



# HOUSE BILL 916: Vacancy Filling for Town of Stanley.

2023-2024 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 22, 2024
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Nicholas Giddings and William Brewer
<b>Analysis of:</b>	First Edition		Staff Attorneys

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**OVERVIEW:** *House Bill 916 would provide that any vacancy occurring on the Town Council for the Town of Stanley would be filled by the remaining members of the Town Council for the remainder of the unexpired term.*

[As introduced, this bill was identical to S799, as introduced by Sen. Overcash, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Officers for the Town of Stanley consist of a Mayor and five Town Council members. Elections are conducted in odd-numbered years on a nonpartisan basis, and the results are determined by a plurality. G.S. 163-292. The five Town Council members serve staggered four-year terms, with one member elected from each of the five wards. The members must reside in the district they represent but are elected by qualified voters of the entire town. The Mayor serves a four-year term.

The Charter for the Town of Stanley is silent as to the process of filling vacancies; therefore, vacancies occurring on the Town Council are filled in accordance with G.S. 160A-63. According to G.S. 160A-63, vacancies occurring in a municipal elected office are filled by the governing board. If the term of office of the vacating officer expires immediately after the next municipal election or if the next municipal election occurs within 90 days of the vacancy, the governing board appoints an individual to serve the unexpired term. Otherwise, the governing board appoints an individual to serve only until a successor is elected, and the elected successor serves the remainder of the unexpired term.

**BILL ANALYSIS:** House Bill 916 would provide that if a vacancy occurs on the Town Council, the vacancy would be filled by the remaining members of the Town Council, with the appointee serving for the remainder of the unexpired term, regardless of when the term of office of the vacating member expires.

The Town Council passed a resolution requesting this change on March 4, 2024.

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

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578