

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SENATE BILL 128
RATIFIED BILL**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended by S.L. 2007-270, reads as rewritten:

"Section 2-2. Election of Mayor and Aldermen. (a) The mayor and the aldermen shall be elected by the voters of the entire town. The mayor shall be elected for a term of two years and the aldermen shall be elected for staggered terms of four years.

(b) The municipal elections in the Town of Carrboro shall be nonpartisan and decided by a simple plurality. No primary elections shall be held. The municipal elections shall be conducted pursuant to the applicable provisions of Chapter 163 of the North Carolina General Statutes, particularly Articles 23 and 24 thereof.

(c) In the municipal elections to be held in 1987, and every two years thereafter, the mayor shall be elected for a term of two years. In the 1987 election (and the municipal elections held every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1987 (and every four years thereafter). In the municipal elections to be held in 1989 (and every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1989 (and every four years thereafter).

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms.

(e) Vacancies that occur in the office of mayor shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63.

(f) ~~Notwithstanding the first four sentences of G.S. 160A-63, but subject to this subsection and subsection (g) of this section, Vacancies that occur on the board of aldermen (other than vacancies in the office of mayor) shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63, except that whenever a seat on the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or more of the term of office of that seat remains unexpired, such seat shall be filled by a special election. Such special election shall be called by unexpired, the board of aldermen by the adoption of may instead adopt a resolution pursuant to G.S. 163-287 at the next regular or special meeting of the board held after the vacancy occurs calling for a special election to fill such vacancy. Such resolution shall not schedule an election an election shall not be scheduled during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year. Vacancies that occur in the office of alderman at a time when less than one year of that alderman's term of office remains unexpired shall be filled by appointment of the board of aldermen in accordance with G.S. 160A-63.~~

(g) If the board of aldermen adopts a resolution calling for a special election to fill one or more vacant ~~board~~ seats as provided in subsection (f) of this section, and the resolution sets as the date of such election the same date as a ~~regular~~ municipal general election, then ~~(i)~~ the resolution shall provide that the same filing period, filing fee, and absentee voting period that are applicable to the three seats on the board whose terms are expiring shall also apply to the special election for the vacant seat or ~~seats;~~ ~~(ii)~~ seats. If the resolution sets as the date of such



election concurrent with an election other than the municipal general election, then the resolution shall prescribe the filing period and the filing fee. If the resolution sets as the date of such election a date other than the same date as another election, then the resolution shall prescribe the filing period, filing fee, and absentee voting period for such special election, including an alternative location for one-stop absentee voting within the corporate limits of the municipality, rather than the office of the board of elections, if no other elections are conducted within the county on the same date.

(h) Whenever a vacancy on the board of aldermen is to be filled at a general municipal election (for the remaining two years of the unexpired term of the vacant seat), then (i) candidates who seek to fill either the expiring seats or the vacant seats for the office of alderman shall file and appear on the ballot simply as candidates for election to the board of aldermen (i.e. they shall not be allowed to file or appear on the ballot as a candidate for either a particular vacant seat or an expiring for a four-year term or for the unexpired term of a vacant seat); and (iii) (ii) the three candidates receiving the highest number of votes for the office of alderman shall be elected to full four-year terms, and the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or seats."

SECTION 2. This act is effective when it becomes law and applies to any vacancy on the board of aldermen occurring on or after the date.

In the General Assembly read three times and ratified this the 18th day of June, 2013.

s/ Tom Apodaca
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives