

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 730

Short Title: Local Gov't Official Recuse From Voting. (Public)

Sponsors: Senator Rucho.

Referred to: State and Local Government.

March 24, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN LOCAL GOVERNMENT OFFICIALS TO RECUSE
3 THEMSELVES FROM VOTING IN CERTAIN INSTANCES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 5 of Chapter 115C of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 115C-53. Voting.**

8 (a) The board may excuse a member from voting, but only upon questions involving the
9 member's own financial interest or official conduct or on matters on which the member is
10 prohibited from voting under this section, G.S. 14-234, 153A-340(g), or 153A-345(e1).

11 (b) No member may vote if that member has accepted contributions under Chapter 163
12 of the General Statutes totaling more than fifty dollars (\$50.00) in an election cycle from an
13 individual with any matter before the board that would result in a direct financial benefit or loss
14 to that individual. If the member returns the contribution under G.S. 163-278.16B, the member
15 may vote on the matter before the board.

16 (c) For purposes of this section, the question of the compensation and allowances of
17 members of the board does not involve a member's own financial interest or official conduct."

18 **SECTION 2.** G.S. 153A-44 reads as rewritten:

19 "**§ 153A-44. Members excused from voting.**

20 (a) The board may excuse a member from voting, but only upon questions involving the
21 member's own financial interest or official conduct or on matters on which the member is
22 prohibited from voting under this section, G.S. 14-234, 153A-340(g), or 153A-345(e1).

23 (b) No member may vote if that member has accepted contributions under Chapter 163
24 of the General Statutes totaling more than fifty dollars (\$50.00) in an election cycle from an
25 individual with any matter before the board that would result in a direct financial benefit or loss
26 to that individual. If the member returns the contribution under G.S. 163-278.16B, the member
27 may vote on the matter before the board.

28 (c) For purposes of this section, the question of the compensation and allowances of
29 members of the board does not involve a member's own financial interest or official conduct."

30 **SECTION 3.** G.S. 160A-75 reads as rewritten:

31 "**§ 160A-75. Voting.**

32 (a) No member shall be excused from voting except upon matters involving the
33 consideration of the member's own financial interest or official conduct or on matters on which
34 the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). In all
35 other cases, a failure to vote by a member who is physically present in the council chamber, or
36 who has withdrawn without being excused by a majority vote of the remaining members
37 present, shall be recorded as an affirmative vote. The question of the compensation and



1 allowances of members of the council is not a matter involving a member's own financial
2 interest or official conduct.

3 An affirmative vote equal to a majority of all the members of the council not excused from
4 voting on the question in issue, including the mayor's vote in case of an equal division, shall be
5 required to adopt an ordinance, take any action having the effect of an ordinance, authorize or
6 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
7 the city. In addition, no ordinance nor any action having the effect of any ordinance may be
8 finally adopted on the date on which it is introduced except by an affirmative vote equal to or
9 greater than two thirds of all the actual membership of the council, excluding vacant seats and
10 not including the mayor unless the mayor has the right to vote on all questions before the
11 council. For purposes of this section, an ordinance shall be deemed to have been introduced on
12 the date the subject matter is first voted on by the council.

13 (b) No member may vote if that member has accepted contributions under Chapter 163
14 of the General Statutes totaling more than fifty dollars (\$50.00) in an election cycle from an
15 individual with any matter before the board that would result in a direct financial benefit or loss
16 to that individual. If the member returns the contribution under G.S. 163-278.16B, the member
17 may vote on the matter before the board."

18 **SECTION 4.** This act becomes effective January 1, 2010.