

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 288

Short Title: Even-Yr Elections/Cities & Bd. of Ed/Burke Co. (Local)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT ELECTIONS FOR MUNICIPALITIES IN BURKE COUNTY
3 AND THE BURKE COUNTY BOARD OF EDUCATION SHALL BE HELD IN
4 EVEN-NUMBERED YEARS.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. MUNICIPALITIES IN BURKE COUNTY**

8 **SECTION 1.1.(a)** Article III of the Charter of the City of Morganton, being Chapter
9 180 of the 1975 Session Laws, as amended by S.L. 2014-12, reads as rewritten:

10 "ARTICLE III.

11 "ELECTIONS.

12 "Chapter 1. Representation.

13 "Sec. 3.1. Manner of election; voting. – (a) The entire electorate of the City shall be entitled
14 to vote in elections for Mayor and the four (4) council members who shall reside respectively in
15 Council Districts No. 1, No. 2, No. 3, and No. 4.

16 (b) ~~At the regular municipal election to be held in November, 1975, there shall be an~~
17 ~~election in the City for the selection of the Mayor and the two council members in office on the~~
18 ~~effective date of this Charter whose terms of office expire in 1975. At the regular municipal~~
19 ~~election to be held in November, 1977, there shall be an election in the City for the selection of~~
20 ~~the two council members in office on the effective date of this Charter whose terms expire in~~
21 ~~1977, and the Mayor elected in the November, 1975, election whose term expires in 1977.~~
22 ~~Thereafter every two years there shall be held an election to select the successor to the Mayor~~
23 ~~and to the council members whose terms are expiring. In 2024, and quadrennially thereafter, the~~
24 Mayor and two Council members shall be elected to serve four-year terms. In 2026, and
25 quadrennially thereafter, two Council members shall be elected to serve four-year terms.

26 ...

27 "Chapter 2. Conduct of Elections.

28 ...

29 "Sec. 3.14. Time of election. – ~~Elections~~ In 2024, regular municipal elections shall be held
30 biennially on the Tuesday after the first Monday in November of ~~odd-numbered~~
31 years-even-numbered years in accordance with the uniform municipal election laws of North
32 Carolina.

33"

34 **SECTION 1.1.(b)** Regular municipal elections shall be conducted in the City of
35 Morganton in 2021. The two Council members elected in 2021 shall serve five-year terms. The



1 Mayor and two Council members elected in 2019 whose terms expire in 2023 are extended until
2 2024. The next regular municipal election shall be conducted in the City of Morganton in 2024.

3 **SECTION 1.2.(a)** Chapter III of the Charter of the Town of Connelly Springs, being
4 Chapter 528 of the 1989 Session Laws, as amended by Chapter 37 of the 1993 Session Laws,
5 reads as rewritten:

6 "CHAPTER III.
7 "GOVERNING BODY.

8 "Sec. 3.1. **Number of Members.** The governing body shall consist of the six members of the
9 Board of Aldermen and the Mayor."

10 "Sec. 3.2. **Manner of Election.** The qualified voters of the entire Town of Connelly Springs
11 shall elect the Board of Aldermen and the Mayor. In 2024, and biennially thereafter, regular
12 municipal elections shall be held on the Tuesday after the first Monday in November of
13 even-numbered years in accordance with the uniform municipal election laws of North Carolina.

14 "Sec. 3.3. **Term of Office.**

15 ~~In 1991 and quadrennially thereafter, three Council Members shall be elected for four-year~~
16 ~~terms. In 1993 and quadrennially thereafter, three Council Members shall be elected for four-~~
17 ~~year terms, and a Mayor shall be elected for a four-year term. Effective with the organizational~~
18 ~~meeting after the 1993 municipal election, the Board of Aldermen consists of six members. In~~
19 2024, and quadrennially thereafter, three Council Members shall be elected for four-year terms.
20 In 2026, and quadrennially thereafter, three Council Members shall be elected for four-year
21 terms, and a Mayor shall be elected for a four-year term.

