



HOUSE BILL 134: Filling Vacancy/Onslow County Board of Comm.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 26, 2019
Introduced by:	Reps. Cleveland, Dixon, Shepard	Prepared by:	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 134 would provide that vacancies on the Onslow County Board of Commissioners would be filled by the person recommended by the county executive committee of the political party of the vacating member, if such recommendation is made within 30 days of the vacancy. The bill would become effective when it becomes law and would apply to vacancies filled on or after that date.*

CURRENT LAW: Each county is governed by a board of commissioners elected in even-numbered years for either two or four year terms. Newly elected county commissioners take office on the first Monday in December following their election. Onslow County elects a seven member board of commissioners in at-large partisan elections for four year staggered terms.

There are two statutory processes governing filling vacancies on county boards of commissioners. Under both methods, when a vacancy on the board of commissioners occurs, the remaining members appoint a new member. If the departing member was elected as a political party nominee, the appointee must be a member of the same political party. If the county is divided into electoral districts to elect commissioners, the appointee must reside in the same district as the departing nominee.

The statutes differ on the appointment procedure if the departing member was originally elected as a nominee of a political party. G.S. 153A-27 requires that appointing authority must consult with the county executive committee of the relevant political party before filling a vacancy. And, G.S. 153A 27.1 requires the appointment of the nominee of the county executive committee of the relevant political party if the recommendation is made within 30 days after the seat becomes vacant.

BILL ANALYSIS: House Bill 134 would place Onslow County under G.S. 153A-127.1 requiring the appointment of the nominee of the county executive committee of the political party of the vacating commissioner, if such recommendation is made within 30 days of the vacancy.

EFFECTIVE DATE: The bill would become effective when the act becomes law and would apply to vacancies filled on or after that date.

BACKGROUND: G.S. 153A-127.1 applies in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey.

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