

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Feb 14, 2023
S.B. 103
PRINCIPAL CLERK

S

D

SENATE BILL DRS35050-NG-17

Short Title: Partisan BoEd. Elections/Henderson.

(Local)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR PARTISAN ELECTIONS OF THE HENDERSON COUNTY
3 BOARD OF PUBLIC EDUCATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Notwithstanding subsection B. of Section III of A Plan for Merger
6 of Hendersonville City Schools and Henderson County Schools adopted by the State Board of
7 Education on March 5, 1992, and validated under Chapter 767 of the 1991 Session Laws (the
8 Henderson Merger Plan), beginning in 2024, the Henderson County Board of Public Education
9 shall be elected on a partisan basis at the time of the general election in each even-numbered year
10 as terms expire for four-year terms. Except as otherwise provided by this section, elections shall
11 be conducted in accordance with Chapters 115C and 163 of the General Statutes. Candidates for
12 election to the Henderson County Board of Public Education shall be nominated at the same time
13 and manner as other county officers. Members shall take office on the first Monday in December
14 of the year of election, and the terms of their predecessors shall expire at that same time. Members
15 shall serve until a successor has been elected and qualified.

16 **SECTION 1.(b)** Notwithstanding subsection B. of Section III of the Henderson
17 Merger Plan, vacancies on the Henderson County Board of Public Education shall be filled as
18 follows:

- 19 (1) Vacancies for positions elected on a nonpartisan basis in 2020 or 2022 shall
20 be filled by the remaining members of the Board until the next election of the
21 members of the Board, at which time the remaining unexpired term of the
22 office in which the vacancy occurs shall be filled by election.
- 23 (2) Vacancies for positions elected on a partisan basis in 2024 and thereafter shall
24 be filled by appointment by the remaining members of the Board in
25 accordance with G.S. 115C-37.1.
- 26 (3) Any person appointed to fill a vacancy shall be a resident of the seat in which
27 the vacancy occurs.

28 **SECTION 1.(c)** This section does not affect the terms of office of any person elected
29 in 2020 or 2022 to the Henderson County Board of Public Education. The members of the
30 Henderson County Board of Public Education elected in 2020 or 2022, or any member appointed
31 by the remaining members of the Board to fill a vacancy of a member elected in 2020 or 2022,
32 shall serve until a successor has been elected and qualified.

33 **SECTION 2.(a)** G.S. 115C-37.1(d) reads as rewritten:

34 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
35 Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Craven, Dare, Davie,



1 Graham, Guilford, Harnett, Henderson, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover,
2 Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."
3 **SECTION 2.(b)** This section becomes effective December 1, 2024.
4 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
5 law.