

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 88
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Short Title: Omnibus Local Elections.

(Local)

Sponsors:

Referred to:

February 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE FILLING OF VACANCIES ON THE GUILFORD COUNTY
3 BOARD OF EDUCATION; TO PROVIDE FOR PARTISAN ELECTIONS FOR
4 MEMBERS OF VARIOUS COUNTY BOARDS OF EDUCATION; AND TO PROVIDE
5 FOR EVEN-YEAR ELECTIONS IN THE TOWNS OF MAYSVILLE AND
6 POLLOCKSVILLE.

7 The General Assembly of North Carolina enacts:

8
9 **GUILFORD COUNTY BOARD OF EDUCATION**

10 **SECTION 1.(a)** Section 6 of Chapter 78 of the 1991 Session Laws, as amended by
11 S.L. 2013-361, reads as rewritten:

12 "Sec. 6. Vacancies on the ~~new~~ Guilford County Board of Education shall be filled by vote of
13 a majority of the remaining members of the Board present and voting for the remainder of the
14 unexpired term. Vacancies shall be filled as provided in G.S. 115C 37.1(d) as follows:

- 15 (1) The individual appointed to fill a vacancy must be a qualified voter of Guilford
16 County.
- 17 (2) In instances in which the vacating Board member being replaced was elected
18 from within a single member district, the Board must appoint individual
19 appointed shall be a resident of the district where the vacancy exists.
- 20 (3) If the vacating Board member was elected as the nominee of a political party,
21 then the Board shall consult with the county executive committee of that
22 political party. The county political party executive committee shall provide
23 the name of an individual qualified in accordance with subdivisions (1) and
24 (2) of this section in writing within 30 days of the occurrence of the vacancy
25 to the Superintendent of Schools of Guilford County. If the county political
26 party executive committee recommends an individual in accordance with this
27 subdivision, that individual shall take the oath of office at the next regular
28 meeting of the Board.
- 29 (4) If the county executive committee of the political party of which the vacating
30 Board member is a member fails to provide the name of an individual qualified
31 in accordance with subdivisions (1) and (2) of this section in writing to the
32 Superintendent of Schools of Guilford County within 30 days of the
33 occurrence of the vacancy, the Board may fill the vacancy by vote of a



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1 majority of the remaining members of the Board present and voting at the next
2 regular meeting of the Board after 30 days of the occurrence of the vacancy.

3 (5) Any person appointed to fill a vacancy shall serve until the next election of
4 members of the Board, at which time the remaining unexpired term of the
5 office in which the vacancy occurred shall be filled by election."

6 **SECTION 1.(b)** G.S. 115C-37.1(d) reads as rewritten:

7 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
8 Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, ~~Guilford,~~
9 Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow, Pender, Rutherford,
10 Stanly, Stokes, Surry, Vance, Washington, and Yancey."

11 **SECTION 1.(c)** This section is effective when it becomes law and applies to
12 vacancies existing on or after that date.

14 ASHE COUNTY BOARD OF EDUCATION

15 **SECTION 2.(a)** Section 1 of Chapter 128 of the 1995 Session Laws, as amended by
16 S.L. 2000-6, reads as rewritten:

17 "Section 1. Notwithstanding the provisions of G.S. 115C-37, the Ashe County Board of
18 Education shall ~~be consist of five members,~~ elected on a ~~nonpartisan~~ ~~partisan~~ basis at the time
19 set by G.S. 163-1 for the general election in each even-numbered year as terms expire. The
20 election shall be conducted on a nonpartisan plurality basis, with the results determined in
21 accordance with G.S. 163-292. Candidates shall file notices of candidacy not earlier than noon
22 on the first Monday in June and not later than noon on the first Friday in July. The names of the
23 candidates shall be printed on the ballot without reference to any party affiliations. Candidates
24 for election to the Ashe County Board of Education shall be nominated at the same time and
25 manner as other county officers. Members shall serve staggered four-year terms. Members shall
26 take office on the first Monday in December following the election, and the terms of their
27 predecessors shall expire at that same time. Members shall serve until a successor has been
28 elected and qualified. Except as provided by this act, the election shall be conducted in
29 accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes.
30 Vacancies on the Ashe County Board of Education shall be filled in accordance with
31 G.S. 115C-37.1."

32 **SECTION 2.(b)** This section does not affect the terms of office of any person elected
33 in 2020 or 2022 to the Ashe County Board of Education. Any vacancy on the Ashe County Board
34 of Education for a member elected in 2020 or 2022 shall be filled by the remaining members of
35 the Ashe County Board of Education. The members of the Ashe County Board of Education
36 elected in 2020 or 2022, or any member appointed by the remaining members of the Ashe County
37 Board of Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a
38 successor has been elected and qualified.

40 CABARRUS COUNTY BOARD OF EDUCATION

41 **SECTION 3.(a)** Sections 1 and 2 of Chapter 102 of the 1989 Session Laws, as
42 amended by Chapter 583 of the 1993 Session Laws and S.L. 2009-430, read as rewritten:

43 "Section 1. ~~Beginning in the year 1990, the~~ The Cabarrus County Board of Education ("the
44 Board") shall be elected at the time of the general election (~~the first Tuesday after the first~~
45 ~~Monday in November~~) in each even-numbered year year on a partisan basis as terms expire. The
46 Board shall ~~continue to~~ consist of seven members (identified as ~~Seats 1-7~~), ~~elected on a~~
47 ~~nonpartisan basis.~~ Seats 1-7).

48 "Sec. 2. ~~Unless otherwise identified in the implementation schedule hereinafter set forth, the~~
49 The term of office of each member of the Board ~~hereafter elected~~ shall be four years, beginning
50 on the first Monday in December ~~1 next~~ following the ~~election of such member.~~ election. The
51 terms shall be staggered so that three members are elected at one election and four members are

1 ~~elect~~ed at the next election, ~~implemented as follows:~~election. Vacancies on the Board shall be
2 ~~filled in accordance with G.S. 115C-37.1.~~

3 ~~(a) The two persons elected to fill the seats for the terms expiring December 1, 1990,~~
4 ~~(Seat numbers 1 and 2) shall be elected for six year terms expiring December 1, 1996;~~

5 ~~(b) The two persons elected to fill the seats for the terms expiring December 1, 1992,~~
6 ~~(Seat numbers 3 and 4) shall be elected for four year terms expiring December 1, 1996;~~

7 ~~(c) The three persons elected to fill the seats for the terms expiring December 1, 1994,~~
8 ~~and each four years thereafter (Seat numbers 5, 6 and 7) shall be elected for four year terms~~
9 ~~expiring December 1, 1998, and each four years thereafter, respectively;~~

10 ~~(d) The four persons elected to fill the seats for the term beginning December 1, 1996,~~
11 ~~and each four years thereafter (Seat numbers 1-4) shall be elected for four year terms, expiring~~
12 ~~December 1, 2000, and each four years thereafter, respectively."~~

13 **SECTION 3.(b)** Section 3.1 of Chapter 102 of the 1989 Session Laws, as amended
14 by Chapter 583 of the 1993 Session Laws and S.L. 2009-430, is repealed.

15 **SECTION 3.(c)** This section does not affect the terms of office of any person elected
16 in 2020 or 2022 to the Cabarrus County Board of Education. Any vacancy on the Cabarrus
17 County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining
18 members of the Cabarrus County Board of Education. The members of the Cabarrus County
19 Board of Education elected in 2020 or 2022, or any member appointed by the remaining members
20 of the Cabarrus County Board of Education to fill a vacancy of a member elected in 2020 or
21 2022, shall serve until a successor has been elected and qualified.

22 23 **HENDERSON COUNTY BOARD OF PUBLIC EDUCATION**

24 **SECTION 4.(a)** Notwithstanding subsection B. of Section III of A Plan for Merger
25 of Hendersonville City Schools and Henderson County Schools adopted by the State Board of
26 Education on March 5, 1992, and validated under Chapter 767 of the 1991 Session Laws (the
27 Henderson Merger Plan), the Henderson County Board of Public Education shall consist of seven
28 members, elected on a partisan basis at the time of the general election in each even-numbered
29 year as terms expire for staggered four-year terms. Candidates for election to the Henderson
30 County Board of Public Education shall be nominated at the same time and manner as other
31 county officers. Members shall take office on the first Monday in December of the year of
32 election, and the terms of their predecessors shall expire at that same time. Members shall serve
33 until a successor has been elected and qualified. Except as otherwise provided by this section,
34 elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes.

