

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-4
HOUSE BILL 88**

AN ACT TO CLARIFY THE FILLING OF VACANCIES ON THE GUILFORD COUNTY BOARD OF EDUCATION; TO PROVIDE FOR PARTISAN ELECTIONS FOR MEMBERS OF VARIOUS COUNTY BOARDS OF EDUCATION; AND TO PROVIDE FOR EVEN-YEAR ELECTIONS IN THE TOWNS OF MAYSVILLE AND POLLOCKSVILLE.

The General Assembly of North Carolina enacts:

GUILFORD COUNTY BOARD OF EDUCATION

SECTION 1.(a) Section 6 of Chapter 78 of the 1991 Session Laws, as amended by S.L. 2013-361, reads as rewritten:

"Sec. 6. Vacancies on the ~~new~~ Guilford County Board of Education shall be filled ~~by vote of a majority of the remaining members of the Board present and voting for the remainder of the unexpired term.~~ Vacancies shall be filled as provided in G.S. 115C-37.1(d) as follows:

- (1) The individual appointed to fill a vacancy must be a qualified voter of Guilford County.
- (2) In instances in which the vacating Board member ~~being replaced~~ was elected from within a single member district, the ~~Board must appoint individual~~ appointed shall be a resident of the district where the vacancy exists.
- (3) If the vacating Board member was elected as the nominee of a political party, then the Board shall consult with the county executive committee of that political party. The county political party executive committee shall provide the name of an individual qualified in accordance with subdivisions (1) and (2) of this section in writing within 30 days of the occurrence of the vacancy to the Superintendent of Schools of Guilford County. If the county political party executive committee recommends an individual in accordance with this subdivision, that individual shall take the oath of office at the next regular meeting of the Board.
- (4) If the county executive committee of the political party of which the vacating Board member is a member fails to provide the name of an individual qualified in accordance with subdivisions (1) and (2) of this section in writing to the Superintendent of Schools of Guilford County within 30 days of the occurrence of the vacancy, the Board may fill the vacancy by vote of a majority of the remaining members of the Board present and voting at the next regular meeting of the Board after 30 days of the occurrence of the vacancy.
- (5) Any person appointed to fill a vacancy shall serve until the next election of members of the Board, at which time the remaining unexpired term of the office in which the vacancy occurred shall be filled by election."

SECTION 1.(b) G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, ~~Guilford~~,



Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

SECTION 1.(c) This section is effective when it becomes law and applies to vacancies existing on or after that date.

ASHE COUNTY BOARD OF EDUCATION

SECTION 2.(a) Section 1 of Chapter 128 of the 1995 Session Laws, as amended by S.L. 2000-6, reads as rewritten:

"Section 1. Notwithstanding the provisions of G.S. 115C-37, the Ashe County Board of Education shall ~~be consist of five members, elected on a nonpartisan-partisan basis at the time set by G.S. 163-1 for the general election in each even-numbered year as terms expire. The election shall be conducted on a nonpartisan plurality basis, with the results determined in accordance with G.S. 163-292. Candidates shall file notices of candidacy not earlier than noon on the first Monday in June and not later than noon on the first Friday in July. The names of the candidates shall be printed on the ballot without reference to any party affiliations. Candidates for election to the Ashe County Board of Education shall be nominated at the same time and manner as other county officers. Members shall serve staggered four-year terms. Members shall take office on the first Monday in December following the election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes. Vacancies on the Ashe County Board of Education shall be filled in accordance with G.S. 115C-37.1.~~"

SECTION 2.(b) This section does not affect the terms of office of any person elected in 2020 or 2022 to the Ashe County Board of Education. Any vacancy on the Ashe County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining members of the Ashe County Board of Education. The members of the Ashe County Board of Education elected in 2020 or 2022, or any member appointed by the remaining members of the Ashe County Board of Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

CABARRUS COUNTY BOARD OF EDUCATION

SECTION 3.(a) Sections 1 and 2 of Chapter 102 of the 1989 Session Laws, as amended by Chapter 583 of the 1993 Session Laws and S.L. 2009-430, read as rewritten:

"Section 1. ~~Beginning in the year 1990, the~~ The Cabarrus County Board of Education ("the Board") shall be elected at the time of the general election ~~(the first Tuesday after the first Monday in November)~~ in each even-numbered year, year on a partisan basis as terms expire. The Board shall continue to consist of seven members (identified as Seats 1-7), elected on a nonpartisan basis. Seats 1-7).

