



HOUSE BILL 58: Various Local Elections.

2025-2026 General Assembly

Committee:		Date:	March 24, 2025
Introduced by:	Rep. Winslow	Prepared by:	Erika Churchill, Jessica Sammons, Hillary Woodard, and William Brewer
Analysis of:	Fourth Edition		Staff Attorneys

OVERVIEW: *House Bill 58 would make the following changes:*

- *Town of Kittrell: Extend the terms of office for the mayor and commissioners from two to four years, beginning with the 2025 municipal election.*
- *Asheboro City Board of Education: Reduce the term of office from six years to four years, would make the elections partisan in even-numbered years, and would reduce the number of members from 11 to seven, phased in over five years.*
- *Anson County Board of Commissioners: Change the election districts to residency districts, effective with the 2026 elections.*
- *Caswell County Board of Commissioners: Change the method of filling vacancies, effective when it becomes law.*
- *Scotland County: Repeal language requiring the Scotland County Board of Commissioners to provide a minimum funding "floor" for the school budget as directed by the Scotland County Board of Education. Instead, Scotland County would be subject to the same school budgetary process as provided under general law after a transitional year for fiscal year 2025-2026, in which the Board of Commissioners would set the budget, in its discretion, based on an evaluation of the Board of Education's budget request for that year.*

CURRENT LAW, BILL ANALYSIS, and EFFECTIVE DATE:

Town of Kittrell.

The officers for the Town of Kittrell consist of a mayor and three commissioners. Officers are elected to serve two-year terms. Elections are conducted using the nonpartisan plurality method, and are held on the Tuesday after the first Monday in November in odd-numbered years.

Effective when it becomes law, House Bill 58 would amend the Charter of the Town of Kittrell to change the term of office for the mayor and members of the board of commissioners from two years to four years, beginning with the officers elected in the 2025 municipal elections.

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Asheboro City Board of Education.

The Board consists of 11 members elected for staggered six-year terms. Members are elected at-large by the qualified voters of Randolph County residing in the Asheboro City School Administrative 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 members of the Board, with the appointee serving the remainder of the unexpired term.

House Bill 58 would reduce the number of members serving on the Board from 11 to seven, would change the method of election for members from nonpartisan to partisan, and would provide that members would be elected to serve staggered four-year terms in even-numbered years.

To implement these changes, the following would occur:

- Effective when it becomes law, two members would be elected in 2025 on a nonpartisan plurality basis to serve a one-year term.
- Effective the first Monday in December 2026, two members would be elected on a partisan basis to serve a four-year term. In 2028, and every four years thereafter, three members would be elected on a partisan basis to serve a four-year term. In 2030, and every four years thereafter, four members would be elected on a partisan basis to serve a four-year term. The terms of office for the members set to expire in 2027 would be extended by one year and the terms of office for the members set to expire in 2029 would be extended by one year.
- From 2028 until 2030, the Board would consist of eight members. House Bill 58 would require the Asheboro City Council to appoint one member, between the 2028 general election and the first Monday in December 2028, to vote only in the case of the tie. This member would be required to be a qualified voter of the Asheboro City School Administrative Unit and would only be appointed to serve until the first Monday in December 2030.

Beginning in 2026, a vacancy for any member elected on a partisan basis would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

House Bill 58 would not affect the terms of members of the Board elected in 2021 or 2023, or members appointed to fill a vacancy of a member elected in 2021, 2023, or 2025 and members would continue to serve until a successor has been elected or qualified.

Anson County Board of Commissioners Elections.

Part 4 of Article 4 of Chapter 153A of the General Statutes sets forth the optional structures for forms of government for boards of county commissioners. With respect to methods of election, the options are:

- At-large, with all the qualified voters of the entire county nominating all candidates and electing all members of the board.
- Pure election districts, with the qualified voters of each district nominating candidates and electing members who reside in the district for seats apportioned to that district.

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- Residency districts, with all the qualified voters of the entire county nominating all candidates and electing all members of the board, but members must reside in and represent the districts according to the apportionment plan adopted.
- Combination of the above.

For pure election districts, G.S. 153A-22 provides that counties opting for this method of election must review the election districts for inequalities in the population of the election districts upon the return of each federal decennial census. If population inequalities are found, the board of commissioners adopts a resolution to redefine the election districts. If the date of the adoption of the resolution is more than 150 days before the day of the next primary, the redefined election districts apply to that election, but do not affect the unexpired term of office of a commissioner currently serving.

