



HOUSE BILL 99: Wake Co. Bd. of Comm. Elections/Nonpartisan.

2023-2024 General Assembly

Committee:	House Local Government. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	February 21, 2023
Introduced by:	Rep. Paré	Prepared by:	Jessica Sammons
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 99 would do the following:*

- *Require that members of the Wake County Board of Commissioners (Board) be elected from electoral districts, rather than residency districts, using the districts adopted by the Board on November 1, 2021.*
- *Change the method of election of the Board from partisan to nonpartisan.*

CURRENT LAW: All members of boards of county commissioners in the State are currently elected in even-numbered years in conjunction with State and federal elections. Members are elected on a partisan basis to serve either a two-year term or a four-year term. Generally, county commissioners are elected either at large, by district, or by a combination of the two, summarized as follows:

- 39 counties: At-large districts – all qualified voters of the county vote for the candidates.
- 23 counties: Residency districts – all candidates must reside in the district, but all qualified voters of the county may vote for the candidate.
- 15 counties: Electoral districts – all candidates must reside in the voting district and only voters residing in that voting district may vote for the candidate.

The Wake County Board of Commissioners consists of seven members elected from residency districts on a partisan basis. Members must reside in the district they represent but are elected by qualified voters of the entire county to serve staggered four-year terms. The election is held on the Tuesday after the first Monday in November with members taking office at the first meeting in December following the election. G.S. 163-279.

Vacancies on the Board are filled by appointment of the remaining members of the Board. To be eligible for appointment to fill a vacancy, a person must be a member of the same political party and reside in the district of the vacating member. If the vacancy is not filled within 60 days of the vacancy occurring, the clerk must report the vacancy to the clerk of superior court and the clerk of superior court must fill the vacancy within 10 days of the vacancy being reported. Members of the Board or the clerk of superior court must consult with the county executive committee of the appropriate political party before filling the vacancy, but the members of the Board or the clerk are not bound by the political party's recommendation. G.S. 153A-27.

BILL ANALYSIS: House Bill 99 would require that members of the Board be elected from seven electoral districts using the districts adopted by the Board on November 1, 2021. Members would be

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Legislative Analysis
Division
919-733-2578

House Bill 99

Page 2

elected by the qualified voters who reside within the district. Elections would be conducted in accordance with the nonpartisan plurality election method. G.S. 163-292.

In order to implement the staggering of terms, in 2024 and every four years after, the candidates elected from Districts 4, 5, and 6 would serve a four-year term. In 2026 and every four years after, the candidates elected from Districts 1, 2, 3, and 7 would serve a four-year term.

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