



## SENATE BILL 269: Flexibility in Filling Vacancies/Durham.

2021-2022 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	April 9, 2021
<b>Introduced by:</b>	Sens. Murdock, Woodard	<b>Prepared by:</b>	Sarah Pilon*
<b>Analysis of:</b>	Second Edition		Staff Attorney

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**OVERVIEW:** *Senate Bill 269 would amend the Charter of the City of Durham to allow the City Council to allow the City Council, in the event of a vacancy in the office of Mayor or City council member, the option to appoint an individual or to call a special election to fill the remainder of the unexpired term of office.*

[As introduced, this bill was identical to H387, as introduced by Reps. Hawkins, Alston, Reives, which is currently in House Local Government.]

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

If the City Council does not appoint someone to fill the vacancy within 60 days, the City Council must call a special election by the adoption of a resolution within seven days of the expiration of the 60 day period. However, if the vacancy occurred after the first day of June in the year in which the term is to expire, the City 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 bill would amend the Charter for the City of Durham to allow City Council members the option to appoint an individual to fill a vacancy in the office of the Mayor or City Council member within 120 days of the vacancy or to call a special election within seven days of the expiration of the 120 day period. The City Council would no longer be required to fill the vacancy within 60 days of the vacancy.

**EFFECTIVE DATE:** This act is effective when it becomes law.

\*Hillary Woodard, Staff Attorney, substantially contributed to this summary.

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