A BILL TO BE ENTITLED
AN ACT TO ALLOW THE APEX TOWN COUNCIL AND MAYOR TO MAKE
APPOINTMENTS AND VOTE ON CERTAIN MATTERS REGARDING THE
APPOINTEES FOR THE TOWN MANAGER, TOWN ATTORNEY, AND TOWN
CLERK FOR THE TOWN OF APEX; TO FURTHER CLARIFY THE PROCESS FOR
FILLING VACANCIES ON THE GUILFORD COUNTY BOARD OF EDUCATION;
AND TO REQUIRE THAT MUNICIPAL ELECTIONS FOR ALL MUNICIPALITIES IN
HAYWOOD COUNTY AND MADISON COUNTY BE CONDUCTED ON A PARTISAN
BASIS.

The General Assembly of North Carolina enacts:

PART I. APEX TOWN APPOINTMENTS

SECTION 1.(a) Notwithstanding any provision of Chapter 160A of the General
Statutes or the Charter of the Town of Apex, being Chapter 356 of the 1985 Session Laws, as
amended by Chapter 63 of the 1987 Session Laws and Town Ordinance No. 05-1115-12
(11-15-05), the following shall apply to the organization and administration of the Town of Apex:

(1) The Town Manager shall be appointed by Town Council and the Mayor. The
Town Manager shall hold office at the pleasure of the Town Council and the
Mayor. The Town Council and the Mayor shall determine the compensation
for the Town Manager. The Mayor may vote on an appointment for the Town
Manager, provided that the Mayor has not also voted to break a tie on that
appointment.

(2) The Town Attorney shall be appointed by the Town Council and the Mayor.
The Town Attorney shall hold office at the pleasure of the Town Council and
the Mayor. The Town Council and the Mayor shall determine the
compensation for the Town Attorney. The Mayor may vote on an appointment
for the Town Attorney, provided that the Mayor has not also voted to break a
tie on that appointment.

(3) The Town Clerk shall be appointed by the Town Council and the Mayor. The
Town Clerk shall hold office at the pleasure of the Town Council and the
Mayor. The Town Council and the Mayor shall determine the compensation
for the Town Clerk. The Mayor may vote on an appointment for the Town
Clerk, provided that the Mayor has not also voted to break a tie on that
appointment.
(4) In any instance where the Mayor may vote on an appointment under this act, the Mayor may also participate in a vote that is solely regarding the compensation, discipline, or termination of that appointee, provided that the Mayor has not also voted to break a tie on that matter.

SECTION 1.(b) This section is effective when it becomes law, applies to votes taken on or after that date, and expires June 30, 2027.

PART II. GUILFORD BOARD OF EDUCATION VACANCIES

SECTION 2.(a) Section 6 of Chapter 78 of the 1991 Session Laws, as amended by S.L. 2013-361 and S.L. 2023-4, reads as rewritten:

"Sec. 6. (a) Vacancies on the Guilford County Board of Education when the vacating Board member was elected shall be filled as follows:

(1) The individual appointed to fill a vacancy must be a qualified voter of Guilford County.

(2) In instances in which the vacating Board member was elected from within a single member district, the individual appointed shall be a resident of the district where the vacancy exists.

(3) If the vacating Board member was elected as the nominee of a political party, whether by countywide election or from an electoral district, then the Board shall consult with the county executive committee of that political party. The county political party executive committee shall provide the name of an individual qualified in accordance with subdivisions (1) and (2) of this section in writing within 30 days of the occurrence of the vacancy to the Superintendent of Schools of Guilford County. Whenever only the qualified voters of less than the entire county were eligible to vote for the vacating Board member, the county political party executive committee shall not be required to restrict voting to executive committee members who represent precincts, all or part of which were within the territory of the vacating Board member. If the county political party executive committee recommends an individual in accordance with this subdivision, that individual shall take the oath of office at the next regular meeting of the Board.

(4) If the county political party executive committee of the political party of which the vacating Board member is a member fails to provide the name of an individual qualified in accordance with subdivisions (1) and (2) of this section in writing to the Superintendent of Schools of Guilford County subdivision (3) of this subsection within 30 days of the occurrence of the vacancy, the Board may fill the vacancy by vote of a majority of the remaining members of the Board present and voting at the next regular meeting of the Board after occurring more than 30 days after the occurrence of the vacancy.

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

(b) The following shall apply to all vacancies on the Board when the vacating Board member was appointed by the Board:

(1) The individual appointed to fill a vacancy shall be a qualified voter of Guilford County.

(2) In instances in which the vacating Board member was appointed from within a single member district, the individual appointed shall be a resident of the district where the vacancy exists.
If the vacating Board member was appointed by the Board and a nominee of a political party was certified as elected to fill that seat at the time of the last election for that seat, whether by countywide election or from an electoral district, then the Board shall consult with the county executive committee of the political party whose nominee was certified as elected to fill that seat. The county political party executive committee shall provide the name of an individual qualified in accordance with subdivisions (1) and (2) of this subsection in writing within 30 days of the occurrence of the vacancy to the Superintendent of Schools of Guilford County. Whenever only the qualified voters of less than the entire county are eligible to vote for the seat, the executive committee shall not be required to restrict voting to executive committee members who represent precincts, all or part of which were within the territory of the vacating Board member. If the county political party executive committee recommends an individual in accordance with this subdivision, that individual shall take the oath of office at the next regular meeting of the Board.

If the county political party executive committee fails to provide the name of an individual qualified in accordance with subdivision (3) of this subsection within 30 days of the occurrence of the vacancy, the Board may fill the vacancy by vote of a majority of the remaining members of the Board present and voting at the next regular meeting of the Board occurring more than 30 days after the occurrence of the vacancy.

Any person appointed to fill a vacancy in accordance with this subsection shall serve until the next election of members of the Board, at which time the remaining unexpired term of the office in which the vacancy occurred shall be filled by election.

SECTION 2.(b) Except as provided in Section 3 of this act, this section is effective when it becomes law and applies to vacancies existing on or after that date.

SECTION 3.(a) The term of office of any individual appointed by the Guilford County Board of Education to fill a vacancy occurring between December 1, 2022, and the effective date of this act shall expire on the effective date of this act.

SECTION 3.(b) Notwithstanding Section 6(b)(3) of Chapter 78 of the 1991 Session Laws, as amended by S.L. 2013-361, S.L. 2023-4, and this act, for any vacancy occurring as a result of Section 3(a) of this act, the nominee of a county political party executive committee of that political party shall take the oath of office at the next regular meeting of the Guilford County Board of Education following submission of a nomination to the Superintendent of Schools of Guilford County if the individual is nominated by the county political party executive committee within 60 days of the effective date of this act.

PART III. PARTISAN MUNICIPAL ELECTIONS IN HAYWOOD AND MADISON COUNTIES

SECTION 4. Section 5 of the Charter of the Town of Canton, being Chapter 90 of the Private Laws of 1907, as amended by Chapter 178 of the Private Laws of 1911, Chapter 78 of the Private Laws of 1920, 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 regular municipal elections for the officers of the Town of Canton, North Carolina, to be held in 2013 as determined by the Haywood County Board of Elections, the shall be held in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The qualified voters of the Town of Canton shall elect four Aldermen and a 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. The four Aldermen shall be elected for staggered four-year terms. Town officers shall
be elected on a partisan basis, as provided in G.S. 163-291."

SECTION 5. Section 4 of the Charter of the Town of Clyde, being Chapter 189 of
the Private Laws of 1889, as amended by Chapter 240 of the Private Laws of 1891, Chapter 873
of the 1945 Session Laws, Chapter 807 of the 1949 Session Laws, and Chapter 26 of the 1953
Session Laws, reads as rewritten:

"Sec. 4. All Regular municipal 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 of the General
Statutes, as amended, held in odd-numbered years and shall be conducted in accordance with the
uniform municipal election laws of North Carolina. Town officers shall be elected on a partisan
basis, as provided in G.S. 163-291."

SECTION 6. 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. Regular municipal elections shall be held in the Town
in odd-numbered years and shall be conducted in accordance with the uniform municipal election
laws of North Carolina. 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."

SECTION 7. Section 3.1 of the Charter of the Town of Waynesville, being Chapter
126 of the 1995 Session Laws, reads as rewritten:

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

SECTION 8.(a) Section 4 of the Charter of the Town of Hot Springs, being Chapter
210 of the Private Laws of 1929, reads as rewritten:

"Sec. 4. The corporate powers of the town of Hot Springs shall be exercised as heretofore by
Regular municipal elections for the officers of the Town of Hot Springs shall be held in
odd-numbered years and shall be conducted in accordance with the uniform municipal election
laws of North Carolina. The qualified voters of the Town of Hot Springs shall elect a mayor and
a board of aldermen consisting of three members, to be elected in accordance with the general
laws regulating elections in cities and towns, and such other officers, agents and employees as
may be hereinafter provided for, or chosen by the board of aldermen. The present mayor of the
town of Hot Springs shall hold office until the next general election and until his successor is
elected and qualified, and the present members of the board of aldermen shall constitute the said
board until the expiration of their present term of office and until their successors are elected and
qualified, and the said mayor and board of aldermen, as such, shall have the same power and
authority heretofore conferred upon them in the area within the present corporate limits of said
town and may exercise all such authority within the area mentioned in section three hereof,
together with all such additional powers and authority conferred by this act. Members. The Town
officers shall be elected for two-year terms. The Town officers shall be elected on a partisan
basis, as provided in G.S. 163-291."

SECTION 8.(b) This section becomes effective January 1, 2025, and applies to
elections held in 2025 and thereafter.

SECTION 9.(a) Section 5 of Article I of the Charter of the Town of Mars Hill, being
Chapter 890 of the 1953 Session Laws, as amended by Ord. No. 168 adopted on March 6, 2008,
reads as rewritten:
"Sec. 5. The corporate and legislative powers of the Town of Mars Hill shall be vested in and exercised by a mayor and board of alderman, who shall hold office for two years (and until their successors shall be elected and qualified), and who shall be installed in their respective offices on the first Monday in June of the year of their election, aldermen consisting of four members. The mayor shall be elected for a four-year term, and the four aldermen shall be elected for staggered four-year terms. Before entering upon the duties of their respective offices, each shall take an oath of office which shall be signed and recorded in the Town Archives."

SECTION 9.(b) Section 1 of Article VII of the Charter of the Town of Mars Hill, being Chapter 890 of the 1953 Session Laws, as amended by Ord. No. 168 adopted on March 6, 2008, reads as rewritten:

"Section 1. The first election under the provisions of this Act shall be held on the first Tuesday in May, 1953, and biennially thereafter, and at each election held hereunder a Regular municipal elections in the Town of Mars Hill shall be held in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The mayor and three four aldermen shall be elected by a majority vote of the qualified citizens of the town; provided, however, that the present office holders shall continue to serve until their successors shall be elected and qualified on a partisan basis, as provided in G.S. 163-291."

SECTION 9.(c) Sections 2 through 12 of Article VII of the Charter of the Town of Mars Hill, being Chapter 890 of the 1953 Session Laws, are repealed.

SECTION 10. Section 3 of the Charter of the Town of Marshall, being Chapter 165 of the Private Laws of 1905, as amended by Chapter 232 of the Private Laws of 1913 and the Town Ordinance adopted on May 5, 1997, reads as rewritten:

"Sec. 3. That the administration and government of said town shall be vested in one principal officer styled the mayor. The qualified voters of the Town of Marshall shall elect a mayor and board of aldermen consisting of three members which mayor and board of aldermen, with all subordinate officers shall have all the powers, privileges and emoluments, and shall be subjected to all the forfeitures, pains and penalties granted under the general laws governing cities and towns of the State of North Carolina, and be subjected to all the provisions thereof not in conflict with the provisions of this act five members. The mayor shall be elected for a two-year term, and the members of the board of aldermen shall be elected for staggered four-year terms. Regular municipal elections shall be held in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Town officers shall be elected on a partisan basis, as provided in G.S. 163-291."

SECTION 11. This Part shall have the effect of repealing any conflicting provisions of local or special acts or conflicting local ordinances relating to the nonpartisan municipal elections for any municipalities covered by this act. This act shall not affect the filling of a vacancy in a municipal election that occurs for a seat elected prior to the effective date of this act.

SECTION 12. Except as otherwise provided, this Part is effective when it becomes law and applies to elections held in 2023 and thereafter.

PART IV. EFFECTIVE DATE

SECTION 13. Except as otherwise provided, this act is effective when it becomes law.