

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-40
SENATE BILL 125

AN ACT TO REVISE THE METHOD BY WHICH VACANCIES ARE FILLED FOR ELECTIVE OFFICE IN THE TOWN OF ROWLAND AND TO EXTEND THE TERM OF MAYOR FROM TWO TO FOUR YEARS IN THE TOWN OF RED SPRINGS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 2.4 of the Charter for the Town of Rowland, being S.L. 1998-105, as amended by S.L. 2000-45, reads as rewritten:

"Section 2.4. **Qualifications for Office; Compensation; Vacancies.** The qualifications and compensation of the Mayor and Commissioners shall be in accordance with general law. ~~In addition, no Mayor or Commissioner shall be qualified to hold office if that person: (i) is more than 30 days delinquent in the payment of any sum of money owed by that person to the Town of Rowland, (ii) has been convicted of any felony by any court of competent jurisdiction, (iii) has failed to attend more than three meetings of the Town Board of which that person has had proper notice. If the Town Board determines that one of the above listed qualifications has been violated by a Commissioner or the Mayor and that such violation was within the control of the violator or that the violation can reasonably be expected to continue for an additional three months, the Board shall declare the position of the violator vacant and shall proceed to fill the vacancy. Vacancies shall be filled as provided below that occur in any elective office of the Town shall be filled by appointment of the Board as provided in G.S. 160A-63.~~"

SECTION 1.(b) Article 3 of the Charter for the Town of Rowland, being S.L. 1998-105, as amended by S.L. 2000-45, reads as rewritten:

"ARTICLE 3. ELECTIONS.

"Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

...
~~"Section 3.4. **Special Elections to Fill Vacancies.** If there is a vacancy in the office of Mayor or Commissioner after qualification or because of a refusal to qualify, a special election shall be called by the Town Board and shall be held to fill the vacancy. However, if the vacancy occurs after the opening date for filing of candidacy under the General Statutes in the year in which the term is to expire, no special election shall be held. In such case, the provisions of G.S. 160A-63 shall control. Candidates in any special election may file their notices of candidacy no earlier than noon on the tenth Friday preceding the special election and no later than noon on the seventh Friday preceding the special election.~~

"Section 3.5. **Other Special Elections and Referenda.** ~~Except as specified above, special elections and referenda~~ Referenda may be held only as provided by general law or applicable local acts of the General Assembly."

SECTION 2. Section 4 of the Charter of the Town of Red Springs, being Chapter 1252 of the Session Laws of 1949, as amended by Chapter 344 of the Session Laws of 1951, Chapter 457 of the Session Laws of 1957, and S.L. 2018-126, reads as rewritten:



"Sec. 4. Creation, Salary, and Composition of the Mayor and Commission. – Except as otherwise provided in this charter, all powers of the town shall be vested in a mayor and a board of six commissioners who shall be nominated and elected from the town at large in the manner hereinafter provided. The terms of the members of the first board of commissioners elected after the ratification of this Act shall begin on May 10, 1949 and shall expire on July 1, 1951. Thereafter, the terms of office of members of the board of commissioners shall be for four years, and until their successors are elected and qualified. ~~The~~ In 2021, and quadrennially thereafter, ~~the~~ Mayor shall be elected for a term of ~~two~~ four years and shall serve until his or her successor is elected and qualified. The mayor and commissioners shall be qualified electors of the town and shall hold no other public office except that of notary public or member of the National Guard or Naval or Military Reserve. If the mayor or any member of the commission shall cease to possess any of these qualifications or those qualifications set out in Article VI of the North Carolina Constitution, his or her office shall immediately become vacant. If a vacancy occurs in the office of mayor or commission, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the commission. The board of commissioners may fix its own compensation and the compensation of the mayor and any other elected officers of the town as authorized by G.S. 160A-64."

SECTION 3. Section 1 of this act is effective when it becomes law and applies to vacancies occurring on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of June, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives