

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1484

Short Title: Cleveland County Board of Education Elections. (Local)

Sponsors: Representatives Moore, Clary, and England (Primary Sponsors).

Referred to: Local Government I.

May 17, 2004

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED
2 SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY
3 THE STATE BOARD OF ELECTIONS.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The Cleveland County Board of Education consists of nine
7 members elected at large in nonpartisan, plurality elections.

8 **SECTION 2.** The composition, terms and method of electing the Board of
9 Education is set by the Plan for the Merger of the Cleveland County, Kings Mountain
10 District, and Shelby City Schools adopted by the Cleveland County Board of
11 Commissioners on April 18, 2000, amended by the Board of Commissioners on May 2,
12 2000, and adopted by the State Board of Education on September 13, 2000. Although
13 the merger of the three school units was scheduled to take effect on July 1, 2000, it was
14 delayed by litigation and preclearance under Section 5 of the federal Voting Rights Act,
15 and the merger did not occur until January 13, 2004.

16 **SECTION 3.** Of the nine members originally appointed to the Board of
17 Education, two each were members of the former Cleveland County, Kings Mountain
18 and Shelby school boards, and three were selected without regard to former board
19 membership, as provided in the merger plan. The merger plan provided for successors
20 to those initial appointed members to be elected in November 2001 and November
21 2003. In 2001 successors were to be elected for those three at-large members appointed
22 without regard to membership on the previous school boards, and in 2003 successors
23 were to be elected for the six members appointed from the previous school boards. All
24 members elected in 2001 and 2003 were to serve four-year terms.

25 **SECTION 4.** Because of the postponement of the merger from 2000 to
26 2004, the elections scheduled for 2001 and 2003 were not held, and the merged board
27 did not take office until January 2004. During that time, the previous boards for
28 Cleveland County, Kings Mountain and Shelby continued to function and conducted
29 elections.

1 **SECTION 5.** Having considered the merger plan and the rescheduling of the
2 postponed elections, the State Board of Elections has recommended that the election
3 originally scheduled for November 2001 be rescheduled for November 2005, and that
4 the election originally scheduled for November 2003 be rescheduled for November
5 2007. Such a schedule is consistent with the intent of the merger plan and recognizes the
6 four-year delay in the implementation of merger.

7 **SECTION 6.** Three members of the Cleveland County Board of Education
8 shall be elected on Tuesday after the first Monday in November 2005, and every four
9 years thereafter. The three members elected in November 2005 shall replace the three
10 members of the board originally appointed at large without regard to membership on the
11 previous boards for the Cleveland County, Kings Mountain and Shelby school units.

12 **SECTION 7.** Six members of the Cleveland County Board of Education
13 shall be elected on Tuesday after the first Monday in November 2007, and every four
14 years thereafter. The six members elected in November 2007 shall replace the six
15 members of the board, or their successors, originally appointed from the previous
16 boards for the Cleveland County, Kings Mountain and Shelby school units.

17 **SECTION 8.** Pursuant to Sections 4.B.5. and 6.A.4. of the merger plan, an
18 election also shall be held in November 2005 to elect a successor to any board member
19 who has been appointed to fill a vacancy in one of the six seats designated for members
20 of the former boards for the Cleveland County, Kings Mountain and Shelby school
21 units. The election in November 2005 shall be to fill the remaining two years of the
22 unexpired term for that seat.

23 **SECTION 9.** This act is effective when it becomes law.