



SENATE BILL 265: Increase Municipal Election Participation Act.

2023-2024 General Assembly

Committee: House Local Government. If favorable, re- **Date:** May 23, 2023
refer to Rules, Calendar, and Operations of the
House

Introduced by: Sen. Moffitt **Prepared by:** Jessica Sammons
Analysis of: Third Edition **Staff Attorney**

OVERVIEW: *Senate Bill 265 would do the following:*

- *Change the time of elections for the municipalities of Flat Rock, Fletcher, Hendersonville, Laurel Park, Mills River, Columbus, Saluda, Tryon, Bostic, Chimney Rock, Ellenboro, Forest City, Lake Lure, Ruth, Rutherfordton, and Spindale (all municipalities in Henderson, Polk, and Rutherford Counties) to even-years, beginning in 2024.*
- *Extend the term of office for the Mayor of the Town of Tryon from two years to four years, beginning in 2024.*
- *Extend the term of office for the Mayor and Commissioners for the Town of Ruth from two years to four years, beginning in 2024.*
- *Provide that all members of the Polk County Board of Commissioners are elected for terms of four years, beginning in 2024.*

CURRENT LAW: The following chart summarizes the current town officers, terms of office, and method of election in the Village of Flat Rock, Town of Fletcher, City of Hendersonville, Town of Laurel Park, Town of Mills River, Town of Columbus, City of Saluda, Town of Tryon, Town of Bostic, Chimney Rock Village, Town of Ellenboro, Town of Forest City, Town of Lake Lure, Town of Ruth, Town of Rutherfordton, and Town of Spindale.

Unit of Government	Officers	Term of Offices	Election of Current Members	Method of Election
Village of Flat Rock (Henderson County)	Mayor Village Council (6 members)	<u>Mayor:</u> four years <u>Council:</u> four years, staggered	<u>Mayor:</u> Elected in 2019 <u>Council:</u> Three elected in 2021 & three elected in 2019	Nonpartisan primary and election
Town of Fletcher (Henderson County)	Mayor Town Council (4 members)	<u>Mayor:</u> four years <u>Council:</u> four years, staggered	<u>Mayor:</u> Elected in 2021 <u>Council:</u> Two elected in 2021 & two elected in 2019	Nonpartisan primary and election

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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City of Hendersonville (Henderson County)	Mayor City Council (4 members)	<u>Mayor:</u> four years <u>Council:</u> four years, staggered	<u>Mayor:</u> Elected in 2021 <u>Council:</u> Two elected in 2021 & two elected in 2019	Nonpartisan primary and election
Town of Laurel Park (Henderson County)	Mayor Town Council (4 members)	<u>Mayor:</u> four years <u>Council:</u> four years, staggered	<u>Mayor:</u> Elected in 2019 <u>Council:</u> Two elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Mills River (Henderson County)	Town Council (5 members) Council elects one of its members to serve as Mayor	<u>Mayor:</u> serves at pleasure of Council <u>Council:</u> four years, staggered	<u>Council:</u> Three elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Columbus (Polk County)	Mayor Town Council (4 members)	<u>Mayor:</u> two years <u>Council:</u> four or two years, depending on number of votes candidate received	<u>Mayor:</u> Elected in 2021 <u>Council:</u> Three elected in 2021; one for a four-year term & two for two-year terms	Nonpartisan plurality
City of Saluda (Polk County)	Mayor City Commissioners (4 members)	<u>Mayor:</u> four years <u>Council:</u> four years, staggered	<u>Mayor:</u> Elected in 2021 <u>Council:</u> Two elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Tryon (Polk County)	Mayor Board of Commissioners (4 members)	<u>Mayor:</u> two years <u>Commissioners:</u> four years, staggered	<u>Mayor:</u> Elected in 2021 <u>Commissioners:</u> Two elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Bostic (Rutherford County)	Mayor Board of Commissioners (5 members)	<u>Mayor:</u> four years <u>Commissioners:</u> four years, staggered	<u>Mayor:</u> Elected in 2021 <u>Commissioners:</u> Two elected in 2021 & three elected in 2019	Nonpartisan plurality
Chimney Rock Village (Rutherford County)	Village Council (5 members) Council elects one of its members to serve as Mayor	<u>Mayor:</u> serves at pleasure of Council <u>Council:</u> four years, staggered	<u>Council:</u> Two elected in 2021 & three elected in 2019	Nonpartisan plurality

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Town of Ellenboro (Rutherford County)	Mayor Town Council (5 members)	<u>Mayor</u> : four years <u>Council</u> : four years, staggered	<u>Mayor</u> : Elected in 2019 <u>Council</u> : Three elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Forest City (Rutherford County)	Mayor Commissioners (5 members)	<u>Mayor</u> : four years <u>Commissioners</u> : four years, staggered	<u>Mayor</u> : Elected in 2021 <u>Commissioners</u> : Two elected in 2021 & three elected in 2019	Nonpartisan plurality
Town of Lake Lure (Rutherford County)	Mayor Commissioners (4 members)	<u>Mayor</u> : two years <u>Board of Commissioners</u> : four years, staggered	<u>Mayor</u> : Elected in 2021 <u>Commissioners</u> : Two elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Ruth (Rutherford County)	Mayor Commissioners (2 members)	<u>Mayor</u> : two years <u>Commissioners</u> : two years	<u>Mayor</u> : Elected in 2021 <u>Commissioners</u> : Elected in 2021	Nonpartisan plurality
Town of Rutherfordton (Rutherford County)	Mayor Town Council (4 members)	<u>Mayor</u> : four years <u>Council</u> : four years, staggered	<u>Mayor</u> : Elected in 2021 <u>Council</u> : Two elected in 2021 & two elected in 2019	Nonpartisan plurality
Town of Spindale (Rutherford County)	Mayor Commissioners (5 members)	<u>Mayor</u> : four years <u>Commissioners</u> : four years, staggered	<u>Mayor</u> : Elected in 2021 <u>Commissioners</u> : Two elected in 2021 & three elected in 2019	Nonpartisan plurality

Polk County Board of Commissioners: The Polk County Board of Commissioners consists of five members. Members are elected in partisan elections held at the time of the general election in each even-numbered year. At each election, the two candidates receiving the highest number of votes are elected for four-year terms, and the candidate receiving the next highest number of votes are elected for a two-year term.

BILL ANALYSIS: The bill would do the following:

- Provide that municipal elections in the municipalities listed above would be conducted in the even-numbered years, beginning with the 2024 elections. To implement this change, there would be no municipal election in the municipalities listed above in 2023, and the current terms of officers would be increased by one year. Regular municipal elections would resume in 2024 at the same time as the general election.
- For the Town of Tryon, extend the terms of office for the Mayor from two years to four years, beginning in 2024.
- For the Town of Ruth, extend the term of office for the Mayor and Commissioners for the Town of Ruth from two years to four years, beginning in 2024.

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- For the Polk County Board of Commissioners, provide that all five members are to be elected for terms of four years, beginning in 2024.

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

BACKGROUND: G.S. 163-279 establishes a statewide default rule for the timing of municipal elections as odd-numbered years.