, signed by at least one percent (1%) of the residents of the ward,
32 is received by the Forsyth County Board of Elections.

33 **SECTION 2.(b)** The City Council of the City of Winston-Salem shall reimburse the
34 Forsyth County Board of Elections for the actual cost involved in the administration of any
35 special primary and election conducted under this section.

36 **SECTION 2.(c)** This section is effective when it becomes law and applies to any
37 seat that was vacated in 2018 or 2019.

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