



# SENATE BILL 125: Vacancies/Rowland & Mayor's Term/Red Springs.

2021-2022 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	March 4, 2021
<b>Introduced by:</b>	Sen. Britt	<b>Prepared by:</b>	Sarah Pilon*
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *Senate Bill 125 would do the following:*

- *Provide that vacancies for town officers in the Town of Rowland are to be filled by appointment of the Board of Commissioners in accordance with the general law for municipalities.*
- *Extend the term of mayor in the Town of Red Springs from two years to four years, beginning with the municipal election held in 2021.*

[As introduced, this bill was identical to H190, as introduced by Rep. B. Jones, which is currently in an unknown committee.]

**Section 1 – Town of Rowland:**

**CURRENT LAW:** Officers for the Town of Rowland consist of a mayor and four Board of Commissioners. Elections are conducted on a nonpartisan basis, and the results are determined by a plurality. The four commissioners serve staggered four-year terms and are elected by the town at-large. The mayor serves for a two-year term.

If there is a vacancy in the office of mayor or commissioner occurring after the opening date for filing notices of candidacy in the year in which the term is to expire, no special election is called, and the vacancy is filled by the Board of Commissioners. Otherwise, a special election is held to fill the vacancy. Candidates in a special election must file their notices of candidacy no earlier than noon on the tenth Friday and no later than noon on the seventh Friday before the special election.

**BILL ANALYSIS:** Section 1 of the bill would amend the charter of the Town of Rowland to provide that vacancies in the office of mayor or commissioner would be filled by appointment of the Board of Commissioners as provided in G.S. 160A-63, rather than through a special election.

Under the provisions of G.S. 160A-63, vacancies are filled by the governing board as follows:

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# Senate Bill 125

Page 2

<i>Expiration of Vacated Term:</i>	<i>Term of Appointee:</i>
Term of office of vacating member expires immediately following the next regular municipal election.	Appointee serves remainder of unexpired term.
Term of office of vacating member expires within 90 days of the next regular municipal election.	Appointee serves remainder of unexpired term.
If neither of the above apply, and the term of office of vacating member expires more than 90 days from the next regular municipal election.	Appointee serves until the elected successor takes office.

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

## **Section 2 – Town of Red Springs:**

**CURRENT LAW:** Officers for the Town of Red Springs consist of a mayor and six Board of Commissioners. Elections are conducted on a nonpartisan basis, and the results are determined by a plurality. The six commissioners serve staggered four-year terms and are elected by the town at-large. The mayor serves for a two-year term.

**BILL ANALYSIS:** Section 2 of the bill would amend the charter of the Town of Red Springs to provide that the mayor is elected for a four-year term, beginning with the municipal election held in 2021.

**EFFECTIVE DATE:** Effective when it becomes law.

*\*Staff Attorney Jessica Sammons substantially contributed to this summary.*