

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 411
House Committee Substitute Favorable 6/14/11

Short Title: Stanly County Local Changes. (Local)

Sponsors:

Referred to:

March 24, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY
3 BOARD OF EDUCATION, TO REDUCE THE SIZE OF THE STANLY COUNTY
4 BOARD OF EDUCATION FROM NINE TO SEVEN MEMBERS AND PROVIDE
5 THAT ALL MEMBERS SHALL BE ELECTED AT-LARGE, TO PROVIDE FOR
6 SELECTION OF ALL VOTING MEMBERS OF THE STANLY COMMUNITY
7 COLLEGE BY THE COUNTY BOARD OF COMMISSIONERS, TO ELIMINATE
8 PARTISAN APPOINTMENTS FROM THE STANLY COUNTY BOARD OF
9 ECONOMIC DEVELOPMENT, AND TO PROVIDE FOR THE APPOINTMENT OF
10 THE STANLY COUNTY BOARD OF ELECTIONS, RELATING TO VACANCIES IN
11 THE OFFICE OF SHERIFF OF STANLY COUNTY.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** Notwithstanding G.S. 163-106 or anything in the plan of
14 consolidation and merger of the Stanly County and Albemarle City school administrative units,
15 candidates for the Stanly County Board of Education shall file notice of candidacy no earlier
16 than the first Monday in July (except the next business day if the first Monday in July is July 4)
17 and no later than 12:00 noon on the fourth Friday in July preceding the general election.

18 **SECTION 2.(a)** Effective on the first Monday in December of 2012, the Stanly
19 County Board of Education shall consist of seven members elected at-large.

20 **SECTION 2.(b)** In 2012 and quadrennially thereafter, three members of the Stanly
21 County Board of Education shall be elected at-large for four-year terms. In 2014 and
22 quadrennially thereafter, four members of the Stanly County Board of Education shall be
23 elected at-large for four-year terms.

24 **SECTION 3.(a)** G.S. 115D-12 reads as rewritten:

25 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

26 (a) Each community college established or operated pursuant to this Chapter shall be
27 governed by a board of trustees consisting of 13 members, or of additional members if selected
28 according to the special procedure prescribed by the third paragraph of this subsection, who
29 shall be selected by the following agencies. No member of the General Assembly may be
30 appointed to a local board of trustees for a community college.

31 ~~Group One — four trustees, elected by the board of education of the public school~~
32 ~~administrative unit located in the administrative area of the institution. If there are two or more~~
33 ~~public school administrative units, whether city or county units, or both, located within the~~
34 ~~administrative area, the trustees shall be elected jointly by all of the boards of education of~~
35 ~~those units, each board having one vote in the election of each trustee, except as provided in~~
36 ~~G.S. 115D-59. No board of education shall elect a member of the board of education or any~~



1 person employed by the board of education to serve as a trustee, however, any such person
2 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the
3 trustee's current term.

4 Group ~~Two One~~ – ~~four~~ 12 trustees, elected by the board of commissioners of the county in
5 which the institution is located. Provided, however, if the administrative area of the institution
6 is composed of two or more counties, the trustees shall be elected jointly by the boards of
7 commissioners of all those counties, each board having one vote in the election of each trustee.
8 Provided, also, the county commissioners of the county in which the community college has
9 established a satellite campus may elect an additional two members if the board of trustees of
10 the community college agrees. No more than one trustee from Group ~~Two One~~ may be a
11 member of a board of county commissioners. Should the boards of education or the boards of
12 commissioners involved be unable to agree on one or more trustees the senior resident superior
13 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the
14 institution is located shall fill the position or positions by appointment.

15 Group ~~Three~~ – ~~four~~ trustees, ~~appointed by the Governor.~~

16 Group ~~Four Two~~ – the president of the student government or the chairman of the executive
17 board of the student body of each community college established pursuant to G.S. 115D shall
18 be an ex officio nonvoting member of the board of trustees of each said institution.

19 (b) All trustees shall be residents of the administrative area of the institution for which
20 they are selected or of counties contiguous thereto with the exception of members provided for
21 in G.S. 115D-12(a), Group ~~Four Two~~.

22 "...."

23 **SECTION 3.(b)** This section applies only to Stanly Community College.

24 **SECTION 4.(a)** Section 2 of Chapter 141, Session Laws of 1961, as amended by
25 Chapter 355, Session Laws of 1975, and Chapter 237, Session Laws of 1985, and Chapter 185,
26 Session Laws of 1987, and Chapter 253, Session Laws of 2009, reads as rewritten:

27 "Sec. 2. Such commission shall be composed of 12 members to be appointed by the Board
28 of County Commissioners for Stanly County. In making said appointments the board shall seek
29 to achieve representation from the various geographic areas of the county. ~~county and to~~
30 ~~maintain equal balance insofar as political party affiliation is concerned.~~ In the event a vacancy
31 occurs in the membership of such commission because of death, resignation, or otherwise, the
32 board of county commissioners shall fill such vacancy by appointing a member from the same
33 section of the county ~~and with the same political affiliation~~ as his predecessor. There is hereby
34 imposed on such member of the board of county commissioners as said board may designate
35 the duty to serve as chairman of the Economic Development Commission and such
36 commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county
37 board of commissioners shall designate another member of said board as an alternate member
38 to attend and vote if the original appointee as chairman is unable to attend or is unable to vote."

