

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 653

Short Title: Excuse Governing Body from Voting. (Public)

Sponsors: Senator Rucho.

Referred to: State and Local Government.

March 19, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY
TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF
INTEREST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-75 reads as rewritten:

"§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official ~~conduct or~~ conduct, on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or ~~160A-388(e1)~~ 160A-388(e1), or on matters which the member believes he or she has a conflict of interest even if a conflict of interest does not in fact exist. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

SECTION 2. This act is effective when it becomes law.

