NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 267
HOUSE BILL 458

AN ACT TO PROVIDE THE METHOD OF FILLING VACANCIES ON THE BOARD OF COMMISSIONERS OF POLK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-27 is rewritten to read:

"**§ 153A-27. Vacancies on the board of commissioners.** – If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county.

If the member being replaced was serving a two-year term, or was in the last two years of a four or six-year term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 30 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts.

If the member who vacated the seat was elected as a nominee of a political party, the board of commissioners, the chairman of the board, or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling the vacancy, and shall appoint the person recommended by the county executive committee of the political party of which the commissioner being replaced was a member."

Sec. 2. This act shall apply to Polk County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1979.