22 The Board of Aldermen shall in all ways respond to reasonable requests of the Town's
23 constituents giving due consideration to the United States and State Constitutions, to the welfare
24 of the Town, and to the long range effects and impacts of the decisions of the Town.

25"

26 **SECTION 1.2.(b)** Regular municipal elections shall be conducted in the Town of
27 Connelly Springs in 2021. The Mayor and three Council members elected in 2021 shall serve
28 five-year terms. The three Council members elected in 2019 whose terms expire in 2023 are
29 extended until 2024. The next regular municipal election shall be conducted in the Town of
30 Connelly Springs in 2024.

31 **SECTION 1.3.(a)** Section 3 of the Charter of the Town of Drexel, being Chapter 24
32 of the Private Laws of 1913, as amended by Town Ordinances No. 1976-02-02-1 and No.
33 1976-02-02-2 adopted February 2, 1976, reads as rewritten:

34 "Sec. 3. ~~That the officers of the said~~ In 2024, and biennially thereafter, regular municipal
35 elections shall be held in the Town on the Tuesday after the first Monday in November of
36 even-numbered years in accordance with the uniform municipal election laws of North Carolina.
37 The officers of the town shall consist of a mayor and three commissioners, to four aldermen. In
38 2024, and biennially thereafter, the mayor and aldermen shall be elected by the qualified voters
39 of the said town on the first Monday of May, on thousand nine hundred thirteen, and each and
40 every two years thereafter; and that until such election, A. J. Webber shall be mayor, and D. B.
41 Mull, Cicero Berry, and J. W. Rector shall be commissioners, who, after their qualification by
42 the taking of the usual oath of office, shall first proceed to the election or appointment of town
43 and serve until their successors are elected and qualify. After election and taking the oath, the
44 aldermen shall elect or appoint the clerical officers and policemen as they may deem necessary,
45 including a tax collector, for the proper government of the said town, and as such officers (the
46 policemen and clerical officers and tax collector) those officers shall have such powers as such
47 like officers of municipal corporations under the general law of the State: Provided, that the said
48 mayor and commissioners aldermen may combine the duties of two or more of such the clerical
49 officers, policemen, and tax collector into one office, if in their judgment the same would best
50 subserve serve the interest of the people and taxpayers of the said town."

1 **SECTION 1.3.(b)** Regular municipal elections shall be conducted in the Town of
2 Drexel in 2021. The Mayor and four aldermen elected in 2021 shall serve three-year terms. The
3 next regular municipal election shall be conducted in the Town of Drexel in 2024.

4 **SECTION 1.4.(a)** Section 4 of the Charter of the Town of Glen Alpine, being
5 Chapter 61 of the Private Laws of 1883, as amended by Chapter 131 of the 1989 Session Laws,
6 reads as rewritten:

7 "Sec. 4. In 2024, and biennially thereafter, regular municipal elections shall be held in the
8 Town on the Tuesday after the first Monday in November of even-numbered years in accordance
9 with the uniform municipal election laws of North Carolina. A Mayor shall be elected in 1989
10 2026, and quadrennially thereafter thereafter, for a four-year term. Five members of the Board
11 of Aldermen shall be elected in 1989, with the three receiving the highest numbers of votes
12 elected to four-year terms, and the two receiving the next highest numbers of votes elected to
13 two-year terms. In 1991 and quadrennially thereafter, two members of the Board of Aldermen
14 shall be elected to four-year terms. In 1993 and quadrennially thereafter, three members of the
15 Board of Aldermen shall be elected to four-year terms.The Board of Aldermen shall consist of
16 five members. In 2024, and quadrennially thereafter, two members of the Board of Aldermen
17 shall be elected to four-year terms. In 2026, and quadrennially thereafter, three members of the
18 Board of Aldermen shall be elected to four-year terms."

