

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 602

Short Title: Lincoln County Commission Vacancy.

(Local)

Sponsors: Representative Gamble.

Referred to: Local and Regional Government II.

April 4, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IN FILLING A VACANCY ON THE LINCOLN COUNTY BOARD OF COMMISSIONERS, THE NOMINEE OF THE PARTY EXECUTIVE COMMITTEE OF THE VACATING MEMBER MUST BE APPOINTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-27.1 reads as rewritten:

"§ 153A-27.1. Vacancies on board of commissioners in certain counties.

(a) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any registered voters of the county.

(b) If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 60 days after the day the vacancy occurs; at that

1 general election, a person shall be elected to the seat vacated for the remainder of the
2 unexpired term.

3 (c) To be eligible for appointment to fill a vacancy, a person must (i) be a
4 member of the same political party as the member being replaced, if that member was
5 elected as the nominee of a political party, and (ii) be a resident of the same district as
6 the member being replaced, if the county is divided into electoral districts.

7 (d) If the member who vacated the seat was elected as a nominee of a political
8 party, the board of commissioners, the chairman of the board, or the clerk of superior
9 court, as the case may be, shall consult the county executive committee of the
10 appropriate political party before filling the vacancy, and shall appoint the person
11 recommended by the county executive committee of the political party of which the
12 commissioner being replaced was a member, if the party makes a recommendation
13 within 30 days of the occurrence of the vacancy.

14 (e) Whenever because of G.S. 153A-58(3)b. or because of any local act, only the
15 qualified voters of an area which is less than the entire county were eligible to vote in
16 the general election for the member whose seat is vacant, the appointing authority must
17 accept the recommendation only if the county executive committee restricted voting to
18 committee members who represent precincts all or part of which were within the
19 territorial area of the district of the county commissioner.

20 (f) The provisions of any local act which provides that a county executive
21 committee of a political party shall fill any vacancy on a board of county commissioners
22 are repealed.

23 (g) Counties subject to this section are not subject to G.S. 153A-27.

24 (h) This section shall apply only in the following counties: Alamance, Alleghany,
25 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret,
26 Cherokee, Clay, Cleveland, Dare, Davidson, Davie, Forsyth, Graham, Guilford,
27 Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell, Mecklenburg,
28 Moore, Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake,
29 and Yancey."

30 Sec. 2. This act is effective upon ratification.