35 **SECTION 4.(b)** Notwithstanding subsection B. of Section III of the Henderson
36 Merger Plan, vacancies on the Henderson County Board of Public Education shall be filled in
37 accordance with G.S. 115C-37.1.

38 **SECTION 4.(c)** This section does not affect the terms of office of any person elected
39 in 2020 or 2022 to the Henderson County Board of Public Education. Any vacancy on the
40 Henderson County Board of Public Education for a member elected in 2020 or 2022 shall be
41 filled by the remaining members of the Henderson County Board of Public Education. The
42 members of the Henderson County Board of Public Education elected in 2020 or 2022, or any
43 member appointed by the remaining members of the Henderson County Board of Public
44 Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has
45 been elected and qualified.

46 47 **MCDOWELL COUNTY BOARD OF EDUCATION**

48 **SECTION 5.(a)** Section 1 of Chapter 322 of the 1987 Session Laws, as rewritten by
49 Chapter 107 of the 1995 Session Laws, reads as rewritten:

50 "Section 1. Notwithstanding the provisions of G.S. 115C-37, the McDowell County Board
51 of Education shall ~~be consist of nine members,~~ elected on a ~~nonpartisan~~ basis at the time set by

1 ~~G.S. 163-1 for the general election in 1996 and biennially thereafter. The names of the candidates~~
2 ~~shall be printed on the ballot without reference to any party affiliations. The nonpartisan plurality~~
3 ~~election method shall be used with the results determined as provided in G.S. 163-292.~~ partisan
4 basis as terms expire. Vacancies on the McDowell County Board of Education shall be filled in
5 accordance with G.S. 115C-37.1."

6 **SECTION 5.(b)** This section does not affect the terms of office of any person elected
7 in 2020 or 2022 to the McDowell County Board of Education. Any vacancy on the McDowell
8 County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining
9 members of the McDowell County Board of Education, in accordance with the PLAN FOR
10 MERGER OF MARION CITY BOARD OF EDUCATION AND MCDOWELL COUNTY
11 BOARD OF EDUCATION and Section 3 of S.L. 2019-234. The members of the McDowell
12 County Board of Education elected in 2020 or 2022, or any member appointed by the remaining
13 members of the McDowell County Board of Education to fill a vacancy of a member elected in
14 2020 or 2022, shall serve until a successor has been elected and qualified.

15 16 **MITCHELL COUNTY BOARD OF EDUCATION**

17 **SECTION 6.(a)** Notwithstanding G.S. 115C-37, the Mitchell County Board of
18 Education shall consist of five members, elected on a partisan basis at the time of the general
19 election in each even-numbered year as terms expire for staggered four-year terms. Candidates
20 for election to the Mitchell County Board of Education shall be nominated at the same time and
21 manner as other county officers. Members shall take office on the first Monday in December of
22 the year of election, and the terms of their predecessors shall expire at that same time. Members
23 shall serve until a successor has been elected and qualified. Except as otherwise provided by this
24 section, elections shall be conducted in accordance with Chapters 115C and 163 of the General
25 Statutes.

26 **SECTION 6.(b)** Vacancies on the Mitchell County Board of Education shall be filled
27 in accordance with G.S. 115C-37.1.

28 **SECTION 6.(c)** Chapter 55 of the 1987 Session Laws is repealed.

29 **SECTION 6.(d)** This section does not affect the terms of office of any person elected
30 in 2020 or 2022 to the Mitchell County Board of Education. Any vacancy on the Mitchell County
31 Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining
32 members of the Mitchell County Board of Education. The members of the Mitchell County Board
33 of Education elected in 2020 or 2022, or any member appointed by the remaining members of
34 the Mitchell County Board of Education to fill a vacancy of a member elected in 2020 or 2022,
35 shall serve until a successor has been elected and qualified.

