

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 387

Short Title: Flexibility in Filling Vacancies/Durham. (Local)

Sponsors: Representatives Hawkins, Alston, and Reives (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Local Government, if favorable, Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

March 25, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FLEXIBILITY IN FILLING VACANCIES ON THE CITY COUNCIL  
IN THE CITY OF DURHAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 13.2 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 852 of the 1979 Session Laws and S.L. 2001-480, reads as rewritten:

~~"§ 13.2. Sec. 13.2.~~ Vacancies in office of Mayor or member of City Council. – (a) For the purpose of this section, the word 'vacancy' also includes a refusal or failure to qualify for office.

(b) If a vacancy occurs in the office of Mayor, the City Council ~~shall, except as provided in subsection (d) of this section, within 60 days of the vacancy, choose~~ may appoint some qualified person for Mayor for the unexpired portion of the term.

(c) If a vacancy occurs in the office of Council member, the City Council ~~shall, except as provided in subsection (d) of this section, within 60 days of the vacancy, choose~~ may appoint some qualified person to fill the place of such Council member for the remainder of the unexpired term.

If the vacancy to be filled occurs in a seat occupied by a Council member elected from a ward, then such person chosen to fill such vacancy shall reside in the ward from which the Council member whose place is to be filled was nominated.

(d) If the Council ~~fails to choose~~ chooses not to appoint some qualified person ~~within 60 days after the vacancy occurs, it may not fill the vacancy by appointment, but shall~~ person, it may call a special election under the provisions of Section 13.3 of this Chapter, provided that if the vacancy occurs after the first day of June in the year in which the term is to expire, the Council need not call a special election."

**SECTION 2.** Section 13.3 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 852 of the 1979 Session Laws and S.L. 2001-480, reads as rewritten:

~~"§ 13.3. Sec. 13.3.~~ Special election to fill vacancies. – (a) If the City Council is required to call a special election under the provisions of Section 13.2 of this Charter, it shall follow the procedures of this section.

(b) The special election shall be called and conducted in accordance with G.S. 163-287, except as otherwise provided in this section.

(c) ~~The Council shall within seven days of the expiration of the 60 day period provided in Section 13.2(d) of this Charter~~ If the City Council calls a special election under the provisions



1 of Section 13.2 of this Charter, the City Council shall adopt a resolution calling a special election.  
2 Such special election may be held on the same date as any county or State or municipal primary,  
3 or general election, referendum or special election, but may not otherwise be held within the  
4 period beginning 30 days before and ending 30 days after the date of any such election, primary,  
5 special election, or referendum.

6 ...."

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