

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SENATE BILL 288  
RATIFIED BILL

AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN WAKE COUNTY AND TO PERMIT MULTIFAMILY DEVELOPMENT ON CERTAIN PARCELS IN THE TOWN OF ABERDEEN.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-27.2. Vacancies on the board of commissioners in certain counties.**

(a) This section applies to Wake County only, which is not subject to G.S. 153A-27.

(b) 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 vacating member was elected as the nominee of a political party, the board of commissioners shall consult the county executive committee of that party before filling the vacancy. The board shall vote on that nomination within 30 days of its submission, and, if it is not approved, the board shall request that county executive committee to submit another name. The board shall vote on that second nomination within 30 days of its submission, and, if it is not approved, the board may appoint any person eligible under subsection (d) of this section. If the remaining board members are unable to fill the vacancy within 30 days of the failure to approve the second nomination and the vacating member was elected as the nominee of a political party, a special primary election shall be called under subsection (e) of this section.

(c) If the vacancy occurs later than 90 days before the general election held after the first two years of the 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 90 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated for the remainder of the unexpired term.

(d) 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.

(e) If a special primary election is required under subsection (b) of this section, the county board of commissioners shall call that special primary election for the purpose of allowing the members of the party with which the vacating member was affiliated when elected to make a recommendation. The special primary election shall be conducted in accordance with Article 10 of Chapter 163 of the General Statutes, except that the county board of elections may, with the approval of the State Board of Elections, set deadlines for filing notices of candidacy and for absentee voting in the special primary election. The date of the special primary election shall be set by the county board of commissioners, but the date shall be governed by G.S. 163-287. Only persons who are affiliated with the party may vote, except that if the party has allowed unaffiliated voters to participate in primary elections of that party under G.S. 163-119 then unaffiliated voters may also participate. No such special primary shall be held, however, if (i) less than 120 days remain in the term of office or (ii) if the vacancy is being filled for the remainder of the term at the mid-term election under subsection (c) of this section and less than 120 days remain until the date of that election. The county board of commissioners shall immediately upon the certification of the primary returns appoint the



winner to serve until the first Monday in December following the next general election which occurs after the date of the vacancy. This subsection applies only if the vacating member was elected as the nominee of a political party.

(f) If the number of vacancies on the board is such that a quorum of the board cannot be obtained for any action under this section, the chairman of the board shall appoint enough members to make up a quorum. 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 registered voters of the county."

**SECTION 2.(a)** Section 5 of S.L. 2009-52, as amended by S.L. 2013-70, reads as rewritten:

"**SECTION 5.** This act applies to Alamance County, Pitt County, ~~and~~ Mecklenburg ~~County~~ County, and Wake County."

**SECTION 2.(b)** Section 5 of S.L. 2013-70 reads as rewritten:

"**SECTION 5.** This act applies to the following counties: Alamance, Pitt, ~~and~~ Mecklenburg, Mecklenburg, and Wake."

**SECTION 3.(a)** Notwithstanding Article 19 of Chapter 160A of the General Statutes or any zoning, occupancy, or other ordinance or statute to the contrary, multifamily development, including apartments, is permitted on the following described properties in the Town of Aberdeen:

TRACT I: lying and being in Sandhills Township, Moore County, North Carolina, and BEING all of that lot, tract, or parcel of land, containing 4.25 acres, as recorded in Deed Book 1059, at Page 267, in the Moore County Registry, reference to which is hereby made for a more complete and accurate description of the aforesaid tract.

TRACT II: lying and being in Sandhills Township, Moore County, North Carolina, and BEING all of that lot, tract, or parcel of land, containing 0.49 acres, as recorded in Deed Book 980, at Page 295, in the Moore County Registry, reference to which is hereby made for a more complete and accurate description of the aforesaid tract.

TRACT III: lying and being in Sandhills Township, Moore County, North Carolina, and BEING all of that lot, tract, or parcel of land, containing 2.67 acres, as recorded in Deed Book 3109, at Page 467, in the Moore County Registry, reference to which is hereby made for a more complete and accurate description of the aforesaid tract.

**SECTION 3.(b)** Multifamily development on the above described property shall be subject to the zoning, development, and other land-use plans, laws, and regulations of the Town of Aberdeen in existence and effective for the properties zoned R-10 on March 1, 1989.

**SECTION 3.(c)** This section applies to the Town of Aberdeen only.

**SECTION 4.** Section 1 of this act is effective when it becomes law but only applies to vacancies occurring on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18<sup>th</sup> day of July, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives