

# HOW TO FILL AN ELECTED OFFICIAL VACANCY

A Quick Guide on How to Fill Vacancies caused by the resignation or death of an elected official.

## House and Senate Executive Committees:

In the event a Democratic member of the House or Senate resigns or passes away while in office, the members of the House or Senate District Executive Committee will meet and vote on a replacement. The committee has 30 days from the time the member vacates their seat to fill the vacancy.

## House Executive Committee Composition:

According to the Plan of Organization Section 3.10: There shall be a state house of representative's district executive committee for each state house of representative's district in the state. *It shall be composed of two (2) members from each county in that district except that Section 3.12 shall apply to single county state house of representative's districts. These members shall be elected at their respective county conventions held in even-numbered years. In the case where only part of the county is included within a state house of representatives district, then in electing the members of the state house of representatives district executive committee, only the delegates to the county convention who reside in the state house of representatives district may vote in electing the state house of representatives district committee members, and only these delegates shall be considered as the membership of the convention in determining a quorum. If the county chair does not reside in the district, he or she may preside but shall have no vote.*

## Senate Executive Committee Composition:

There shall be a state senatorial district executive committee for each state senatorial district in the state. It shall be composed of two (2) members from each county in that district except that Section 3.12 shall apply to single county state senatorial districts. *These members shall be elected at their respective county conventions held in even numbered years. In the case where only part of the county is included within a state senatorial district, then in electing the members of the state senatorial district executive committee, only the delegates to the county convention who reside in the state senatorial district may vote in electing the state senatorial district executive*

*committee member, and only these delegates shall be considered as the membership of the convention in determining a quorum. If the county chair does not reside in the district, he or she may preside but shall have no vote. The Congressional District Chair and the congressional district secretary shall be ex-officio non-voting members of the senate/house district executive committee.*

Where a state senatorial district/state house district lies in more than one congressional district, the state chair shall designate one of the applicable congressional district chairs and secretaries as chair and secretary of the state senatorial district executive committee. The congressional district chair shall preside at all meetings of the state senatorial district executive committee. In filling vacancies of a Senator elected to the General Assembly, the congressional district chair and secretary shall immediately certify the name of the recommended person to the Governor of the State of North Carolina, State Capitol, Raleigh, NC 27601, and furnish a copy to the state chair and the State Board of Elections

### **How to Fill a Vacancy**

If the House or Senate District covers the whole county, then the county chair will call a meeting of the entire county executive committee. The county executive committee will vote to fill the vacancy. If it is a single or split district, then the house/senate district will meet to fill the vacancy. The state party will provide the names and contact of the senate/house district executive committee to the congressional and county chair.

### **What are the meeting notice requirements?**

According to the plan of organization section 11.02: For county executive committees, prosecutorial executive committees, state senatorial executive committees, state house of representative's executive committees, congressional district executive committees, or the state executive committee when meeting to *fill a vacancy in nomination to elected office or elected office, five (5) days email notice*

### **Voting:**

According to the plan of organization section 3.10: The two (2) members on a state house of representatives/state senate district executive committee shall be entitled to cast, for their county, one (1) vote for each three hundred (300) persons, or major fraction thereof, residing within the county, based upon the last decennial census, or in the case where less than the whole

county is in the district, one (1) vote for each three hundred (300) persons or major fraction thereof residing in that part of the district within the county based upon the last decennial census. In the event that the two members should disagree on how their county's votes will be cast, then each member shall cast exactly one-half of the votes which their county is entitled to cast. If only one representative of a county is present at a meeting of this committee and the other member from the county on this committee has not designated a proxy (see Section 11.05), or such proxy is not present, then such representative shall be entitled to cast all of the votes which the county is entitled to cast.

## **Whole County.**

Should any prosecutorial, state senatorial, or state house of representatives district be composed of only one county, and includes all of that county, then the county executive committee of said county shall be the prosecutorial, state senatorial or state house of representatives district executive committee for the respective district. (See Sections 3.09, 3.10 and 3.11.) Upon convening, the county executive committee shall resolve itself into the prosecutorial, state senatorial or state house of representatives' district executive committee for the respective district; each member in attendance shall have one vote.

## Local Elected Officials:

Each county and city have its own statute on how to handle a vacancy on the county commission or city council. If the local statute requires the party to fill the vacancy, the following will take place:

1. If the commission or city council seat is a single district, then the county chair will call a meeting of the county executive committee within 5 days. Only those members of the county executive committee who live in the district will be allowed to vote.
2. If the commission or city council is at-large, then the county chair will call a meeting of the entire county executive committee within 5 days. All members of the county executive committee will be allowed to vote.