

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 1165  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10801-LU-166

Short Title: Modify City Council/City of Winston-Salem. (Local)

Sponsors: Representative Montgomery.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES AND ESTABLISH  
3 TWO AT-LARGE SEATS ON THE CITY COUNCIL IN THE CITY OF  
4 WINSTON-SALEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Sections 1 through 3 of Chapter 1248 of the Session Laws of 1971  
7 are incorporated as Section 12K in the Charter of the City of Winston-Salem. Section 12K of the  
8 Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, as  
9 amended, reads as rewritten:

10 "**Section 4-12K. Vacancies.**

11 (a) Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of  
12 Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the  
13 unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth~~  
14 ~~County Executive Committee of each political party shall immediately designate a candidate for~~  
15 ~~said vacancy and the Board of Aldermen~~ City Council shall cause to be held, adopt a resolution  
16 calling for a special primary or election in the Ward which the vacating Alderman represented,  
17 an election to fill said vacancy. The candidate receiving a majority of the votes cast shall assume  
18 office forthwith. The election shall be held no later than 60 days after the vacancy occurs. Insofar  
19 as possible, the member represented to fill the vacancy for the unexpired term. Regarding a  
20 resignation, a vacancy is deemed to exist once the City Council accepts the resignation of a  
21 member, even if the effective date of the resignation is a future date. The candidate elected shall  
22 be installed at the next regular or special meeting of the City Council, or if the resigning member  
23 is still seated, the next regular or special meeting following the effective date of the resignation.  
24 The effective date of the resignation and installation of the elected candidate may occur at the  
25 same meeting, provided the resignation occurs before the installation. The primary and election  
26 shall be called and conducted in accordance with G.S. 163-287 and the remainder of the laws  
27 governing other municipal elections in the City of ~~Winston-Salem.~~ Winston-Salem, as modified  
28 by the following provisions:

29 (1) The Forsyth County Board of Elections shall conduct a special primary and  
30 election and determine the results of the election in accordance with the  
31 partisan primary and election method set out in G.S. 163-291.

32 (2) The Forsyth County Board of Elections shall set the date and time candidates  
33 seeking party nomination may file notices of candidacy, provided that the  
34 filing period opens within 14 business days after the adoption of the resolution  
35 and is open for 14 business days. Each candidate shall be a resident of the  
36 ward that the vacating member represented.



1           (3)    The Forsyth County Board of Elections shall hold the primary election no later  
2           than 60 calendar days after the close of the filing period, or as soon thereafter  
3           as practicable, and shall allow for absentee ballots to be applied for and cast.

4           (4)    The Forsyth County Board of Elections shall hold the general election no later  
5           than 60 calendar days after the primary, or as soon thereafter as practicable,  
6           and shall allow for absentee ballots to be applied for and cast. A space for  
7           write-in candidates shall be printed on the ballot.

8           (5)    The City Council shall reimburse the Forsyth County Board of Elections for  
9           the actual cost involved in the administration of the primary and election.

10        ~~Sec. 2.~~(b) Should a vacancy exist on ~~said Board~~ the City Council for any of the reasons  
11 stated ~~above~~, in subsection (a) of this section, and should the unexpired term at the time the  
12 vacancy occurs be for less than twelve months, then the Mayor of the City of Winston-Salem  
13 shall immediately appoint for the unexpired part of the term the person recommended by the  
14 Forsyth County Executive Committee of the political party with which the former member was  
15 affiliated when elected.

16        ~~Sec. 3.~~(c) Should a member of the ~~Board of Aldermen~~ City Council of the City of  
17 Winston-Salem remove himself or herself from the City, or fail to attend the meetings of the  
18 ~~Board~~ City Council for 90 consecutive days, or should ~~he~~ the member willfully neglect or refuse  
19 to serve, a vacancy to be filled as provided in ~~Sections 1 and 2~~ subsections (a) and (b) of this  
20 section shall be deemed to have been created."

21        **SECTION 1.(b)** This section is effective when it becomes law and applies to  
22 vacancies existing on or after that date.

23        **SECTION 2.(a)** Paragraph 2 of Section 12A of Chapter 232 of the Private Laws of  
24 1927, as amended by Chapter 53 of the Session Laws of 1965, as amended by the Ordinance of  
25 January 6, 2003, and Section 1(b) of S.L. 2011-141, reads as rewritten:

26        "2. Election of City Council. The time for election of city council members shall be as  
27 provided in Section 12J of this Charter. There shall be elected ~~eight~~ 10 council members for the  
28 City of Winston-Salem, who shall hold their office until their successors are qualified, of whom  
29 one shall be elected from North Ward, one from Northeast Ward, one from East Ward, One from  
30 Southeast Ward, one from South Ward, one from Southeast Ward, one from West Ward, ~~and one~~  
31 ~~from Northwest Ward.~~ Ward, and two at-large members. Each council member representing a  
32 ward shall be a resident of the ward in which elected, and shall be elected by the qualified voters  
33 of the council member's ward only. The qualified voters of the entire City of Winston-Salem  
34 shall elect the at-large members. Each at-large member shall be a resident of the City of  
35 Winston-Salem. Except as provided in Section 12J of this Charter, city council members shall  
36 serve for terms of four years commencing as provided by G.S. 160A-68 at the organizational  
37 meeting of the city council following the election."

38        **SECTION 2.(b)** The two at-large City Council members added under subsection (a)  
39 of this section shall be elected during a special primary election held no later than September 8,  
40 2020.

41        **SECTION 3.** Except as otherwise provided, this act is effective when it becomes law  
42 and applies to elections held on or after that date.