For residency districts, there is no corresponding statewide statute for review of the residency districts upon the return of a federal decennial census. Local acts have authorized a process similar to that for pure election districts for review of residency districts in Chatham (S.L. 1995-80), Henderson (S.L. 1998-175), Johnston (S.L. 2023-24), and Moore Counties (S.L. 1995-215, as amended by S.L. 2015-244).

Since 1987, the Anson County Board of Commissioners has consisted of seven members, elected from pure election districts, all serving staggered four-year terms.

House Bill 58 would establish that residency districts are to be used for the election of the Anson County Board of Commissioners, effective with the 2026 elections. The residency districts would be those used in the 2022 election of the Anson County Board of Commissioners until revised. House Bill 58 would also add Anson County to the list of counties authorized to redefine their residency districts for the board of commissioners. If enacted, the Anson County Board of Commissioners could determine that there is a substantial inequality of population among the residency districts and redefine those districts to make them more equal by resolution. No changes would affect the unexpired term of office of a commissioner currently serving. The resolution would become effective upon its adoption, unless it is adopted during the period beginning 150 days before a primary election and ending on the day of the next general election for membership on the board of commissioners. If this occurs, then the resolution would become effective on the first day after the end of this period.

Caswell County Board of Commissioners Vacancies.

When a vacancy on a county board of commissioners (board) occurs, generally that vacancy is filled in accordance with G.S. 153A-27 or G.S. 153A-27.1. Currently, the Caswell County Board of Commissioners fills vacancies in accordance with G.S. 153A-27.

Selection of Appointee to Fill a Vacancy:

Under both statutory processes, the remaining members of the board appoint a new member to fill that vacancy. G.S. 153A-27 requires consultation with the executive committee of the political party of the vacating member but the board is not bound by that political party's recommendation. G.S. 153A-27.1 provides that the board must appoint the recommendation of the political party of the vacating member, if that recommendation is made within 30 days of the vacancy.

Length of Appointee's Term:

Both G.S. 153A-27 and G.S. 153A-27.1 have the same rules regarding the length of the appointee's term. How long the appointee will serve depends on the term of the vacating member and when the vacancy occurs during that term, summarized in the following chart:

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Term of Vacating Member	Term of Appointee
Vacating member was serving a 2-year term and vacates office during that term.	Appointee will serve the remainder of the unexpired term.
Vacating member was serving a 4-year term and vacates office later than 60 days before the next general election held after the first two years of the term.	Appointee will serve the remainder of the unexpired term.
Vacating member was serving 4-year term and vacates office more than 60 days before the next general election.	Appointee will serve until the first Monday in December following the next general election. Person elected at the next general election will serve for the remainder of the unexpired term.

House Bill 58 would add Caswell County to the list of counties in which G.S. 153A-27.1 applies to provide that the board is bound by the recommendation of the political party of the vacating member when filling a vacancy on the board, effective with any vacancy filled on or after the date House Bill 58 becomes law.

Scotland County.

Each year, the Scotland County Board of Education is required to propose to the Scotland County Board of Commissioners a school budget with a base amount of funding that is set by local act. The base amount is the prior year's level of current expense expenditures, originally reset at \$8.7 million in FY 2003-2004, multiplied by the average percentage change in current expense school expenditures for the most recent fiscal year for low wealth counties multiplied by a ratio consisting of the Average Daily Membership (ADM) used to distribute State funding for the succeeding fiscal year divided by the ADM used to distribute funding for the current fiscal year. The resulting number is added to or subtracted from the previous year's amount of current expense expenditures from local funds. Absent extraordinary economic circumstances and only if otherwise approved by both boards, the Board of Commissioners is required to approve this minimum amount proposed by the Board of Education but may approve larger amounts. This minimum amount is referred to as the "school floor" and is unique to Scotland County.

Effective when it becomes law, House Bill 58 would eliminate the minimum school funding floor that the Scotland County Board of Commissioners is required to adopt for the school system budget. The bill contemplates a transitional year for fiscal year 2025-2026 in which the Board of Commissioners would determine the school budget, for both operating expenses and capital outlay, upon an evaluation of the school board's request, guided by the same principles that a judge or jury uses when resolving budget disputes between school boards and county commissioners generally and that ensure compliance with the constitutional mandate for a sound public education. Neither the board of education nor the board of commissioners would be permitted to initiate a dispute resolution process nor a legal action challenging the appropriation for fiscal year 2025-2026. Beginning with fiscal year 2026-2027, the preparation, submission, and approval of Scotland County's school budget would be in accordance with Article 31 of Chapter 115C of the General Statutes.

**Trina Griffin substantially contributed to this summary.*