

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 420\*  
Committee Substitute Favorable 5/2/19

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

(Local)

Sponsors:

Referred to:

March 25, 2019

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.** Sections 1 through 3 of Chapter 1248 of the Session Laws of 1971 are  
6 incorporated as Section 12K in the Charter of the City of Winston-Salem. Section 12K of the  
7 Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, as  
8 amended, reads as rewritten:

9 "Section 1-12K. Vacancies.

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

28 (1) The Forsyth County Board of Elections shall conduct a special primary and  
29 election and determine the results of the election in accordance with the  
30 partisan primary and election method set out in G.S. 163A-1615.

31 (2) The Forsyth County Board of Elections shall set the date and time candidates  
32 seeking party nomination may file notices of candidacy, provided that the  
33 filing period opens within 14 business days after the adoption of the resolution  
34 and is open for 14 business days. Each candidate shall be a resident of the  
35 ward that the vacating member represented.



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- 1           (3)    The Forsyth County Board of Elections shall hold the primary election no later  
2           than 60 calendar days after the close of the filing period, or as soon thereafter  
3           as practicable, and shall allow for absentee ballots to be applied for and cast.  
4           (4)    The Forsyth County Board of Elections shall hold the general election no later  
5           than 60 calendar days after the primary, or as soon thereafter as practicable,  
6           and shall allow for absentee ballots to be applied for and cast.  
7           (5)    The City Council shall reimburse the Forsyth County Board of Elections for  
8           the actual cost involved in the administration of the primary and election.

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

15          ~~Sec. 3.~~(c) Should a member of the ~~Board of Aldermen~~City Council of the City of  
16          Winston-Salem remove himself or herself from the City, ~~or fail to attend the meetings of the~~  
17          ~~Board City Council for 90 consecutive days, or should he willfully neglect or refuse to serve,~~ a  
18          vacancy to be filled as provided in ~~Sections 1 and 2~~subsections (a) and (b) of this section shall  
19          be deemed to have been created."

20          **SECTION 2.** This act is effective when it becomes law and applies to vacancies  
21          existing on or after that date.