



HOUSE BILL 453: Cabarrus County Bd Commissioner/Vacancies.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 25, 2023
Introduced by:	Reps. K. Baker, Crutchfield, Staton-Williams	Prepared by:	Erika Churchill
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 453 would specify that the Cabarrus County Board of Commissioners would need to fill a vacancy within 20 calendar days of the vacancy occurring.*

CURRENT LAW: Each county is governed by a board of commissioners. The county exercises its powers, duties, and privileges through its boards of commissioners. G.S. 153A-12. A county may alter the structure of its board of commissioners (i.e., the number of commissioners, their terms of office, the mode of election, selection of the chair) by following the requirements set out in G.S. 153A-58. Newly elected commissioners take office on the first Monday in December following their election. G.S. 153A-26.

For the counties subject to G.S. 153A-27 for the filling of vacancies, such as Cabarrus County, when a vacancy on the board of commissioners occurs, the remaining members appoint a new member. If a quorum is not reached, the chair appoints enough new members to obtain a quorum, and then the board will fill remaining vacancies. If there is an insufficient number of members to obtain a quorum and the chair is vacant, the clerk of superior court must fill the vacancies upon request of any five registered voters. If the remaining members do not fill a vacancy within 60 days, the clerk of superior court must be immediately notified, and must then fill the vacancy within 10 days of notification.

If the departing member was elected as a political party nominee, the appointee must be a member of the same political party, and if the county is divided into electoral districts to elect commissioners, the appointee must reside in the same district as the departing nominee. If the departing member was originally elected as a nominee of a political party, whoever is filling the vacancy (either the board or the clerk of superior court) must consult the executive committee of the relevant political party before filling a vacancy, but is not required to follow that executive committee's recommendation.

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The length of the term of office for the appointee is as follows:

<i>Term of Vacating Member:</i>	<i>Term of Appointee:</i>
Departing member was serving 2-year term and vacates office during the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4-year term and vacates office later than 60 days before the next general election held after the first two years of the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4-year term and vacates office more than 60 days before the next general election.	Appointee will serve until first Monday in December following the next general election. Person elected at next general election will serve for the remainder of the unexpired term.

BILL ANALYSIS: The bill would reduce the amount of time the Cabarrus County Board of Commissioners has to fill a vacancy from 60 days to 20 calendar days, before the Cabarrus County Clerk of Superior Court would be notified of the need to fill the vacancy. If notified to fill the vacancy, the Clerk of Superior Court would be required to fill the vacancy within 10 calendar days. As a result, any vacancy on the Cabarrus County Board of Commissioners would be filled in a maximum of 30 calendar days from the occurrence of the vacancy.

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