

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1009
HOUSE BILL 1588

AN ACT TO PROVIDE SPECIAL ELECTIONS FOR FILLING VACANCIES ON
THE LUMBERTON CITY COUNCIL AND FOR MAYOR.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Article II of the Charter of the City of Lumberton, being Chapter 115, Session Laws of 1963, as amended by Section 5 of Chapter 237, Session Laws of 1967, is rewritten to read:

"Sec. 9. Vacancies in Offices. (a) If any elected Mayor or Councilman shall refuse to be qualified, or there is a vacancy in the office of Mayor or Councilman after election and qualification, a special election shall be called by the City Council and shall be held to fill the vacancy, provided that if the vacancy occurs after the opening date for filing of candidacy under G.S. 163-294.2(c)(2) in the year in which the term is to expire, no special election shall be held.

(b) If the City Council is required to call a special election under the provisions of subsection (a) of this section, it shall follow the provisions of this section.

(c) The special election shall be called and conducted in accordance with G.S. 163-287, except as otherwise provided in this section.

(d) The Council shall within 20 days of the existence of the vacancy adopt a resolution calling a special election. Such 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 the period beginning 30 days before and ending 30 days after the date of any such election, primary, special election, or referendum.

(e) If the City Council calls a special election to be held at the time of the regularly scheduled elections for municipal officials, the special election shall be conducted according to the rules, regulations and procedures established for such regular elections by Subchapter IX of Chapter 163 of the General Statutes of North Carolina. The election shall be conducted according to the nonpartisan plurality election method.

(f) If the City Council calls for a special election to be held at any time other than the time of the regularly scheduled elections for municipal officials, the election shall be conducted according to the rules, regulations and procedures established for special elections by G.S. 163-287 and by the remainder of Chapter 163 of the General Statutes of North Carolina, as modified by the following provisions:

- (1) Candidates may file their notices of candidacy during the time prescribed by G.S. 163-294.2.

- (2) The filing fee in the special election shall be the same as that most recently fixed by the City Council pursuant to G.S. 163-294.2(e) for the regularly scheduled election for municipal officials.
- (3) The election shall be conducted according to the nonpartisan plurality election method."

Sec. 2. G.S. 160A-63 shall not apply to the City of Lumberton.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.