



SENATE BILL 253: Partisan Elections/Certain School Boards.

2017-2018 General Assembly

Committee:	House State and Local Government II	Date:	June 13, 2017
Introduced by:	Sen. Sanderson	Prepared by:	Cindy Avrette Staff Attorney
Analysis of:	PCS to First Edition S253-CSR-B-23		

OVERVIEW: *Senate Bill 253 would change the election method of the Board of Education from nonpartisan to partisan, require elections to be conducted at the general election, and require vacancies to be appointed in consultation with the county executive committee of the party of the vacating member in the Carteret County.*

The House PCS for Senate Bill 253 would make a similar change for the following nine counties: Beaufort, Dare, Haywood, Hyde, Madison, and Yancey Counties (HB 265, in Senate Select Committee on Elections); Onslow and Pender Counties (HB 293, in Senate Rules Committee); Cleveland County.

CURRENT LAW: The Boards of Education in Beaufort, Carteret, Cleveland, Dare, Haywood, Hyde, Madison, Onslow, Pender, and Yancey Counties are currently all elected in nonpartisan races. The following chart sets out the current law governing the Board of Education for each county:

County	Number of Members; Term of Office	Districts vs. At-large Members	Method of Election	Date of Election	Date New Members Take Office
Beaufort	9 members; staggered 4-year terms	Each elected from single-member district by voters in that district	Nonpartisan plurality (G.S. 163-292)	General election in even-numbered years	First Monday in December
Carteret	7 members; staggered 4-year terms	One member from districts 1, 2, 4, 5, & 6; two members from district 3	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July
Cleveland	9 members; staggered 4-year terms	Elected at-large	Nonpartisan plurality (G.S. 163-292)	General election in odd-numbered years	<i>Not specified in current session law</i>
Dare	7 members; staggered 4-year terms	One member elected at-large; six members elected county-wide from districts	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July

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Haywood	- 8 voting members; staggered 4-year terms - Chair (who votes only in case of tie); 4-year term	- 8 voting members elected county-wide from districts - Chair elected at-large	Nonpartisan plurality (G.S. 163-292)	General election in even-numbered years	First Monday in December
Hyde	5 members; staggered 4-year terms	One member must be resident of Ocracoke, but is elected county-wide; rest elected at-large	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July
Madison	5 members (including a Chair); staggered 4-year terms	- 4 members elected from districts (one elected from each district every 2 years) - Chair elected at-large	Nonpartisan run-off (G.S. 163-293)	Primary election in even-numbered years	July
Onslow	7 members; staggered 4-year terms	Elected from the county at-large	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July
Pender	5 members; staggered 4-year terms	Each elected county-wide from single-member districts	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	<i>Not specified in current law</i>
Yancey	5 members; staggered 4-year terms	Each elected at-large	Nonpartisan run-off (G.S. 163-293)	Primary election in even-numbered years	<i>Not specified in current session law</i>

There are a few additional requirements governing these Boards of Education:

- **Residency Requirement:** In those counties where the Board member is elected to represent a district, the member must remain a resident of the district from which the member was elected or is serving.
- **Filling Vacant Seats:** In Madison County, vacancies are filled by the remaining members of the Board, provided that the appointee resides in the same district as the departing member. Vacancies in the office of the chair are filled by the remaining members of the Board, provided that the appointee resides in the same district as the departing chair. If the members do not make an appointment within 30 days of the chair's vacancy, the Senior Resident Superior Court Judge for Madison County will make the appointment.

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- In all other counties, vacant seats in the Board of Education are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.
- Term Limits: In Haywood County, no member may serve for more than two consecutive terms.

BILL ANALYSIS: In all counties, except for Cleveland, the House PCS for Senate Bill 253 would change the method of election for the Board members from nonpartisan to partisan, beginning in 2018. Members would be elected at the general election in even-numbered years, and would take office on the first Monday in December following the election. Elections would be conducted in accordance with the general laws governing primaries and elections for county officers.

Vacancies for positions elected on a partisan basis beginning in 2018 would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

Terms of office or vacancy procedures for members elected in 2014 or 2016 would not be affected.

For Cleveland County, the House PCS for Senate Bill 253 would change the method of election for the Board members from nonpartisan to partisan, beginning in 2017. Elections would be conducted using the municipal partisan primary and election method. Vacancies for positions elected on a partisan basis beginning in 2017 would be filled in accordance with G.S. 115C-37.1, and terms of office or vacancy procedures for elected in 2013 or 2015 would not be affected.

In addition, the bill would make the following county-specific change:

- **Haywood County:** The chair would become a voting member, and therefore, the Board would consist of nine voting members. The prohibition on a member serving for more than two consecutive terms would also be repealed.

EFFECTIVE DATE: Senate Bill 253 would be effective when it becomes law.

Jessica Sammons and Giles Perry, counsel to House State and Local Government I Committee, substantially contributed to this summary.