



# HOUSE BILL 387: Flexibility in Filling Vacancies/Durham.

2021-2022 General Assembly

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<b>Committee:</b>	House Local Government. If favorable, re- refer to Election Law and Campaign Finance Reform. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 27, 2021
<b>Introduced by:</b>	Reps. Hawkins, Alston, Reives	<b>Prepared by:</b>	Billy R. Godwin Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H387-CSBD-12		

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**OVERVIEW:** *House Bill 387 would amend the Charter of the City of Durham to modify the method for filling vacancies in the office of Mayor or City Council (Council).*

*The proposed committee substitute (PCS) would allow the Council 120 days after a vacancy occurs to appoint a qualified candidate to fill that vacancy and if no appointment is made within that period, would require the Council to call a special election to fill that vacancy.*

**[As introduced, this bill was identical to S269, as introduced by Sens. Murdock, Woodard, which is currently in House Rules, Calendar, and Operations of the House.]**

**CURRENT LAW:** Under the charter of the City of Durham, if a vacancy, including to a refusal or failure to qualify for office, occurs in the office of the Mayor or membership on the Council, the Council must choose a qualified person within 60 days to fill the vacancy for the remainder of the unexpired term. If the Council seat vacated is elected by ward, the individual chosen to fill that seat must reside in the same ward from where the previous Council member was elected.

If the Council does not appoint someone to fill the vacancy within 60 days, the Council must call a special election by adopting a resolution within seven days of the expiration of the 60 day period. However, if the vacancy occurs after the first day of June in the year in which the term is to expire, the Council is not required to call a special election. The special election may be held on the same date as any county, State, or municipal primary or general election, referendum, or special election, but may not be held 30 days before or 30 days after any election, primary, special election, or referendum.

**BILL ANALYSIS:** The PCS to House Bill 387 would amend the charter of the City of Durham to modify the method for filling vacancies in the office of Mayor or Council to allow the Council to appoint, within 120 days after a vacancy occurs, a qualified candidate to fill that vacancy. If no appointment is made within 120 days, the Council would be required to call a special election to fill the vacancy within seven days of the expiration of the 120 day period.

**EFFECTIVE DATE:** The act would be effective when the bill becomes law.

*Staff Attorneys Sarah Pilon and Hillary Woodard substantially contributed to this summary.*

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