

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 619

Short Title: Flexibility in Filling Vacancies/Durham. (Local)

Sponsors: Senators Murdock and Woodard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 6, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FLEXIBILITY IN FILLING VACANCIES ON THE CITY COUNCIL  
IN THE CITY OF DURHAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 13.2 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 852 of the 1979 Session Laws, reads as rewritten:

"~~§ 13.2. Sec. 13.2.~~ Vacancies in office of Mayor or member of City Council. – (a) For the purpose of this section, the word 'vacancy' also includes a refusal or failure to qualify for office.

(b) If a vacancy occurs in the office of Mayor, the City Council ~~shall, except as provided in subsection (d) of this section,~~ may, within ~~60-120~~ days of the vacancy, ~~choose~~ appoint some qualified person for Mayor for the unexpired portion of the term.

(c) If a vacancy occurs in the office of Council member, the City Council ~~shall, except as provided in subsection (d) of this section,~~ may, within ~~60-120~~ days of the vacancy, ~~choose~~ appoint some qualified person to fill the place of ~~such the~~ Council member for the remainder of the unexpired term.

If the vacancy to be filled occurs in a seat occupied by a Council member elected from a ward, then ~~such the~~ person chosen to fill ~~such the~~ vacancy shall reside in the ward from which the Council member whose place is to be filled was nominated.

(d) If the City Council ~~fails to choose~~ does not appoint some qualified person within ~~60~~ 120 days after the vacancy occurs, it may not fill the vacancy by appointment, but shall call a special election under the provisions of Section 13.3 of this Chapter, provided that if the vacancy occurs after the first day of June in the year in which the term is to expire, the City Council need not call a special election."

**SECTION 2.** Section 13.3 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 852 of the 1979 Session Laws, reads as rewritten:

"~~§ 13.3. Sec. 13.3.~~ Special election to fill vacancies. – (a) If the City Council is required to call a special election under the provisions of Section 13.2 of this Charter, it shall follow the procedures of this section.

...

(c) The City Council shall within seven days of the expiration of the ~~60-day-120-day~~ period provided in Section 13.2(d) of this Charter adopt a resolution calling a special election. ~~Such The~~ special election may be held on the same date as any county or State or municipal primary, or general election, referendum or special election, but may not otherwise be held within



1 the period beginning 30 days before and ending 30 days after the date of any such election,  
2 primary, special election, or referendum.  
3 ...."

4 **SECTION 3.** This act is effective when it becomes law.