

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 834
SENATE BILL 1146

AN ACT TO PROVIDE AN ELECTION PROCEDURE FOR MIDTERM
VACANCIES IN TABOR CITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-63 reads as rewritten:

"§ 160A-63. Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within ~~90~~120 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than ~~90~~120 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. If at that election, any unexpired terms are to be filled under this section, the election for the full terms and the unexpired terms shall be conducted together. The persons receiving the highest numbers of votes equal to the number of full terms are elected to the full terms, and the persons receiving the next highest numbers of votes equal to the number of unexpired terms are elected to the unexpired terms. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party."

Sec. 2. This act applies to the Town of Tabor City only.

Sec. 3. This act is effective upon ratification, but expires December 31, 1993.

In the General Assembly read three times and ratified this the 2nd day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives