



# SENATE BILL 288: Burke/Caldwell Bd of Ed. Elections.

2021-2022 General Assembly

<b>Committee:</b>	House Local Government. If favorable, re- refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 8, 2021
<b>Introduced by:</b>	Sen. Daniel	<b>Prepared by:</b>	Sarah Pilon* Staff Attorney
<b>Analysis of:</b>	PCS to Second Edition S288-CSCG-12		

**OVERVIEW:** *Senate Bill 288 would provide for the following:*

- *Change the method of election of the Burke County Board of Education from nonpartisan to partisan, move the elections to even-numbered years, and alter the process for filling vacancies on the Board, beginning in 2024.*
- *Change the method of election of the Caldwell County Board of Education from nonpartisan to partisan, and alter the process for filling vacancies on the Board, beginning in 2022.*

*The Proposed Committee Substitute (PCS) for Senate Bill 288 clarifies that municipalities in Burke County must reimburse the Burke County Board of Elections for any actual costs in administering municipal elections. The costs must be prorated amongst the municipalities based upon voter registration totals.*

**Part I – Burke County Board of Education:**

**CURRENT LAW:** The Burke County Board of Education consists of seven members elected for staggered four-year terms. Two members are elected from each of three residency districts, and one member is elected from the county at-large.

Elections are conducted in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. The election is held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. At the first meeting of the Board in December of each year, the members elect a chair and vice-chair to serve a one-year term.

Vacancies 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 is filled by election. If due to a vacancy, there is an election in which two members from the same residency district are on the ballot, the candidate receiving the highest number of votes serves a four-year term, and the candidate receiving the second highest number of votes serves a two-year term.

Additionally, each municipality and special district must reimburse the county board of elections for any actual costs involved in the administration of each municipal election. G.S. 163-284.

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# Senate PCS 288

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**BILL ANALYSIS:** Senate Bill 288 would provide that, beginning in 2024, the Board would be elected on a partisan basis in even-numbered years at the time of the general election. Candidates shall be nominated and elected at the same time and in the same manner as other county officers.

Beginning in 2024, vacancies for positions elected on a partisan basis would be filled by the remaining members of the Board. The remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

The PCS would clarify that, pursuant to G.S. 163-284, municipalities in Burke County must reimburse the Burke County Board of Elections for the actual cost involved in the administration of each municipal election, prorated amongst each affected municipality based upon voter registration totals of each municipality. The Burke County Board of Elections must consult with the State Board of Elections in determining the amount to charge each municipality participating in a given election in Burke County.

## **Part II – Caldwell County Board of Education:**

**CURRENT LAW:** The Caldwell County Board of Education (Board) consists of seven members elected for staggered four-year terms.

Elections are conducted in even-numbered years using a nonpartisan plurality method. G.S. 163-292. The election is held at the time of the General Election. The members elected take office on the first Monday of December following their election.

Vacancies 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.

**BILL ANALYSIS:** Senate Bill 288 would provide that, beginning in 2022, the Board would be elected on a partisan basis. Candidates would be nominated and elected at the same time and in the same manner as other county officers.

Beginning in 2022, vacancies for positions elected on a partisan basis would be filled by the remaining members of the Board. The remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

**EFFECTIVE DATE:** Effective when it becomes law and applies to elections held on or after that date.

*\*Jessica Sammons and Hillary Woodard, committee co-counsel, substantially contributed to this summary.*