

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 653
House Committee Substitute Reported Without Prejudice 7/29/09

Short Title: Cities - Do Not Automatically Count Vote. (Public)

Sponsors:

Referred to:

March 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT NOT TO RECORD AUTOMATICALLY AN AYE VOTE FOR A MEMBER OF A
3 CITY COUNCIL WHEN THAT MEMBER FAILS TO VOTE, SIMILAR TO VOTING
4 BY BOARDS OF COUNTY COMMISSIONERS.

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 on matters on which the member is
10 prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). ~~In all other cases, a
11 failure to vote by a member who is physically present in the council chamber, or who has
12 withdrawn without being excused by a majority vote of the remaining members present, shall
13 be recorded as an affirmative vote.~~ The question of the compensation and allowances of
14 members of the council is not a matter involving a member's own financial interest or official
15 conduct.

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

26 SECTION 2. The North Carolina League of Municipalities, the North Carolina
27 Association of County Commissioners, and the North Carolina School Boards Association,
28 with the assistance of the School of Government at the University of North Carolina at Chapel
29 Hill, shall study the issue of conflicts of interest for local elected officials and report any
30 recommendations to the 2010 Regular Session of the 2009 General Assembly on or before May
31 1, 2009.

32 SECTION 3. This act becomes effective October 1, 2009.

