



HOUSE BILL 88: Omnibus Local Elections.

2023-2024 General Assembly

Committee:		Date:	March 9, 2023
Introduced by:	Reps. Hardister, Faircloth	Prepared by:	Jessica Sammons Staff Attorney
Analysis of:	Fifth Edition		

OVERVIEW: House Bill 88 would:

- *Clarify the filling of vacancies on the Guilford County Board of Education.*
- *Make elections for the Ashe, Cabarrus, Henderson, McDowell, and Mitchell County Boards of Education partisan.*
- *Change the time of elections for the Towns of Maysville and Pollocksville to even-years.*

CURRENT LAW and BILL ANALYSIS:

Guilford County Board of Education

The Guilford County Board of Education (Board) consists of nine members elected for staggered four-year terms in partisan elections. Eight members are elected from single-member electoral districts, and one member is elected from the county at-large. Members are elected at the general election in even-numbered years, and take office on the first Monday in December following the election. Elections are conducted in accordance with the general laws governing primaries and elections for county officers.

Vacancies on the Board are filled by vote of a majority of the remaining members of the Board present and voting. G.S. 115C-37.1 applies to vacancies on the Board, which requires the Board to appoint the person recommended by the county executive committee of the political party of the vacating member, if the recommendation is made within 30 days of the occurrence of the vacancy. The appointee serves for the remainder of the unexpired term of the vacating member.

The bill would amend the process for filling vacancies on the Board. If the vacating Board member was elected as the nominee of a political party, the Board would consult with the county executive committee of that political party. If the county political party executive committee submits the name of a person who is a qualified voter of Guilford County and is a resident of the district of the vacating Board member within 30 days of the vacancy occurring to the Superintendent of Schools of Guilford County, that individual would take the oath of office at the next regular meeting of the Board. If the county political party executive committee fails to do so, the Board would be able to fill the vacancy by a vote of a majority of the remaining members of the Board present and voting at the next regular meeting of the Board occurring 30 days after the vacancy occurs. Any person appointed to fill a vacancy would serve until the next election of members of the Board, when an election would be held to fill the remaining unexpired term.

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Ashe, Cabarrus, Henderson, McDowell, and Mitchell County Boards of Education – The current method of election and terms of board members are as follows:

County	Number of Members	Term of Office	Vacancies	Method of Election
Ashe	5	Staggered 4-year terms	Appointment by the remaining members of the board, of a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election (G.S.115C-37(f)).	At-large
Cabarrus	7	Staggered 4-year terms	Appointment by the remaining members of the board, of a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election. (G.S. 115C-37(f)). (Note that if the election to fill the vacancy occurs at the same time as an election for any other member, the elections are on the same ballot. The candidates receiving the highest number of votes are elected to the positions for the "full term" and the candidates receiving the next highest number of votes are elected to fill the vacant position(s).)	At-large
Henderson	7	Staggered 4-year terms	Appointment by the remaining members of the board, of a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election (G.S. 115C-37(f)).	At-large
McDowell	9	Staggered 4-year terms	By appointment of the remaining members of the board, but the person appointed must reside in the attendance zone where vacancy occurs.	Residency districts, voted at-large
Mitchell	5	Staggered 4-year terms	Appointment by the remaining members of the board, of a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election (G.S. 115C-37(f)).	At-large

For each of the above boards of education, the bill would change the method of election of the Board members from nonpartisan to partisan, beginning in 2024.

Vacancies for members elected on a partisan basis 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.

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The term of any member appointed to fill a vacancy of a member elected on a nonpartisan basis in 2020 or 2022 is not affected and members will continue to serve until a successor has been elected or qualified.

Towns of Maysville and Pollocksville

G.S. 163-279 provides for odd-numbered year municipal elections statewide, creating a default rule for the timing of municipal elections. The Town of Maysville is represented by a mayor and five commissioners serving non-staggered four-year terms, and the Town of Pollocksville is represented by a mayor and five commissioners serving staggered four-year terms.

The Towns of Maysville and Pollocksville conduct municipal elections for the town commissioners and mayors in odd-numbered years as provided for in G.S. 163-279 using the nonpartisan plurality method. Elected officials remain in office until their successors are elected and qualified.

The bill would change municipal elections for both the Town of Maysville and the Town of Pollocksville to even years.

To implement this change in the **Town of Maysville**:

- The terms of the mayor and of town commissioners set to expire in 2025 would be reduced by one year.
- Regular municipal elections for the mayor and the town commissioners would be conducted every four years at the same time as the general election in even years, beginning in 2024.

To implement this change in the **Town of Pollocksville**:

- The terms of the three commissioners set to expire in 2023 would be extended by one year.
- The terms of the two commissioners and the mayor set to expire in 2025 would be extended by one year.
- Regular municipal elections would be conducted in even years starting in 2024, with three commissioners elected in 2024 and quadrennially thereafter, and two elected in 2026 and quadrennially thereafter.

EFFECTIVE DATE: Effective when it becomes law, applying to elections held on or after the date as noted above.