



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 912: Elections Changes for Watauga Ed & County Bds.

2023-2024 General Assembly

**Committee:** Senate Redistricting and Elections. If **Date:** June 12, 2024  
favorable, re-refer to Rules and Operations of  
the Senate

**Introduced by:** Sen. Hise **Prepared by:** Jessica Sammons  
**Analysis of:** First Edition Hillary Woodard  
Staff Attorneys

### OVERVIEW: Senate Bill 912 would do the following:

- *Align the electoral districts for the Watauga County Board of Education with the electoral districts for the Watauga County Board of Commissioners.*
- *Establish staggered four-year terms for all members of the Watauga County Board of Education.*
- *Prohibit the Watauga County Board of Commissioners from changing its method of election or electoral districts before the return of the next federal decennial census.*

**CURRENT LAW:** The Watauga County Board of Education consists of five members, elected at-large on a nonpartisan basis. Members serve staggered terms, with elections held in even-numbered years at the time of the general election for county officers. A primary election is only held if more than six candidates file for membership the Watauga County Board of Education. If more than six candidates file for office, then the six candidates receiving the highest number of votes in the primary are the nominees that are voted on during the general election.

Every two years, three of the five members of the Watauga County Board of Education are up for election. The two candidates receiving the highest number of votes are elected to serve four-year terms and one candidate receiving the lowest number of votes is elected to serve a two-year term. Prior to the 2024 election, this method of election was also utilized for the Watauga County Board of Commissioners. S.L. 2023-147.

S.L. 2023-147 established five single-member electoral districts for the Watauga County Board of Commissioners with all members serving staggered four-year terms. Starting in 2024, in 2024 and every four years after, the members elected from Districts 3, 4, and 5 will serve a four-year term. In 2026 and every four years after, the members elected from Districts 1 and 2 will serve a four-year term.

For counties, Part 4 of Article 4 of Chapter 153A of the General Statutes authorizes the county board of commissioners to initiate a referendum to be submitted to the voters on whether to make any of the following changes to the structure of the board:

- The number of board members.
- The length and staggering of terms of office.
- The mode of election (at-large, residency, or electoral districts).

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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- The method of selecting a chair.

To initiate these types of alterations, the county board of commissioners must adopt a resolution describing the proposal, setting forth the method of board transition, defining any electoral districts, and calling for a referendum. If a majority of the votes are not in favor of the proposition, the resolution is void. If a majority of the votes are in favor of the proposition, the alterations become effective with the first primary and general election for county offices conducted after the referendum.

## **BILL ANALYSIS:**

Effective the first Monday in December 2026, **Part I** would provide that members of the Watauga County Board of Education would be elected from the electoral districts that were established for the Watauga County Board of Commissioners. One member from each district would be elected and each member would be required to reside in that district from which they are elected. Members would be elected by the qualified voters residing in that district to serve staggered four-year terms. To implement the staggering, in 2026, two members would be elected from Districts 1 and 4 to serve a four-year term, and, in 2028, three members would be elected from Districts 2, 3, and 5 to serve a four-year term.

Effective only for the general election in 2024, three members would be elected to the Watauga County Board of Education each to serve a four-year term.

Effective when it becomes law, **Part II** would prohibit the Watauga County Board of Commissioners from changing its method of election or redrawing its county commissioner districts until after the return of the next federal decennial census.

**BACKGROUND:** In 2017, the United States District Court for the Middle District of North Carolina held that an act passed by the General Assembly prohibiting the City of Greensboro from making changes to the form of city government by initiative or referendum violated the Equal Protection Clause and was therefore unconstitutional. *City of Greensboro v. Guilford County Board of Elections*, 248 F.Supp.3d 692 (2017).

Similar to the method of changing the form of government for counties, a city may change its form of government. However, unlike counties, for cities, this process can be initiated by either the city council or by petition of the voters of the city. To do this, the citizens must submit a petition, containing an explanation of the proposed change, to the city council with a specified number of signatures and resident addresses of qualified voters. If the council receives a valid petition, then the council must call a special election on the question of adopting the charter amendments. If a majority of the votes cast in the special election are in favor of the proposed changes, the council shall adopt an ordinance amending the charter to put them into effect. See Part 4 of Article 5 of Chapter 160A of the General Statutes.