



# HOUSE BILL 420: Board Vacancies/City of Winston-Salem.

2019-2020 General Assembly

<b>Committee:</b>	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	May 1, 2019
<b>Introduced by:</b>	Reps. Montgomery, Lambeth, Conrad, Terry	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H420-CSST-30		Staff Attorney

**OVERVIEW:** *The proposed committee substitute for House Bill 420 would amend the city charter of Winston-Salem to provide when a vacancy occurs in the city council, and the unexpired term of the vacating member is twelve months or more, the vacancy would be filled by a special primary and general election.*

[As introduced, this bill was identical to S237, as introduced by Sen. Lowe, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Officers for the City of Winston-Salem consist of a mayor and eight city council members, each elected on a partisan basis for a four-year term at the time of the general election for county officers. City council members are elected from single-member wards by the voters in that ward. The newly-elected mayor and city council members take office the first Monday in December following the election.

Vacancies are filled as follows, depending upon the amount of time remaining in the unexpired term of the vacating member:

- If the unexpired term is twelve months or more, then the Forsyth County Executive Committee of each political party is to immediately designate a candidate for said vacancy and there is an election to the vacancy. The election is to be held no later than 60 days after the vacancy occurs.
- If the unexpired term is less than twelve months, then the Mayor of the City of Winston-Salem is to immediately appoint the person recommended by the Forsyth County Executive Committee of the political party with which the former member was affiliated when elected. The appointment is for the unexpired part of the term of the vacating member.

Chapter 1248 of the Session Laws of 1971.

**BILL ANALYSIS:** The PCS would change the process for the filling of vacancies in the city council of the City of Winston-Salem when the unexpired term of the vacating member is twelve months or more as follows:

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Director



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- The city council would be specifically required to adopt a resolution calling for a special primary and election in the Ward in which the vacating Alderman represented.
- A member of the city council could resign on a date certain, in the future, but that resignation would be treated as a vacancy upon acceptance of the resignation by the city council for the purposes of filling the vacancy by election. The candidate elected would be installed at the next regular or special meeting of the city council following both the results of the election and the effective date of the resignation.
- The primary and election would be conducted in accordance with G.S. 163A 1592, Special Elections; Procedure for Calling, and the remainder of the statewide laws governing other municipal elections in Winston-Salem, except as stated below:
  - The Forsyth County Board of Elections is to set the date and time candidates seeking party nomination may file notices of candidacy. The filing period is to open within 14 business days after the adoption of the resolution calling for the special election, and is to be open for 14 business days.
  - The special primary election is to be held no later than 60 calendar days after the close of the filing period, or as soon thereafter as practicable, and is to allow for absentee ballots to be applied for and cast.
  - The special general election is to be held no later than 60 calendar days after the primary, or as soon thereafter as practicable, and is to allow for absentee ballots to be applied for and cast.

The bill would also remove obsolete language from the city charter.

**EFFECTIVE DATE:** Effective when it becomes law, and applies to vacancies existing on or after that date.