



SENATE BILL 288: Rutherford College/Bd. of Ed. Burke/Caldwell.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 16, 2021
Introduced by:	Sen. Daniel	Prepared by:	Sarah Pilon
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *Senate Bill 288 would provide for the following:*

- *Change the method of election of the Burke County Board of Education from nonpartisan to partisan, move the election to even-numbered years, and alter the process for filling vacancies on the Board, beginning in 2024.*
- *Move municipal elections in the Town of Rutherford College to even-numbered years, beginning in 2024.*
- *Change the method of election of the Caldwell County Board of Education from nonpartisan to partisan, and alter the process for filling vacancies on the Board, beginning in 2022.*
- *Clarify that municipalities in Burke County must reimburse the Burke County Board of Elections for any actual costs in administering municipal elections. The costs must be prorated amongst the municipalities based upon voter registration totals.*

Burke County Board of Education:

CURRENT LAW: The Burke County Board of Education consists of seven members elected for staggered four-year terms. Two members are elected from each of three residency districts, and one member is elected from the county at-large.

Elections are conducted in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. The election is 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. At the first meeting of the Board in December of each year, the members elect a chair and vice-chair to serve a one-year term.

Vacancies are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term is filled by election. If due to a vacancy, there is an election in which two members from the same residency district are on the ballot, the candidate receiving the highest number of votes serves a four-year term, and the candidate receiving the second highest number of votes serves a two-year term.

Additionally, each municipality and special district must reimburse the county board of elections for any actual costs involved in the administration of each municipal election. G.S. 163-284.

BILL ANALYSIS: Section 1.1 would provide that, beginning in 2024, the Board would be elected on a partisan basis in even-numbered years at the time of the general election. Candidates would be nominated and elected at the same time and in the same manner as other county officers.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 288

Page 2

Beginning in 2024, vacancies for positions elected on a partisan basis would be filled by the remaining members of the Board. The remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

Town of Rutherford College:

CURRENT LAW: Officers for the Town of Rutherford College consists of six council members elected for staggered four-year terms, and a mayor elected for a four-year term.

Elections are conducted in odd-numbered years using a nonpartisan plurality method. G.S. 163-292. The election is held at the time of the General Election. The members elected take office on the first Monday of December following their election.

BILL ANALYSIS: Section 1.2 would provide that, beginning in 2024, regular municipal elections would be held in even-numbered years. The mayor and each of the three council members elected in 2021 would be elected to serve a five-year term. The three council members elected in 2019 whose terms expire in 2023 are extended until 2024. In 2024, three council members would be elected to serve four-year terms. In 2026, the mayor and three council members would be elected for four-year terms.

Reimbursement to Burke County Board of Elections:

Section 1.6 would clarify that, pursuant to G.S. 163-284, municipalities in Burke County must reimburse the Burke County Board of Elections for the actual cost involved in the administration of each municipal election, prorated amongst each affected municipality based upon voter registration totals of each municipality. The Burke County Board of Elections would be required to consult with the State Board of Elections in determining the amount to charge each municipality participating each election in Burke County.

Caldwell County Board of Education:

CURRENT LAW: The Caldwell County Board of Education consists of seven members elected for staggered four-year terms.

Elections are conducted in even-numbered years using a nonpartisan plurality method. G.S. 163-292. The election is held at the time of the General Election. The members elected take office on the first Monday of December following their election.

Vacancies are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.

BILL ANALYSIS: Part II would provide that, beginning in 2022, the Board would be elected on a partisan basis. Candidates would be nominated and elected at the same time and in the same manner as other county officers.

Beginning in 2022, vacancies for positions elected on a partisan basis would be filled by the remaining members of the Board. The remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

EFFECTIVE DATE: Effective when it becomes law and applies to elections held on or after that date.