



# SENATE BILL 248: Nash Bd. of Educ/No. of Members/Districts.

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	June 8, 2023
<b>Introduced by:</b>	Sens. Barnes, B. Newton	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	Fourth Edition		Staff Attorney

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**OVERVIEW:** *Senate Bill 248 would do all of the following:*

- *Decrease the size of the Nash County Board of Education from eleven members to seven members.*
- *Require the members of the Nash County Board of Education to be elected from the same electoral districts used to elect members of the Nash County Board of Commissioners.*
- *Annex the portion of Rocky Mount lying in Edgecombe County into the Edgecombe County Public School System, effective July 1, 2024.*
- *Change the election method for the Catawba County Board of Education, Hickory City Board of Education, and the Newton-Conover City Board of Education from nonpartisan to partisan and alter the process for filling vacancies on these Boards, beginning in 2024.*

**CURRENT LAW: Nash County Board of Education:** The Nash County Board of Education ("Nash Board") consists of 11 members elected for four-year staggered terms. Members are elected from single-member electoral districts, and the territory served includes the portion of Rocky Mount lying in Edgecombe County. All candidates must reside in the district in which the election is held, and the seat is voted on by the qualified voters residing within that district.

Elections for Nash Board members are non-partisan, with results determined according to the election and runoff method. G.S. 163-293. Candidates seeking election file a notice of candidacy from noon on the first Friday in July until noon on the first Friday in August. The election is held on the first Tuesday after the first Monday in November, and the runoff, if needed, is held on the first Tuesday in December. Members elected take office on the second Monday in December following their election.

**Catawba County Board of Education:** The Catawba County Board of Education consists of seven members elected for staggered four-year terms. Members are elected at-large by Catawba County qualified voters residing outside the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit boundaries. Elections are held in even-numbered years using the nonpartisan plurality method. G.S. 163-292. Elections are 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. G.S. 115C-37(d).

Vacancies are filled by the remaining Catawba County Board of Education members, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election. G.S. 115C-37(f).

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**Hickory City Board of Education:** The Hickory City Board of Education consists of seven members elected for staggered four-year terms. One member is elected from each of the six wards by qualified voters of the ward. One member is elected at-large by qualified voters of the entire Hickory Administrative School Unit. Elections are held in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. Elections are 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. G.S. 115C-37(d).

Vacancies are filled by the remaining Hickory City Board of Education members. If the vacancy occurs during the first two years of the term, the appointee serves until the next election of Board members, at which time the remaining unexpired term will be filled by election. If the vacancy occurs during the last two years of the term, the appointee serves for the remainder of the unexpired term.

**Newton-Conover City Board of Education:** The Newton-Conover City Board of Education consists of six members elected for staggered four-year terms. Three members are elected to represent the Newton district, and three members are elected to represent the Conover district. Elections are held in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. Elections are 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. G.S. 115C-37(d).

Vacancies are filled by the remaining Newton-Conover City Board of Education members.

**BILL ANALYSIS & EFFECTIVE DATE:** The bill would do the following:

- With respect to the Nash Board:
  - Decrease the number of members serving on the Nash Board to seven members, beginning in 2026.
  - Require the electoral districts for the Nash Board to be the same electoral districts used to elect members of the Nash County Board of Commissioners. The Nash County Board of Commissioners consists of seven members, each elected from a single-member district serving four-year staggered terms.
  - Amend the filing period to be from noon on the first Friday in July through noon on the third Friday in July.
  - Provide that the five members elected to the Board in 2022 would continue to serve until the end of their term unless that member resigns or otherwise creates a vacancy. If no member elected in 2022 resigns or otherwise creates a vacancy, there would be 12 members serving on the Nash Board from 2024-2026.
  - Require that seven members of the Board be elected in 2024. To implement staggered terms, members would be elected in 2024 and thereafter as follows:
    - In 2024 and every four years thereafter, one member from each of Districts 1, 3, and 4 would be elected to serve a four-year term.
    - In 2024, one member from each of Districts 2, 5, 6, and 7 would be elected to serve a two-year term. In 2026 and every four years thereafter, one member from each of Districts 2, 5, 6, and 7 would be elected to serve a four-year term.
- Applicable with elections held in 2024 and thereafter, with respect to the Edgecombe County Board of Education, require that board to revise its electoral districts in accordance with G.S. 115C

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37(i). The Edgecombe County Board of Education consists of seven members, serving staggered four-year terms from single member electoral districts.

- Require both boards of education, together with the Nash and Edgecombe Boards of County Commissioners, to develop a written plan of transition to implement the changes in the territory served by the public school systems in both counties no later than November 15, 2023. If the four elected bodies fail to submit the written plan of transition to the State Board of Education, the State Board of Education is to adopt the written plan of transition by December 31, 2023.
- Transfer all property of the Nash Board of Education located in Edgecombe County, both real and personal of every kind and description, to the Edgecombe County Board of Education, with both boards of education executing all deeds and other instruments of conveyance as may be necessary to implement the transfer date of July 1, 2024.
- Beginning in 2024, provide that members of the Catawba County Board of Education, the Hickory City Board of Education, and the Newton-Conover City Board of Education would be elected on a partisan basis.
- Beginning in 2024, provide that members of the Hickory City Board of Education and the Newton-Conover City Board of Education would be elected in even-numbered years. Candidates would be nominated and elected at the same time and in the same manner as other county officers. To implement the change to even-numbered year elections, the terms of all current members on the Hickory City Board of Education and the Newton-Conover City Board of Education would be extended by one year. Elections for members on these Boards would next occur in 2024, rather than in 2023.
- Effective December 1, 2024, provide that vacancies for positions on the Catawba County Board of Education, the Hickory City Board of Education, and the Newton-Conover City Board of Education elected on a partisan basis would be filled by the remaining Board members, provided the Board consults the relevant political party's local executive committee before filling a vacancy and appoints the local executive committee's nominee, if both of the following apply:
  - The recommendation is made within 30 days after the seat becomes vacant.
  - The county executive committee restricts voting to committee members who represent precincts wholly or partly within the appropriate territory.

**BACKGROUND:** S.L. 1991-391 (SB 612) merged the Nash County and Rocky Mount City School Administrative Units to create the Nash-Rocky Mount School Administrative Unit. The Nash-Rocky Mount School Administrative Unit includes all of Nash County and the portion of the City of Rocky Mount located in Edgecombe County.

On July 1, 2020, the "Nash-Rocky Mount School Administrative Unit" was re-named the "Nash School Administrative Unit," and the "Nash-Rocky Mount Board of Education" was re-named the "Nash Board of Education." Section 5 of S.L. 2016-14.