19 **SECTION 1.4.(b)** Regular municipal elections shall be conducted in the Town of
20 Glen Alpine in 2021. The Mayor and three members of the Board of Aldermen elected in 2021
21 shall serve five-year terms. The two members of the Board of Aldermen elected in 2019 whose
22 terms expire in 2023 are extended until 2024. The next regular municipal election shall be
23 conducted in the Town of Glen Alpine in 2024.

24 **SECTION 1.5.(a)** Section 3 of the Charter of the Town of Hildebran, being Chapter
25 212 of the Private Laws of 1899, as amended by Chapter 290 of the Private Laws of 1913,
26 Chapter 433 of the 1973 Session Laws, and Chapter 238 of the 1993 Session Laws, reads as
27 rewritten:

28 "Sec. 3. In 2024, and biennially thereafter, regular municipal elections shall be held in the
29 Town on the Tuesday after the first Monday in November of even-numbered years in accordance
30 with the uniform municipal election laws of North Carolina. The election shall be nonpartisan
31 and decided by simple plurality pursuant to G.S. 163-292. The elective officers of the town shall
32 be a mayor who shall be elected by the qualified voters of the town for a term of four years, and
33 five commissioners, who shall be elected by the qualified voters of the town for terms of four
34 years, ~~except that in 1993, the three persons receiving the highest numbers of votes are elected~~
35 ~~for four-year terms, and the two persons receiving the next highest numbers of votes are elected~~
36 ~~for two-year terms. In 1995 and quadrennially thereafter, two persons are elected. In 1997 and~~
37 ~~quadrennially thereafter, three persons are elected. The expansion of the board of commissioners~~
38 ~~from three to five members is effective at the organizational meeting following the 1993~~
39 ~~municipal election. Beginning with the regular municipal election to be held in November 1973,~~
40 ~~the election shall be nonpartisan and decided by simple plurality. No primary election shall be~~
41 ~~held. The municipal elections shall be held and conducted by the County Board of Elections in~~
42 ~~accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.~~years. In 2024, and
43 quadrennially thereafter, two commissioners shall be elected to four-year terms. In 2026, and
44 quadrennially thereafter, the Mayor and three commissioners shall be elected to four-year terms."

45 **SECTION 1.5.(b)** Regular municipal elections shall be conducted in the Town of
46 Hildebran in 2021. The Mayor and three commissioners elected in 2021 shall serve five-year
47 terms. The two commissioners elected in 2019 whose terms expire in 2023 are extended until
48 2024. The next regular municipal election shall be conducted in the Town of Hildebran in 2024.

49 **SECTION 1.6.(a)** Chapter III of the Charter of the Town of Rutherford College,
50 being Chapter 452 of the 1977 Session Laws, reads as rewritten:

51 "CHAPTER III.

"Governing Body.

"Sec. 3.1. Number of members. The governing body shall consist of six council members and the mayor.

...

"Sec. 3.3. Term of office of the members of the board. ~~Beginning with the regular municipal election to be held in 1977, the three candidates for town council receiving the highest number of votes shall be elected for a term of four years, and the three candidates receiving the next highest number of votes shall be elected for a term of two years. Thereafter as the terms of each member expire, their successors shall be elected for terms of four years.~~ In 2024, and quadrennially thereafter, three council members shall be elected for four-year terms. In 2026, and quadrennially thereafter, three council members shall be elected for four-year terms.

"Sec. 3.4. Election of mayor – term of office. The qualified voters of the entire Town of Rutherford College shall elect the mayor. ~~He~~ In 2024, and quadrennially thereafter, the mayor is elected for a four-year term of office."

SECTION 1.6.(b) Section 4.1 of the Charter of the Town of Rutherford College, being Chapter 452 of the 1977 Session Laws, reads as rewritten:

"Sec. 4.1. Conduct of town elections. In 2024, and biennially thereafter, regular municipal elections shall be held in the Town on the Tuesday after the first Monday in November of even-numbered years in accordance with the uniform municipal election laws of North Carolina. The town officers shall be elected on a nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292, and this includes the election of the mayor."

SECTION 1.6.(c) Regular municipal elections shall be conducted in the Town of Rutherford College in 2021. The Mayor and three Council members elected in 2021 shall serve five-year terms. The three Council members elected in 2019 whose terms expire in 2023 are extended until 2024. The next regular municipal election shall be conducted in the Town of Rutherford College in 2024.

SECTION 1.7.(a) Article III of the Charter of the Town of Valdese, being Chapter 847 of the 1977 Session Laws, as amended by S.L. 2000-28, reads as rewritten:

"ARTICLE III.

"Elections.

"Sec. 3.1. Regular municipal elections; conduct and method of election. ~~Regular~~ In 2024, and biennially thereafter, regular municipal elections shall be held in the town every two years in ~~odd-numbered even-numbered~~ years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The mayor and members of the council shall be elected according to the nonpartisan plurality method of ~~election.~~ election pursuant to G.S. 163-292.

...

"Sec. 3.3. Election of council members. At the regular municipal elections in ~~1977-2026, and quadriennially~~ quadrennially thereafter, there shall be elected three council members to represent, respectively, election wards one, two, and three, as ~~hereinabove provided.~~ provided in this Article. At the regular municipal elections in ~~1979, 2024, and quadriennially~~ quadrennially thereafter, there shall be elected two council members to represent, respectively, election wards four and five as ~~hereinabove provided.~~ provided in this Article. Each candidate for the office of council member shall have been a resident of the ward from which he or she is a candidate for a period of not less than 30 days next preceding the date of the election. Candidates for council member shall be voted upon by the voters of the town voting at large.

"Sec. 3.4. Election of the mayor. At the regular municipal election in ~~2001, 2026, and quadrennially~~ thereafter, there shall be elected a mayor to serve a term of four years. The mayor shall be elected by the voters of the town voting at large.

...."

1 **SECTION 1.7.(b)** Regular municipal elections shall be conducted in the Town of
2 Valdese in 2021. The Mayor and three Council members elected in 2021 shall serve five-year
3 terms. The two Council members elected in 2019 whose terms expire in 2023 are extended until
4 2024. The next regular municipal election shall be conducted in the Town of Valdese in 2024.
5

6 **PART II. BURKE COUNTY BOARD OF EDUCATION**

7 **SECTION 2.1.** Notwithstanding the "Plan of Merger and Consolidation of Burke
8 County Board of Education, Morganton Graded School District (Morganton City Schools) and
9 Glen Alpine Graded School District (Glen Alpine City Schools) and to Create and Establish One
10 Administrative Unit for All Three of the Burke County School Units in Burke County" (the Plan),
11 as rewritten by Section 1 of Chapter 1 of the 1981 Session Laws, beginning with the 2024
12 election, the members of the Burke County Board of Education shall be elected for four-year
13 terms on a nonpartisan basis at the time of the general election in each even-numbered year as
14 terms expire. The elections shall be held and conducted in accordance with general laws
15 governing elections for county officers.

16 **SECTION 2.2.** Notwithstanding the Plan, in 2024, four members of the Burke
17 County Board of Education shall be elected on the date of the general election, and every four
18 years thereafter, and in 2026, three members of the Burke County Board of Education shall be
19 elected on the date of the general election, and every four years thereafter.

20 Elected members of the Board shall take office and qualify on the first Monday in
21 December of the year of their election, and the terms of their predecessors shall expire at that
22 same time. Members shall serve until a successor has been elected and qualified.

23 **SECTION 2.3.** Each member of the Burke County Board of Education elected in
24 2019 or 2021, or any member appointed to fill a vacancy of a member elected in 2019 or 2021,
25 shall have his or her term extended by one year and shall serve until a successor has been elected
26 and qualified.
27

28 **PART III. EFFECTIVE DATE**

29 **SECTION 3.1.** This act is effective when it becomes law and applies to elections
30 held on or after that date.