36 37 **CONFORMING CHANGE**

38 **SECTION 7.(a)** G.S. 115C-37.1(d), as amended by Section 1 of this act, reads as
39 rewritten:

40 "(d) This section shall apply only in the following counties: Alleghany, Ashe, Beaufort,
41 Brunswick, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham,
42 Harnett, Henderson, Hyde, Iredell, Lee, Lincoln, Madison, McDowell, Mitchell, New Hanover,
43 Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

44 **SECTION 7.(b)** This section becomes effective December 1, 2024.

45 46 **MAYSVILLE TOWN ELECTIONS**

47 **SECTION 8.(a)** Section 7 of the Charter of the Town of Maysville, being Chapter
48 171 of the 1897 Private Laws, as amended by Chapter 284 of the 1905 Private Laws, Chapter 47
49 of the 1915 Private Laws, and Town Ordinance No. 04-01 adopted August 5, 2004, reads as
50 rewritten:

1 "Sec. 7. ~~That until the next town election to be held in the town of Maysville, the following~~
2 ~~persons are hereby appointed and shall constitute the officers of said town, to wit: Frank M.~~
3 ~~Jenkins, as mayor: Dr. N.G. Shaw, A.C. Fosene, J.E. McCutchen, B.L. Mattocks and Lewis~~
4 ~~Bynum, as commissioners, who shall qualify before some justice of the peace within twenty days~~
5 ~~after the ratification of this act, and said officers shall continue in office until their successors~~
6 ~~shall be elected and qualified. The said commissioners are hereby authorized and empowered to~~
7 ~~appoint a town marshal, to hold office until his successor is elected and qualifies. That hereafter~~
8 ~~the officers in said town of Maysville, Jones County, shall elected under the law as provided in~~
9 ~~chapter seven hundred and fifty of the Public Laws of one thousand nine hundred and one, and~~
10 ~~said chapter is hereby made applicable to the town of Maysville.~~Regular municipal elections
11 shall be held every four years at the time of the general election in an even-numbered year.
12 Election of the mayor and commissioners shall be on a nonpartisan plurality basis and the results
13 determined in accordance with G.S. 163-292. Except as otherwise provided by this act, the
14 election shall be conducted in accordance with the uniform municipal election laws in Chapter
15 163 of the General Statutes."

16 **SECTION 8.(b)** The terms of office for the mayor and all commissioners serving on
17 the effective date of this section whose terms are set to expire in 2025 shall be reduced by one
18 year. Regular municipal elections shall be conducted in the Town of Maysville in even-numbered
19 years beginning in 2024.

20 **POLLOCKSVILLE TOWN ELECTIONS**

21 **SECTION 9.(a)** Section 3 of the Charter of the Town of Pollocksville, being Chapter
22 410 of the 1907 Private Laws, as amended by Chapter 163 of the 1911 Private Laws and Chapter
23 202 of the 1965 Session Laws, reads as rewritten:

24 "Sec. 3. ~~That the~~The officers of said the town shall consist of a mayor, mayor and five
25 ~~commissioners and a town constable, commissioners, each of whom shall be elected by vote of~~
26 ~~the people at the time and in the manner prescribed for holding elections in incorporated towns in~~
27 ~~regular municipal elections held at the time of the general election in each even-numbered year.~~
28 Election of the mayor and commissioners shall be on a nonpartisan plurality basis and the results
29 determined in accordance with G.S. 163-292. Except as otherwise provided by this act, the
30 election shall be conducted in accordance with the uniform municipal election laws in Chapter
31 163 of the General Statutes."

32 **SECTION 9.(b)** No municipal elections shall be conducted in the Town of
33 Pollocksville in 2023. The terms of office for the three commissioners serving on the effective
34 date of this section whose terms are set to expire in 2023 shall be extended by one year. The
35 terms of office for the two commissioners and mayor serving on the effective date of this section
36 whose terms are set to expire in 2025 shall be extended by one year. Regular municipal elections
37 shall be conducted in the Town of Pollocksville in even-numbered years beginning in 2024.

38 **SECTION 9.(c)** In 2024 and quadrennially thereafter, three commissioners shall be
39 elected to serve four-year terms. In 2026 and quadrennially thereafter, two commissioners and a
40 mayor shall be elected to serve four-year terms.

41 **EFFECTIVE DATE**

42 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
43 law and applies to elections held on or after that date.
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