

A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES ON THE CITY COUNCIL IN THE CITY OF WINSTON-SALEM

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 1248 of the Session Laws of 1971 reads as rewritten:

"Section 1. Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth County Executive Committee of each political party shall immediately designate a candidate for said vacancy and the Board of Aldermen~~ city council shall adopt a resolution calling for a special primary and election, cause to be held, in the Ward which the vacating Alderman member represented, an election to fill said vacancy.vacancy for the unexpired term. With respect to a resignation, a vacancy is deemed to exist once the city council accepts a resignation of a member, even if the effective date of the resignation is a future date. The candidate elected shall be installed at the next regular or special meeting of the city council, or if the resigning member is still seated, the next regular or special meeting following the effective date of the resignation. The effective date of the resignation and installation of the elected candidate can occur at the same meeting, provided the resignation occurs before the installation. The candidate receiving a majority of the votes cast shall assume office forthwith. The election shall be held no later than 60 days after the vacancy occurs. Insofar as possible, the~~The primary and election shall be called and conducted in accordance with G.S. 163A-1592 and the remainder of the laws governing other municipal elections in the City of Winston-Salem.~~Winston-Salem, as modified by the following provisions:

(1) The special primary and election shall be conducted and the results of the election determined in accordance with the partisan primary and election method set out in G.S. 163A-1615.

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

(3) The Forsyth County Board of Elections shall hold the primary election no later than 90 calendar days after the close of the filing period, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast.

(4) The Forsyth County Board of Elections shall hold the general election no later than 90 calendar days after the primary, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast. A space for write-in candidates shall be printed on the ballot.

(5) The city council shall reimburse the Forsyth County Board of Elections for the

actual cost involved in the administration of the primary and election."

SECTION 1.(b) Section 2 of Chapter 1248 of the Session Laws of 1971 reads as rewritten:

"**Sec. 2.** Should a vacancy exist on ~~said Board~~ the city council for any of the reasons stated above, and should the unexpired term at the time the vacancy occurs be for less than twelve months, then the Mayor of the City of Winston-Salem shall immediately appoint for the unexpired part of the term the person recommended by the Forsyth County Executive Committee of the political party with which the former member was affiliated when elected."

SECTION 1.(c) This section is effective when it becomes law, and applies to vacancies existing on or after that date.

SECTION 2.(a) Any seat that meets the following shall be subject to a special primary and election, to be conducted using the process described in Section 1 of Chapter 1248 of the Session Laws of 1971, as amended in Section 1(a) of this act:

(1) A vacancy for that seat occurs in 2018 or 2019.

(2) The vacancy was filled by the city council using the appointment process set forth in G.S. 160A-63.

(3) The Forsyth County Board of Elections receives a petition calling for a special primary and election signed by at least one percent (1%) of the total number of registered voters in the ward in which the seat represents, as reflected by the voter registration records of the Bipartisan State Board of Elections and Ethics Enforcement as of January 1 of the year in which the petition is received. The chair or director of the Forsyth County Board of Elections shall verify signatures on the petition no later than 15 business days after receipt of the petition as provided in G.S. 163A-1005(a)(1)b.

(4) The unexpired term of office for the seat is twelve months or more, as of the date the petition signed by at least 1% of the residents of the ward is received by the Forsyth County Board of Elections.

SECTION 2.(b) The City Council of the City of Winston-Salem shall reimburse the Forsyth County Board of Elections for the actual cost involved in the administration of any special primary and election conducted under this section.

SECTION 2.(c) Sections 2.(a) and 2.(b) are effective when both become law, and apply to any seat that was vacated in 2018 or 2019.

SECTION 3. This act is effective when it becomes law.