"Sec. 2. ~~Unless otherwise identified in the implementation schedule hereinafter set forth, the~~ The term of office of each member of the Board ~~hereafter elected~~ shall be four years, beginning on the first Monday in December ~~next following the election of such member. election.~~ The terms shall be staggered so that three members are elected at one election and four members are elected at the next election, ~~implemented as follows:~~ election. Vacancies on the Board shall be filled in accordance with G.S. 115C-37.1.

(a) ~~The two persons elected to fill the seats for the terms expiring December 1, 1990, (Seat numbers 1 and 2) shall be elected for six year terms expiring December 1, 1996;~~

(b) ~~The two persons elected to fill the seats for the terms expiring December 1, 1992, (Seat numbers 3 and 4) shall be elected for four year terms expiring December 1, 1996;~~

(c) ~~The three persons elected to fill the seats for the terms expiring December 1, 1994, and each four years thereafter (Seat numbers 5, 6 and 7) shall be elected for four year terms expiring December 1, 1998, and each four years thereafter, respectively;~~

(d) ~~The four persons elected to fill the seats for the term beginning December 1, 1996, and each four years thereafter (Seat numbers 1-4) shall be elected for four year terms, expiring December 1, 2000, and each four years thereafter, respectively."~~

SECTION 3.(b) Section 3.1 of Chapter 102 of the 1989 Session Laws, as amended by Chapter 583 of the 1993 Session Laws and S.L. 2009-430, is repealed.

SECTION 3.(c) This section does not affect the terms of office of any person elected in 2020 or 2022 to the Cabarrus County Board of Education. Any vacancy on the Cabarrus County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining members of the Cabarrus County Board of Education. The members of the Cabarrus County Board of Education elected in 2020 or 2022, or any member appointed by the remaining members of the Cabarrus County Board of Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

HENDERSON COUNTY BOARD OF PUBLIC EDUCATION

SECTION 4.(a) Notwithstanding subsection B. of Section III of A Plan for Merger of Hendersonville City Schools and Henderson County Schools adopted by the State Board of Education on March 5, 1992, and validated under Chapter 767 of the 1991 Session Laws (the Henderson Merger Plan), the Henderson County Board of Public Education shall consist of seven members, elected on a partisan basis at the time of the general election in each even-numbered year as terms expire for staggered four-year terms. Candidates for election to the Henderson County Board of Public Education shall be nominated at the same time and manner as other county officers. Members shall take office on the first Monday in December of the year of election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. Except as otherwise provided by this section, elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes.

SECTION 4.(b) Notwithstanding subsection B. of Section III of the Henderson Merger Plan, vacancies on the Henderson County Board of Public Education shall be filled in accordance with G.S. 115C-37.1.

SECTION 4.(c) This section does not affect the terms of office of any person elected in 2020 or 2022 to the Henderson County Board of Public Education. Any vacancy on the Henderson County Board of Public Education for a member elected in 2020 or 2022 shall be filled by the remaining members of the Henderson County Board of Public Education. The members of the Henderson County Board of Public Education elected in 2020 or 2022, or any member appointed by the remaining members of the Henderson County Board of Public Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

MCDOWELL COUNTY BOARD OF EDUCATION

SECTION 5.(a) Section 1 of Chapter 322 of the 1987 Session Laws, as rewritten by Chapter 107 of the 1995 Session Laws, reads as rewritten:

"Section 1. Notwithstanding the provisions of G.S. 115C-37, the McDowell County Board of Education shall be consist of nine members, elected on a nonpartisan basis at the time set by G.S. 163-1 for the general election in 1996 and biennially thereafter. The names of the candidates shall be printed on the ballot without reference to any party affiliations. The nonpartisan plurality election method shall be used with the results determined as provided in G.S. 163-292.partisan basis as terms expire. Vacancies on the McDowell County Board of Education shall be filled in accordance with G.S. 115C-37.1."

SECTION 5.(b) This section does not affect the terms of office of any person elected in 2020 or 2022 to the McDowell County Board of Education. Any vacancy on the McDowell County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining members of the McDowell County Board of Education, in accordance with the PLAN FOR MERGER OF MARION CITY BOARD OF EDUCATION AND MCDOWELL COUNTY BOARD OF EDUCATION and Section 3 of S.L. 2019-234. The members of the McDowell County Board of Education elected in 2020 or 2022, or any member appointed by the remaining members of the McDowell County Board of Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

MITCHELL COUNTY BOARD OF EDUCATION

SECTION 6.(a) Notwithstanding G.S. 115C-37, the Mitchell County Board of Education shall consist of five members, elected on a partisan basis at the time of the general election in each even-numbered year as terms expire for staggered four-year terms. Candidates for election to the Mitchell County Board of Education shall be nominated at the same time and manner as other county officers. Members shall take office on the first Monday in December of the year of election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. Except as otherwise provided by this section, elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes.

