

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 302

Short Title: Wake School Board Elections. (Local)

Sponsors: Representatives Dollar, Avila (Primary Sponsors); and Stam.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

February 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FIVE MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION BE ELECTED FROM DISTRICTS AND FOUR AT-LARGE, TO MOVE THOSE ELECTIONS TO THE EVEN-NUMBERED YEAR, TO BE ELECTED IN NOVEMBER ON A PLURALITY BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of Chapter 717, Session Laws of 1975, as amended by Sections 2 and 3 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter 742 of the 1981 Session Laws, reads as rewritten:

"Sec. 7.(a) In ~~1981, 2010~~ and biennially thereafter, members of the Wake County Board of Education shall be elected on the date of the general election by the nonpartisan ~~election and runoff-plurality~~ election method in accordance with ~~G.S. 163-279(a)(4), G.S. 163-293, and G.S. G.S. 163-292, and G.S. 163-294.2,~~ except that only persons who are registered to vote in the district shall be permitted to file a notice of candidacy for election in that district. Such election shall be governed by the provisions of Chapter 163 of the General Statutes.

(b) Five members of the board shall be elected from single-member districts. The qualified voters of each district shall elect a person who resides in that district for the seat apportioned to that district. Only the qualified voters of the district may vote in that election. Four members of the board shall be elected at-large by all the voters of Wake County."

SECTION 2. Section 6 of Chapter 717, Session Laws of 1975, as amended by Section 1 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter 742 of the 1981 Session Laws, reads as rewritten:

"Sec. 6.(a) All terms of office of members of the Wake County Board of Education shall begin on the first Monday in December following their election. Districts 1, 2, 7, and 9 shall elect a member in 1981 and quadrennially thereafter for a four year term. Districts 3, 4, 5, 6, and 8 shall elect a member in 1981 for a two year term and in 1983 and quadrennially thereafter for a four year term.

(b) In 2010, the persons receiving the two highest numbers of votes for the at-large seats are elected to four-year terms, and the two persons receiving the next highest numbers of votes are elected to two-year terms. In 2012 and quadrennially thereafter, two persons are elected at-large to four-year terms. In 2014 and quadrennially thereafter, two persons are elected at-large to four-year terms.

(c) In 2010, one member shall be elected from each district. The members elected in 2010 for districts 1, 2, and 3 are elected to four-year terms, and the members elected for districts 4 and 5 are elected to two-year terms. In 2012 and quadrennially thereafter, the members elected for districts 4 and 5 are elected to four-year terms. In 2014 and quadrennially thereafter, the members elected for districts 1, 2, and 3 are elected to four-year terms."



1 **SECTION 3.** Section 5 of Chapter 717, Session Laws of 1975, as rewritten by
2 Section 1 of Chapter 742 of the 1981 Session Laws, is repealed.

3 **SECTION 4.** Chapter 717 of the 1975 Session Laws is amended by adding a new
4 section to read:

5 "Sec. 5.1. The Wake County Board of Education shall, prior to January 1, 2010, adopt an
6 electoral district plan for the 2010 election, with five single-member districts. All districts shall
7 consist of contiguous territory, and no district shall be more than five percent (5%) over or
8 under the ideal population for each district. Thereafter, district boundaries may be changed in
9 accordance with G.S. 115C-37(i) to account for population imbalances after each federal
10 census, but such revision shall not impair the ability of any persons to finish the term for which
11 they are elected or affect the appointment of any person to fill a vacancy in such position for
12 the remainder of that term."

13 **SECTION 5.** The terms of office of members of the Wake County Board of
14 Education elected in 2005 for terms to expire in 2009 are extended until the first Monday in
15 December of 2010. The terms of office of members of the Wake County Board of Education
16 elected in 2007 for terms to expire in 2011 shall instead expire on the first Monday in
17 December of 2010.

18 **SECTION 6.** Section 9 of Chapter 717 of the Session Laws of 1975 reads as
19 rewritten:

20 "Sec. 9. (a) The Wake County Board of Education, acting jointly and by a majority vote of
21 all members present, shall elect a chairman to preside at meetings and a vice-chairman to
22 preside at meetings in the absence of the chairman; and the chairman and vice-chairman shall
23 have a vote on all matters considered by the Wake County Board of Education, but the
24 presiding officer shall have no authority to vote except to break a tie. ~~All~~ In the case of district
25 seats, vacancies occurring in the membership of the Wake County Board of Education by
26 reason of death, resignation, removal of residence from the district from which elected, or for
27 any cause whatsoever, shall be filled by the remaining members of said board by appointing a
28 member from the voting district creating the vacancy for the remainder of the unexpired term.
29 In the case of at-large seats, vacancies occurring in the membership of the Wake County Board
30 of Education by reason of death, resignation, removal of residence from Wake County, or for
31 any cause whatsoever, shall be filled by the remaining members of said board by appointing a
32 member for the remainder of the unexpired term.

33 (b) The Wake County Board of Education shall have all power and authority as a Board
34 of Education as herein conferred and as are conferred by the General Statutes of North Carolina
35 on boards of education in general."

36 **SECTION 7.** Section 8 of Chapter 717, Session Laws of 1975, as amended by
37 Section 4 of Chapter 321 of the 1977 Session Laws, is repealed.

38 **SECTION 8.** This act is effective when it becomes law.