

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 998

Short Title: Partisan Elections in Haywood County. (Local)

Sponsors: Representatives Pless and Clampitt (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

May 19, 2022

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT MUNICIPAL ELECTIONS AND BOARD OF EDUCATION
ELECTIONS CURRENTLY CONDUCTED ON A NONPARTISAN BASIS BE
CONDUCTED ON A PARTISAN BASIS IN HAYWOOD COUNTY.

The General Assembly of North Carolina enacts:

PART I. HAYWOOD COUNTY MUNICIPAL ELECTIONS

SECTION 1.1. Section 5 of the Charter of the Town of Canton, being Chapter 90 of the Private Laws of 1907, as amended by Section 3 of Chapter 178 of the Private Laws of 1911, Section 5 of Chapter 78 of the Private Laws of 1920, Section 2 of Chapter 204 of the Private Laws of 1923, and Section 2-2 of the Town Ordinance adopted on August 27, 2013, reads as rewritten:

"Sec. 5. At the next regular election of officers of the Town of Canton, North Carolina, to be held in 2013 as determined by the Haywood County Board of Elections, the qualified voters of the Town of Canton shall elect four Aldermen and a ~~Mayor~~ Mayor, all of whom must be residents of any part of the Town of Canton. During this election the two candidates receiving the highest number of votes shall be elected to serve a ~~(4) four~~ year term and the next two Aldermen candidates receiving the next highest votes shall serve a ~~(2) two~~ year term. The Mayor shall be elected for a ~~(4) four~~ year term. Thereafter, the citizens of the Town of Canton shall biennially elect two Aldermen to serve ~~(4) four~~ year terms and a Mayor shall be elected at alternate biennial elections to serve ~~(4) a four~~ year term. Town officers shall be elected according to the partisan election method, as provided in G.S. 163-291."

SECTION 1.2. Section 4 of the Charter of the Town of Clyde, being Chapter 189 of the Private Laws of 1889, as amended by Section 2 of Chapter 240 of the Private Laws of 1891, Section 3 of Chapter 873 of the 1945 Session Laws, Chapter 807 of the 1949 Session Laws, and Section 2 of Chapter 26 of the 1953 Session Laws, reads as rewritten:

"Sec. 4. All elections in the Town of Clyde shall be governed by the general laws of the State as to municipalities and as set forth in Chapter ~~160-160A~~ of the General Statutes, as amended. Town officers shall be elected according to the partisan election method, as provided in G.S. 163-291."

SECTION 1.3. Section 4-1 of the Charter of the Town of Maggie Valley, being Chapter 1337 of the 1973 Session Laws, reads as rewritten:

"**Sec. 4 -1.** Conduct of town elections. Town officers shall be elected on a ~~non-partisan basis~~ and the results determined by ~~plurality, partisan basis,~~ as provided by ~~G.S. 163-292.~~ G.S. 163-291."



1 **SECTION 1.4.** Section 3.1 of the Charter of the Town of Waynesville, being S.L.
2 1995-126, reads as rewritten:

3 "Sec. 3.1. **Regular Municipal Elections; Conduct.** Regular municipal elections shall be
4 held in the Town every four years in odd-numbered years, and shall be conducted in accordance
5 with the uniform municipal election laws of North Carolina. ~~The Mayor and members of the~~
6 ~~Board-Town officers shall be elected according to the nonpartisan election method-partisan~~
7 ~~election method, as provided in G.S. 163-291."~~

8 **SECTION 1.5.(a)** This Part shall have the effect of repealing any provisions of local
9 or special acts relating to the nonpartisan municipal elections. This Part shall not affect the filling
10 of a vacancy in a municipal election that occurs for a seat elected prior to the effective date of
11 this Part.

12 **SECTION 1.5.(b)** Any local act requiring a municipal election to be conducted in
13 an odd-numbered year shall be held as a partisan election beginning in 2023.

14 **SECTION 1.6.** This Part is effective with respect to primaries and elections held on
15 or after January 1, 2023.

16 17 **PART II. HAYWOOD COUNTY BOARD OF EDUCATION ELECTIONS**

18 **SECTION 2.1.(a)** Section 4 of Chapter 126 of the 1963 Session Laws, as amended
19 by Chapter 22 of the 1977 Session Laws, and Chapter 424 of the 1973 Session Laws, and as
20 rewritten by Chapter 89 of the 1979 Session Laws, S.L. 2009-29, and S.L. 2012-24 is repealed.

21 **SECTION 2.1.(b)** Chapter 126 of the 1963 Session Laws is amended by adding a
22 new section to read:

23 "Sec. 4.5.(a) Beginning in 2024, members of the Haywood County Board of Education shall
24 be elected in partisan elections at the same time and in the same manner as other county officers.
25 Members shall reside in and represent the districts established in Sec. 3 of this act but shall be
26 elected by the voters of the county at large.

27 "Sec. 4.5.(b) All vacancies in office of the members of the Haywood County Board of
28 Education shall be filled by the remaining members of the Board in accordance with
29 G.S. 115C-37.1, and the person appointed to fill a vacancy must be a resident and elector from
30 the election district of the member the person is appointed to replace. An appointment to fill a
31 vacancy on the Board shall be only for the portion of the unexpired term between the time of
32 appointment and the next general election, and at the next general election the remaining portion
33 of the unexpired term shall be filled by election.

34 "Sec. 4.5.(c) The members of the Haywood County Board of Education shall take the oath of
35 office on the first Monday in December following the year in which the general election is held
36 for county officers. All members of the Board shall hold office until their successors are duly
37 elected and qualified.

38 "Sec. 4.5.(d) All candidates for membership of the Haywood County Board of Education
39 from the various election districts shall file a notice of their candidacy in accordance with all
40 other county offices, and each candidate shall pay a filing fee of ten dollars (\$10.00), and in
41 addition shall certify in writing the election district for which the candidate is filing and that the
42 candidate is a bona fide resident and elector thereof. If at the close of filing there is no candidate
43 filed for a district seat with one member up at that election, or less than two candidates filed for
44 a district with two members up at that election, the Haywood County Board of Elections shall
45 reopen filing for that district for a period beginning the next Monday at 12:00 noon and ending
46 at 12:00 noon on the third business day thereafter."

47 **SECTION 2.1.(c)** G.S. 115C-37.1(d) reads as rewritten:

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

1 **SECTION 2.1.(d)** This section does not affect the terms of office of any person
2 elected in 2020 or 2022 to the Haywood County Board of Education. The members of the
3 Haywood County Board of Education elected in 2020 or 2022, or any member appointed by the
4 remaining members of the Board to fill a vacancy of a member elected in 2020 or 2022, shall
5 serve until a successor has been elected and qualified.

6 **SECTION 2.1.(e)** Subsection (c) of this section becomes effective December 1,
7 2024. The remainder of this section becomes effective December 1, 2023, and applies to elections
8 held beginning in 2024.

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10 **PART III. EFFECTIVE DATE**

11 **SECTION 3.1.** Except as otherwise provided, this act is effective when it becomes
12 law.