



# HOUSE BILL 19: Organizational Meeting/Local Elected Boards.

2017-2018 General Assembly

<b>Committee:</b>	House Elections and Ethics Law	<b>Date:</b>	February 20, 2017
<b>Introduced by:</b>	Rep. Davis	<b>Prepared by:</b>	Erika Churchill Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H19-CSST-1		

**OVERVIEW:** *The proposed committee substitute for House Bill 19 would clarify that, following an election, the newly seated board would organize and select a chair and other statutory officers from its membership.*

**CURRENT LAW:** Generally, local elected boards are required to meet periodically and organize themselves by selecting a chair and other officers to serve the elected board for a period of time. By statute, the times to meet are:

- Local Boards of Education – No later than 60 days after the swearing in of members following an election or appointment, and as often thereafter as the board determines. The board is to elect a chair for one year. G.S. 115C-41.
- Sanitary Boards – Upon election, to select a chair and secretary. G.S. 130A-56.
- Boards of County Commissioners – On the 1st Monday in December in the even year, and first regular meeting in December in the odd year, to select a chair and vice-chair for one year. G.S. 153A-39.
- City Councils – On a date and time fixed by the city council, but not later than the first regular meeting in December after the results of the municipal election have been certified. The meeting is to take place notwithstanding the failure to qualify of one or more members, if at least a quorum of the members are present. G.S. 160A-68. The council is to select a mayor pro tempore. G.S. 160A-70.

If following an election, one or more members of the elected board cannot be seated due to a delay in the determination of the election results, the individual previously elected continues to "hold over" in that seat until the election is determined. Section 10 of Article VI of the North Carolina Constitution and G.S. 128-7.

**BILL ANALYSIS:** The proposed committee substitute for House Bill 19 would clarify that if, following an election, one or more members of the local elected board could not be sworn in due to an election protest, that local board's previously selected chair and other officers, if any, would continue to hold their positions until the election protest is resolved and the new local elected board member or

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 19

*Page 2*

members sworn in. At the first regular meeting of the local elected board following the swearing in of its new board member or members, it would then select its chair and other officers.

**EFFECTIVE DATE:** Effective when it becomes law.