

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

(Local)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE  
CHEROKEE, RUTHERFORD, CLAY, AND DAVIE COUNTY BOARDS OF  
EDUCATION, AND THE IREDELL-STATESVILLE SCHOOLS BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 8 of Chapter 502 of the 1975 Session Laws is repealed.

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

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

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

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

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

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

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

"**Sec. 4.** Each person desiring to be a candidate for the Board of Education shall file a  
notice of candidacy ~~stating his or her name, age, and the district seat for which he or she is~~  
~~filing. The filing period is the same as for the district board of supervisors of a soil and water~~



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~~conservation district under G.S. 139-6, and the filing fee is five dollars (\$5.00).in accordance with Chapter 163 of the General Statutes. The election shall be nonpartisan, separate ballots shall be used, no party affiliation shall be indicated on the ballot for any candidate, and the election shall be decided by plurality without runoff. In all other respects, the election shall be conducted as provided in Chapter 163 of the General Statutes and rules and regulations of the State Board of Elections concerning the conduct of nonpartisan elections simultaneously with a general election partisan."~~

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

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

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

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

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

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

**SECTION 2.5.(a)** Section 2 of Chapter 1242 of the 1967 Session Laws, as amended by Section 2 of S.L. 2010-42, reads as rewritten:

~~"Sec. 2. (a) At the same time the primary election for county officers is held in Davie County there shall be held a nonpartisan election to elect members of the Board of Education of Davie County.~~

~~(b) In 2012, three members of the Davie County Board of Education shall be elected. The person receiving the highest numbers of votes is elected to a six-year term. The two persons receiving the next highest numbers of votes are elected to four-year terms.~~

~~(c) In 2014, two members of the Davie County Board of Education are elected to four-year terms.~~

~~(d) In 2016 and quadrennially thereafter, four members of the Davie County Board of Education are elected to four-year terms.~~

~~(e) In 2018 and quadrennially thereafter, three members of the Davie County Board of Education are elected to four-year terms.~~

Beginning in 2016, members of the Davie County Board of Education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. In 2016 and quadrennially thereafter, four members of the Davie County Board of Education are

1 elected to four-year terms. In 2018 and quadrennially thereafter, three members of the Davie  
2 County Board of Education are elected to four-year terms."

3 **SECTION 2.5.(b)** Section 3 of Chapter 1242 of the 1967 Session Laws, as  
4 amended by Section 3 of S.L. 2010-42, reads as rewritten:

5 "Sec. 3. Each candidate shall file ~~his candidacy, without reference to any political party~~  
6 ~~affiliation, with the Chairman of the County Board of Elections within the time now provided~~  
7 ~~for the filing of candidates for any other county office.~~his or her notice of candidacy in  
8 accordance with Chapter 163 of the General Statutes. Candidates for election to the Davie  
9 County Board of Education shall be nominated at the same time and manner as other county  
10 officers. A filing fee of five dollars (\$5.00) shall be paid by each candidate. There shall be a  
11 separate ballot provided by the County Board of Elections with the names of the candidates  
12 printed thereon with appropriate instructions for use in the election of members of the Board of  
13 Education, and no political party affiliation shall be shown on said ballot. The election shall be  
14 partisan."

15 **SECTION 2.5.(c)** Section 4 of Chapter 1242 of the 1967 Session Laws, as  
16 amended by Chapter 5 of the 1979 Session Laws, Chapter 307 of the 1995 Session Laws, and  
17 Section 4 of S.L. 2010-42, reads as rewritten:

18 "Sec. 4. The members of the Board of Education of Davie County shall be inducted into and  
19 take the oath of office on the first Monday in ~~July~~December following their election, and shall  
20 serve until their successors are elected and qualified."

21 **SECTION 2.5.(d)** Section 5 of Chapter 1242 of the 1967 Session Laws reads as  
22 rewritten:

23 "Sec. 5. ~~All vacancies~~For positions elected on a nonpartisan basis in 2012 or 2014,  
24 vacancies occurring in the membership of the Board of Education of Davie County by death,  
25 resignation or otherwise shall be filled for the unexpired term by the remaining members of  
26 said Board of Education. Beginning in 2016, vacancies on the Davie County Board of  
27 Education for positions elected on a partisan basis shall be filled in accordance with  
28 G.S. 115C-37.1."

29 **SECTION 2.5.(e)** This act does not affect the terms of office of any person elected  
30 in 2012 or 2014 to the Davie County Board of Education.

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

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

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

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

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

47 **SECTION 3.5.(a)** Notwithstanding the PLAN OF MERGER OF THE IREDELL  
48 COUNTY AND STATESVILLE CITY SCHOOLS, as amended by Section 2 of S.L. 2002-18,  
49 beginning in 2016, members of the Iredell-Statesville Schools Board of Education shall be  
50 elected on a partisan basis at the time of the general election in each even-numbered year as  
51 terms expire. Candidates for election to the Iredell-Statesville Schools Board of Education shall

1 be nominated at the same time and manner as other county officers. Members elected shall take  
2 office and qualify on the first Monday in December of the year of their election and the terms  
3 of their predecessors shall expire at that same time. Vacancies on the Iredell-Statesville Schools  
4 Board of Education for positions elected on a partisan basis shall be filled in accordance with  
5 G.S. 115C-37.1.

6 **SECTION 3.5.(b)** For positions elected on a nonpartisan basis in 2012 or 2014,  
7 vacancies occurring in the membership of the Iredell-States Schools Board of Education shall  
8 be filled for the unexpired term by the remaining members of the Board of Education.

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

10 "(d) This section shall apply only in the following counties: Alleghany, Brunswick,  
11 Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Rutherford,  
12 Vance, and Washington."

13 **SECTION 4.(b)** This section becomes effective the first Monday in December of  
14 2016.

15 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
16 law.