



HOUSE BILL 383: Topsail Beach Charter/Board Vacancies.

2019-2020 General Assembly

Committee: House State and Local Government. If **Date:** April 25, 2019
favorable, re-refer to Rules, Calendar, and
Operations of the House

Introduced by: Rep. C. Smith

Prepared by: Jessica Sammons

Analysis of: First Edition

Staff Attorney

OVERVIEW: House Bill 383 would amend the charter for the Town of Topsail Beach to provide that when a vacancy occurs on the board of commissioners more than 90 days before the next regular municipal election, the vacancy would be filled by appointment by the remaining members of the board until the next regular municipal election, where an election would be held to fill the remainder of the unexpired term.

CURRENT LAW: Officers for the Town of Topsail Beach consist of a mayor and a five member board of commissioners, all elected at-large for staggered four-year terms.

Municipal elections in the Town are conducted in odd-numbered years on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163A-1616. Election for mayor and commissioners must be held on the Tuesday after the first Monday in November. G.S. 163A-1585. Terms of office for the mayor and commissioners begin at noon on the next business day following the certification of the election results by the Pender County Board of Elections.

If there is a vacancy in the office of mayor or commissioner, it is to be filled for the remainder of the unexpired term by a majority vote of the remaining commissioners.

BILL ANALYSIS: House Bill 383 would amend the process for filling vacancies on the Board of Commissioners. The term of office for the person appointed to fill the vacancy would depend on when the seat is vacated, as summarized in the following chart:

<i>Time of Vacancy:</i>	<i>Term of Appointee:</i>
Departing member vacates office more than 90 days before the next regular municipal election.	The appointee would serve until the next regular municipal election, at which time an election would be held to fill the remainder of the unexpired term.
Departing member vacates office less than 90 days before the next regular municipal election.	The appointee would serve the remainder of the unexpired term.
Departing member's term of office would end upon certification of the election results following the next regular municipal election.	The appointee would serve the remainder of the unexpired term.

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House Bill 383 would also remove language in the Town's charter providing that if the mayor or a commissioner is convicted of a crime while in office, he or she must immediately resign from office.

EFFECTIVE DATE: Effective when it becomes law.