39 **SECTION 4.(b)** Section 3 of Chapter 141, Session Laws of 1961, as amended by
40 Chapter 355, Session Laws of 1975, and Chapter 928, Session Laws of 1987, reads as
41 rewritten:

42 "Sec. 3. The terms of office of the members of the commission, with the exception of the
43 chairman of the commission, shall be two years, with the exception of the initial years
44 existence of the commission, in which one-half shall be appointed to serve for a period of one
45 year. In appointing the initial members of the commission, the board of county commissioners
46 shall designate those who are appointed for a period of two years and those who are appointed
47 for a period of one year. ~~The appointments shall be made so as to maintain at all times an equal~~
48 ~~balance of membership insofar as political party affiliation is concerned.~~ Upon the expiration of
49 the term of office of those members who are appointed for one year, the board of
50 commissioners shall appoint their successors for a term of two years. All appointees shall serve
51 until their successors have been appointed and qualified. Any member shall be eligible to

1 reappointment. The board of commissioners shall designate the date on which the term of
2 office of the initial members shall commence. For clarification, ~~a Democrat and a Republican~~
3 two members from the following areas (voting precincts) of Stanly County are to be appointed
4 by the Board of Commissioners: North (Almond, Ridenhour, Richfield, New London, and
5 North Albemarle); South (East Center, West Center, Tyson, and Big Lick #1); East (South
6 Albemarle, East Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and
7 Endy); Central (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8,
8 Albemarle #10, and Albemarle #11); and two seats at large."

9 **SECTION 5.(a)** This section applies to Stanly County only.

10 **SECTION 5.(b)** G.S. 163-30 reads as rewritten:

11 "**§ 163-30. County boards of elections; appointments; terms of office; qualifications;**
12 **vacancies; oath of office; instructional meetings.**

13 In every county of the State there shall be a county board of elections, to consist of three
14 persons of good moral character who are registered voters in the county in which they are to
15 act. Members of county boards of elections shall be appointed by the State Board of Elections
16 on the last Tuesday in June 1985, and every two years thereafter, and their terms of office shall
17 continue for two years from the specified date of appointment and until their successors are
18 appointed and qualified. Not more than two members of the county board of elections shall
19 belong to the same political party.

20 No person shall be eligible to serve as a member of a county board of elections who holds
21 any elective office under the government of the United States, or of the State of North Carolina
22 or any political subdivision thereof.

23 No person who holds any office in a state, congressional district, county or precinct
24 political party or organization, or who is a campaign manager or treasurer of any candidate or
25 political party in a primary or election, shall be eligible to serve as a member of a county board
26 of elections, provided however that the position of delegate to a political party convention shall
27 not be considered an office for the purpose of this section.

28 No person shall be eligible to serve as a member of a county board of elections who is a
29 candidate for nomination or election.

30 No person shall be eligible to serve as a member of a county board of elections who is the
31 wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father,
32 father-in-law, sister, sister-in-law, brother, brother-in-law, aunt, uncle, niece, or nephew of any
33 candidate for nomination or election. Upon any member of the board of elections becoming
34 ineligible, that member's seat shall be declared vacant. This paragraph only applies if the
35 county board of elections is conducting the election for which the relative is a candidate.

36 The ~~State-county~~ chairman of each political party shall have the right to recommend to the
37 State Board of Elections three registered voters in each county for appointment to the board of
38 elections for that county. If such recommendations are received by the Board 15 or more days
39 before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the
40 State Board of Elections to appoint the county boards from the names thus ~~recommended.~~
41 recommended as follows: two from the list of three submitted by the political party having the
42 greatest number of registered voters in the county and one from the list of three submitted by
43 the political party having the second greatest number of registered voters in the county.

44 Whenever a vacancy occurs in the membership of a county board of elections for any cause
45 the ~~State-county~~ chairman of the political party of the vacating member shall have the right to
46 recommend two registered voters of the affected county for such office, and it shall be the duty
47 of the State Board of Elections to fill the vacancy from the names thus recommended.

48 At the meeting of the county board of elections required by G.S. 163-31 to be held on
49 Tuesday following the third Monday in July in the year of their appointment the members shall
50 take the following oath of office:

1 "I, _____, do solemnly swear (or affirm) that I will support the
2 Constitution of the United States; that I will be faithful and bear true allegiance
3 to the State of North Carolina and to the constitutional powers and authorities
4 which are or may be established for the government thereof; that I will endeavor
5 to support, maintain and defend the Constitution of said State, not inconsistent
6 with the Constitution of the United States; and that I will well and truly execute
7 the duties of the office of member of the _____ County Board of Elections
8 to the best of my knowledge and ability, according to law; so help me God."

9 Each member of the county board of elections shall attend each instructional meeting held
10 pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall
11 be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

12 **SECTION 5.1.(a)** G.S. 162-5.1 reads as rewritten:

13 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief**
14 **deputy.**

15 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all
16 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the
17 residue of the term, who shall possess the same qualifications, enter into the same bond, and be
18 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a
19 political party, the board of commissioners shall consult the county executive committee of that
20 political party before filling the vacancy, and shall elect the person recommended by the county
21 executive committee of that party, if the party makes a recommendation within 30 days of the
22 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall
23 continue to discharge the duties of sheriff until it shall be filled.

24 In those counties where the office of coroner has been abolished, the chief deputy sheriff, or
25 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties
26 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In
27 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to
28 perform their duties with full authority.

29 This section shall apply only in the following counties: Alamance, Alexander, Alleghany,
30 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,
31 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,
32 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New
33 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,
34 ~~Stanly~~, Stokes, Surry, Transylvania, Wake, and Yancey."

35 **SECTION 5.1.(b)** Vacancies in the office of Sheriff of Stanly County shall be
36 filled in accordance with G.S. 162-5.

37 **SECTION 6.** This act is effective when it becomes law.