



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

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 26, 2024
Introduced by:	Sen. Hise	Prepared by:	Jessica Sammons Hillary Woodard Staff Attorneys
Analysis of:	Second Edition		

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

- *Align the electoral districts for the Watauga County Board of Education with the electoral districts set out in S.L. 2023-147 for the Watauga County Board of Commissioners.*
- *Establish staggered four-year terms for all members of the Watauga County Board of Education.*
- *Provide that if a referendum to alter the structure of the Watauga County Board of Commissioners is approved by a majority of voters in Watauga County, the alteration would not become effective until the first Monday in December after the 2032 general election.*

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 to the 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. Beginning in 2024 and every four years after, the members of the Watauga County Board of Commissioners elected from Districts 3, 4, and 5 will serve a four-year term. In 2026 and every four years after, the members from the Watauga County Board of Commissioners 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.

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- The mode of election (at-large, residency, or electoral districts).
- 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, **Section 1** would provide that members of the Watauga County Board of Education would be elected from the electoral districts that were established in S.L. 2023-147 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, **Section 2** would provide that if a referendum to alter the structure of the Watauga County Board of Commissioners is approved by a majority of the voters in Watauga County, it would not become effective until the first Monday in December after the general election in 2032, with elections conducted accordingly.

Effective when it becomes law, **Section 3** contains a severability clause which provides that if any provision of this act is found to be invalid, it would not affect other provisions of this act that can be given effect without the invalid provision.

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 amendment. If a majority of the votes cast in the special election are in favor of the proposed changes, the council must adopt an ordinance amending the charter to put them into effect. See Part 4 of Article 5 of Chapter 160A of the General Statutes.