

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 88  
Committee Substitute Favorable 2/14/23  
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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 a resident of the  
19 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 in 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.  
44  
45