

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 110  
Committee Substitute Favorable 3/30/15  
Senate State and Local Government Committee Substitute Adopted 5/13/15

Short Title: Cherokee/Rutherford/Clay Bds. of Ed. Elect.

(Local)

Sponsors:

Referred to:

February 27, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE  
3 CHEROKEE, RUTHERFORD, AND CLAY COUNTY BOARDS OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Section 8 of Chapter 502 of the 1975 Session Laws is repealed.

6 **SECTION 1.(b)** Section 2 of Chapter 502 of the 1975 Session Laws reads as  
7 rewritten:

8 "Sec. 2. The Board of Education of Cherokee County shall consist of seven members, all of  
9 whom shall be elected by the voters of the entire county. ~~There shall be no primary election.~~"

10 **SECTION 1.(c)** Section 10 of Chapter 502 of the 1975 Session Laws reads as  
11 rewritten:

12 "**Sec. 10.** All vacancies occurring ~~in the membership of the~~ on the Board of Education of  
13 Cherokee County by death, resignation, removal from office, ~~or~~ change of residence, or  
14 otherwise, for positions elected on a nonpartisan basis in 2012 or 2014 shall be filled within 20  
15 days of such vacancy by the remaining members of said board of education and for the  
16 unexpired term."

17 **SECTION 1.(d)** Beginning in 2016, members of the Cherokee County Board of  
18 Education shall be elected on a partisan basis at the time of the general election in each  
19 even-numbered year as terms expire. Candidates for election to the Cherokee County Board of  
20 Education shall be nominated at the same time and manner as other county officers. Members  
21 elected shall take office and qualify on the first Monday in December of the year of their  
22 election and the terms of their predecessors shall expire at that same time. Vacancies on the  
23 Cherokee County Board of Education for positions elected on a partisan basis shall be filled in  
24 accordance with G.S. 115C-37.1.

25 **SECTION 1.(e)** This act does not affect the terms of office of any person elected in  
26 2012 or 2014 to the Cherokee County Board of Education.

27 **SECTION 2.(a)** Section 4 of Chapter 359 of the 1973 Session Laws, as amended  
28 by Chapter 1165 of the 1977 Session Laws, Chapter 95 of the 1983 Session Laws, and S.L.  
29 2006-92, reads as rewritten:

30 "**Sec. 4.** Each person desiring to be a candidate for the Board of Education shall file a  
31 notice of candidacy ~~stating his or her name, age, and the district seat for which he or she is~~  
32 ~~filing. The filing period is the same as for the district board of supervisors of a soil and water~~  
33 ~~conservation district under G.S. 139-6, and the filing fee is five dollars (\$5.00).~~ in accordance  
34 with Chapter 163 of the General Statutes. The election shall be nonpartisan, separate ballots  
35 shall be used, no party affiliation shall be indicated on the ballot for any candidate, and the



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1 election shall be decided by plurality without runoff. In all other respects, the election shall be  
2 conducted as provided in Chapter 163 of the General Statutes and rules and regulations of the  
3 State Board of Elections concerning the conduct of nonpartisan elections simultaneously with a  
4 general election partisan."

5 **SECTION 2.(b)** Section 5 of Chapter 359 of the 1973 Session Laws reads as  
6 rewritten:

7 "Sec. 5. On or before ~~August 10~~ February 1 of each election year, the Rutherford County  
8 Board of Education shall deliver to the Chairman of the Rutherford County Board of Elections  
9 and cause to be posted on the courthouse door a map and description of the boundaries of the  
10 districts established in Section 3 of this act."

11 **SECTION 2.(c)** Section 6 of Chapter 359 of the 1973 Session Laws reads as  
12 rewritten:

13 "~~Sec. 6. Vacancies~~ For positions elected on a nonpartisan basis in 2012 or 2014, vacancies  
14 in the Board of Education shall be filled by appointment by majority vote of the remaining  
15 members of the Board for the remainder of the unexpired term. If for any reason the remaining  
16 members of the Board are unable to agree upon an appointment to fill a vacancy within 60 days  
17 after the vacancy occurs, the Clerk of Superior Court of Rutherford County shall fill the  
18 vacancy. A person appointed to fill a vacancy must reside in the district he is appointed to  
19 represent. If any person elected or appointed to the Board ceases to reside in the district he was  
20 elected or appointed to represent, the remaining members of the Board may declare his office  
21 vacant and proceed to fill the vacancy."

22 **SECTION 2.(d)** Beginning in 2016, members of the Rutherford County Board of  
23 Education shall be elected on a partisan basis at the time of the general election in each  
24 even-numbered year as terms expire. Candidates for election to the Rutherford County Board of  
25 Education shall be nominated at the same time and manner as other county officers. Members  
26 elected shall take office and qualify on the first Monday in December of the year of their  
27 election and the terms of their predecessors shall expire at that same time. Vacancies on the  
28 Rutherford County Board of Education for positions elected on a partisan basis shall be filled in  
29 accordance with G.S. 115C-37.1.

30 **SECTION 2.(e)** This act does not affect the terms of office of any person elected in  
31 2012 or 2014 to the Rutherford County Board of Education.

32 **SECTION 3.(a)** Chapter 254 of the 1991 Session Laws is repealed.

33 **SECTION 3.(b)** The Clay County Board of Education shall consist of five  
34 members elected by the qualified voters of Clay County for four-year terms. As the terms of  
35 present members expire, their successors shall be elected.

36 **SECTION 3.(c)** Beginning in 2016, members of the Clay County Board of  
37 Education shall be elected on a partisan basis at the time of the general election in each  
38 even-numbered year as terms expire. Candidates for election to the Clay County Board of  
39 Education shall be nominated at the same time and manner as other county officers. Members  
40 elected shall take office and qualify on the first Monday in December of the year of their  
41 election and the terms of their predecessors shall expire at that same time.

42 **SECTION 3.(d)** For positions elected on a nonpartisan basis in 2012 or 2014,  
43 vacancies in the Clay County Board of Education shall be filled by appointment made by the  
44 remaining members. Beginning in 2016, vacancies on the Clay County Board of Education for  
45 positions elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1.

46 **SECTION 3.(e)** This act does not affect the terms of office of any person elected in  
47 2012 or 2014 to the Clay County Board of Education.

48 **SECTION 4.(a)** G.S. 115C-37.1(d) reads as rewritten:

49 "(d) This section shall apply only in the following counties: Alleghany, Brunswick,  
50 Cherokee, Clay, Graham, Guilford, Harnett, Lee, New Hanover, Rutherford, Vance, and  
51 Washington."

1           **SECTION 4.(b)** This section becomes effective the first Monday in December of  
2 2016.  
3           **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
4 law.