

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS35158-LM-22 (02/04)

Short Title: Excuse Governing Body from Voting. (Local)

Sponsors: Senator Rucho.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY
3 TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF
4 INTEREST.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-75 reads as rewritten:

7 "**§ 160A-75. Voting.**

8 No member shall be excused from voting except upon matters involving the consideration
9 of the member's own financial interest or official ~~conduct or conduct~~, on matters on which the
10 member is prohibited from voting under G.S. 14-234, 160A-381(d), or
11 ~~160A-388(e1), 160A-388(e1), or on matters which the member believes he or she has a conflict~~
12 of interest even if a conflict of interest does not in fact exist. In all other cases, a failure to vote
13 by a member who is physically present in the council chamber, or who has withdrawn without
14 being excused by a majority vote of the remaining members present, shall be recorded as an
15 affirmative vote. The question of the compensation and allowances of members of the council
16 is not a matter involving a member's own financial interest or official conduct.

17 An affirmative vote equal to a majority of all the members of the council not excused from
18 voting on the question in issue, including the mayor's vote in case of an equal division, shall be
19 required to adopt an ordinance, take any action having the effect of an ordinance, authorize or
20 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
21 the city. In addition, no ordinance nor any action having the effect of any ordinance may be
22 finally adopted on the date on which it is introduced except by an affirmative vote equal to or
23 greater than two thirds of all the actual membership of the council, excluding vacant seats and
24 not including the mayor unless the mayor has the right to vote on all questions before the
25 council. For purposes of this section, an ordinance shall be deemed to have been introduced on
26 the date the subject matter is first voted on by the council."

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

