

# Memorandum



**To:** Mayor and Town Council

**From:** Ryan Spitzer

**Date:** 1/8/2026

**Re:** Method for Town Council Vacancy Nomination

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North Carolina provides two options for town councils to fill a vacancy. Under N.C.G.S., the method used to vote on the person to fill the vacancy must be decided prior to discussing the candidates.

## **Option A: Motion-and-Vote**

- Most Straightforward. A member of Town Council will make a motion to appoint someone. If the motion has a second, the Town Council will vote on whether or not to appoint the person. If the candidate has a majority of the votes they will be appointed. If the candidate does not get a majority of the votes they will not be appointed and will be out of the running.

## **Option B: Nomination-and-Ballot**

- Town Council would nominate citizens to fill the vacancy
- Each council member would vote for the person they would like to fill the vacancy
- The person receiving a majority of votes would fill the vacancy
- If no one receives a majority of votes, the lowest vote-getter(s) should be dropped, and another round of voting would take place
- If this method is used, council would need to decide beforehand if a majority is necessary to fill the vacancy, and, if so, how the lowest vote-getter(s) would be dropped.