SECTION 6.(b) Vacancies on the Mitchell County Board of Education shall be filled in accordance with G.S. 115C-37.1.

SECTION 6.(c) Chapter 55 of the 1987 Session Laws is repealed.

SECTION 6.(d) This section does not affect the terms of office of any person elected in 2020 or 2022 to the Mitchell County Board of Education. Any vacancy on the Mitchell County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining members of the Mitchell County Board of Education. The members of the Mitchell County Board of Education elected in 2020 or 2022, or any member appointed by the remaining members of the Mitchell County Board of Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

CONFORMING CHANGE

SECTION 7.(a) G.S. 115C-37.1(d), as amended by Section 1 of this act, reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Ashe, Beaufort, Brunswick, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, Harnett, Henderson, Hyde, Iredell, Lee, Lincoln, Madison, McDowell, Mitchell, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

SECTION 7.(b) This section becomes effective December 1, 2024.

MAYSVILLE TOWN ELECTIONS

SECTION 8.(a) Section 7 of the Charter of the Town of Maysville, being Chapter 171 of the 1897 Private Laws, as amended by Chapter 284 of the 1905 Private Laws, Chapter 47 of the 1915 Private Laws, and Town Ordinance No. 04-01 adopted August 5, 2004, reads as rewritten:

~~"Sec. 7. That until the next town election to be held in the town of Maysville, the following persons are hereby appointed and shall constitute the officers of said town, to wit: Frank M. Jenkins, as mayor; Dr. N.G. Shaw, A.C. Fosene, J.E. McCutchen, B.L. Mattocks and Lewis Bynum, as commissioners, who shall qualify before some justice of the peace within twenty days after the ratification of this act, and said officers shall continue in office until their successors shall be elected and qualified. The said commissioners are hereby authorized and empowered to~~

~~appoint a town marshal, to hold office until his successor is elected and qualifies. That hereafter the officers in said town of Maysville, Jones County, shall elected under the law as provided in chapter seven hundred and fifty of the Public Laws of one thousand nine hundred and one, and said chapter is hereby made applicable to the town of Maysville.~~Regular municipal elections shall be held every four years at the time of the general election in an even-numbered year. Election of the mayor and commissioners shall be on a nonpartisan plurality basis and the results determined in accordance with G.S. 163-292. Except as otherwise provided by this act, the election shall be conducted in accordance with the uniform municipal election laws in Chapter 163 of the General Statutes."

SECTION 8.(b) The terms of office for the mayor and all commissioners serving on the effective date of this section whose terms are set to expire in 2025 shall be reduced by one year. Regular municipal elections shall be conducted in the Town of Maysville in even-numbered years beginning in 2024.

POLLOCKSVILLE TOWN ELECTIONS

SECTION 9.(a) Section 3 of the Charter of the Town of Pollocksville, being Chapter 410 of the 1907 Private Laws, as amended by Chapter 163 of the 1911 Private Laws and Chapter 202 of the 1965 Session Laws, reads as rewritten:

"Sec. 3. ~~That the~~The officers of ~~said the~~ town shall consist of a ~~mayor, mayor and five commissioners and a town constable,~~ commissioners, each of whom shall be elected by vote of the people at the time and in the manner prescribed for holding elections in ~~incorporated towns in~~ regular municipal elections held at the time of the general election in each even-numbered year. Election of the mayor and commissioners shall be on a nonpartisan plurality basis and the results determined in accordance with G.S. 163-292. Except as otherwise provided by this act, the election shall be conducted in accordance with the uniform municipal election laws in Chapter 163 of the General Statutes."

SECTION 9.(b) No municipal elections shall be conducted in the Town of Pollocksville in 2023. The terms of office for the three commissioners serving on the effective date of this section whose terms are set to expire in 2023 shall be extended by one year. The terms of office for the two commissioners and mayor serving on the effective date of this section whose terms are set to expire in 2025 shall be extended by one year. Regular municipal elections shall be conducted in the Town of Pollocksville in even-numbered years beginning in 2024.

SECTION 9.(c) In 2024 and quadrennially thereafter, three commissioners shall be elected to serve four-year terms. In 2026 and quadrennially thereafter, two commissioners and a mayor shall be elected to serve four-year terms.

EFFECTIVE DATE

SECTION 10. Except as otherwise provided, this act is effective when it becomes law and applies to elections held on or after that date.

In the General Assembly read three times and ratified this the 16th day of March, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives