

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 804
HOUSE BILL 2118

AN ACT TO REVISE THE MANNER OF ELECTION OF THE HIGH POINT CITY
BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. (a) The High Point City Board of Education shall consist of seven members who shall be elected in a nonpartisan election as provided by this act.

(b) The qualified voters of each Ward shall elect two members who reside in such Ward, as described in Section 3 of this act, and one member shall be elected by all the qualified voters of the High Point City School Administrative Unit.

(c) Except as provided by Section 2 of this act, members shall serve staggered terms of four years.

(d) Except as provided by Section 4 of this act, the initial election under this act shall be held at the November 1990 General Election. The election shall be held, beginning in 1993, at the same time as the regular election for the High Point City Council, and, except as otherwise provided herein, shall be held and conducted under the laws applicable to nonpartisan elections as provided in Articles 23 and 24 of Chapter 163 of the General Statutes. No primary election shall be held. Results shall be determined by plurality in accordance with G.S. 163-292. Notice of candidacy shall be filed as provided in G.S. 163-294.2, except that in 1990, notice of candidacy shall be filed not earlier than 12:00 noon on the second business day after this act is approved by the United States Department of Justice under Section 5 of the Voting Rights Act of 1965, and not later than 12:00 noon on the first Wednesday in September.

(e) The election shall be held and conducted by the Guilford County Board of Elections.

Sec. 2. (a) At the 1990 election, the candidate from each Ward receiving the highest number of votes shall be elected to a five-year term, and the candidate in that Ward receiving the next highest number of votes shall be elected to a three-year term. At the 1990 election, the at-large candidate receiving the highest number of votes shall be elected to a five-year term.

(b) In 1993 and quadrennially thereafter, one member shall be elected from each Ward. In 1995 and quadrennially thereafter, one member shall be elected at large and one member shall be elected from each Ward.

Sec. 3. (a) Wards for the purposes of this act shall consist of the following described areas, to the extent they are within the High Point City School Administrative Unit, and precinct boundaries are as shown on the Guilford County Board of Election Map dated January 1989:

Ward One consists of High Point Precincts 8, 9, 16, 17, 19, 20, 23, 24, and Colfax;

Ward Two consists of High Point Precincts 5, 6, 7, 11, 12, and 22; and

Ward Three consists of High Point Precincts 1, 2, 3, 4, 10, 13, 14, 15, and 18.

(b) The Board of Education shall have authority to revise Ward boundaries as provided by this subsection. The Board of Education may revise them only for the purpose of (i) accounting for territory annexed to or excluded from the city school administrative unit, and (ii) correcting population imbalances among the Wards shown by a new decennial federal census. When the decennial federal census has been returned, or when territory has been annexed to or excluded from the city school administrative unit, the Board of Education shall revise the Wards if they no longer comply with federal constitutional requirements or the requirements of Section 5 of the Voting Rights Act so that the Wards are in compliance. Changes in Ward boundaries do not affect the eligibility of an incumbent to finish the remainder of the member's term.

Sec. 4. The Attorney for the High Point City School Administrative Unit shall immediately upon ratification of this act submit this act to the United States Department of Justice for approval under Section 5 of the Voting Rights Act of 1965. If such approval comes after the third Monday in August 1990, then the effect of such approval is that the election will not be held in November of 1990, as provided in Section 1(d) of this act, but instead will be held at the same time as the election for High Point City Council in 1991, and the initial terms of office shall be for four years and two years, instead of for five years and three years, as provided by Section 2 of this act.

Sec. 5. At the first meeting in December following the election in November, which is held after the commencement of the new terms of office, the Board shall elect one of its members to serve as chairman and one as vice-chairman, to serve until the similar meeting after the next election.

Sec. 6. Whenever a vacancy occurs, other than by expiration of term, it shall be filled for the unexpired term by appointment by the City Council of High Point. If the vacancy is in a Ward seat, the person appointed must be a resident of that Ward.

Sec. 7. A member of the Board of Education elected from a Ward seat who moves residence outside of that Ward but still within the High Point City School Administrative Unit may finish the remainder of the term. A member of the Board of Education who moves residence outside the High Point City School Administrative Unit vacates office.

Sec. 8. The term of office shall commence on the first Monday in December after the election. Terms of the incumbent members of the High Point City Board of Education serving under Chapter 566, Session Laws of 1973, shall terminate upon the qualification of their successors under this act.

Sec. 9. The status of Chapter 566, Session Laws of 1973, under Section 5 of the Voting Rights Act of 1965 does not affect the validity of any action taken by the High Point City Board of Education since the first Monday of December of 1975, and such actions are hereby ratified, validated, and confirmed.

Sec. 10. Effective on the qualification of the initial High Point City Board of Education under this act, Chapter 566, Session Laws of 1973, is repealed.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 4th day of June, 1990.