

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 265

Short Title: Partisan Elections/Certain School Boards. (Local)

Sponsors: Representatives Boswell, Presnell, and Cleveland (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 8, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION METHOD OF THE BEAUFORT COUNTY BOARD OF EDUCATION, DARE COUNTY BOARD OF EDUCATION, HAYWOOD COUNTY BOARD OF EDUCATION, HYDE COUNTY BOARD OF EDUCATION, MADISON COUNTY BOARD OF EDUCATION, AND YANCEY COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

PART I. BEAUFORT COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 1.1. Section 5(b) of Chapter 55 of the 1993 Session Laws, as amended by Chapter 713 of the 1993 Session Laws, reads as rewritten:

"(b) The Beginning in 2018, the members of the Permanent Beaufort County Board of Education shall be elected for a term of four years in nonpartisan plurality elections held at the time of the general election for county offices. The filing period for candidates shall be the same as specified in G.S. 163-294.2(e) for nonpartisan plurality elections. on a partisan basis at the time of the general election in each even-numbered year as terms expire. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. Duly elected members of the Permanent Board shall take office the first Monday of December immediately following their election and the terms of their predecessors shall expire at the same time. Members shall take the oath of office prescribed in Article VI, Section 7 of the Constitution. Members shall serve until a successor has been elected and qualified."

SECTION 1.2. Section 5(i) of Chapter 55 of the 1993 Session Laws, as amended by S.L. 2009-30, reads as rewritten:

"(i) Vacancies Beginning in 2018, vacancies on the Permanent Beaufort County Board of Education for seats elected on a partisan basis shall be filled by appointment by the remaining members of the Permanent Board. in accordance with G.S. 115C-37.1. Any person appointed must be at the time of the appointment and must remain a resident of the district for which he/she he or she is appointed. Appointments to fill vacancies on the Permanent Board for seats elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f)."

SECTION 1.3. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Beaufort County Board of Education. The members of the Beaufort County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.



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2 **PART II. DARE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
3 **ELECTIONS**

4 **SECTION 2.1.** Section 3 of Chapter 654 of the 1993 Session Laws reads as rewritten:

5 "Sec. 3. ~~All~~ Beginning in 2018, elections for the members of the Dare County Board of
6 Education shall be nonpartisan, with the results determined by a plurality with no run-offs, held on
7 a partisan basis at the time of the general election for four-year terms in each even-numbered year
8 as terms expire. The primary and election shall be held and conducted in accordance with the
9 general laws governing primaries and elections for county officers, except as otherwise provided
10 herein. All voters in the county shall be eligible to vote for all seven seats on the board."

11 **SECTION 2.2.** Section 11 of Chapter 654 of the 1993 Session Laws reads as
12 rewritten:

13 "Sec. 11. In ~~2002-2018~~ and every four years thereafter, ~~four~~ three members shall be elected to
14 the board as follows: one member each from Districts 1, 2, and 3."

15 **SECTION 2.3.** Section 12 of Chapter 654 of the 1993 Session Laws reads as
16 rewritten:

17 "Sec. 12. ~~Elections for the Board of Education in 1996 shall be held in May at the same time~~
18 ~~as party primaries for other county offices, and board members shall take office in December~~
19 ~~following the election as provided in general State law. In 1998-2018 and subsequent years,~~
20 ~~elections shall also be held in May at the same time as party primaries for other county offices, but~~
21 ~~board members of the Dare County Board of Education elected on a partisan basis at that time of~~
22 ~~the general election shall take office at the first regular board meeting in July on the first Monday~~
23 ~~in December following the election. The terms of office of persons elected for terms to expire in~~
24 ~~1998 and thereafter shall expire on the date of the first regular board meeting in July election and~~
25 ~~the terms of their predecessors shall expire at the same time. Members shall serve until a successor~~
26 ~~has been elected and qualified. Beginning in 2018, vacancies on the Dare County Board of~~
27 ~~Education for seats elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1.~~
28 ~~Appointments to fill vacancies for seats elected on a nonpartisan basis in 2014 or 2016 shall be~~
29 ~~filled in accordance with G.S. 115C-37(f)."~~

30 **SECTION 2.4.** This part does not affect the terms of office of any person elected in
31 2014 or 2016 to the Dare County Board of Education. The members of the Dare County Board of
32 Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a member
33 elected in 2014 or 2016, shall serve until a successor has been elected and qualified.
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35 **PART III. HAYWOOD COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
36 **ELECTIONS**

37 **SECTION 3.1.** Section 4 of Chapter 126 of the 1963 Session Laws, as amended by
38 Chapter 424 of the 1973 Session Laws, Chapter 22 of the 1977 Session Laws, Chapter 89 of the
39 1979 Sessions Laws, S.L. 2009-29, and S.L. 2012-24, is repealed.

40 **SECTION 3.2.** Beginning in 2018, the Haywood County Board of Education shall
41 consist of nine members who shall be elected on a partisan basis for four-year terms at the time of
42 the general election by the qualified voters of the entire county in each even-numbered year as
43 terms expire. Pursuant to Section 3 of Chapter 126 of the 1963 Session Laws, eight members shall
44 be elected from six designated election districts, including one member each from the Bethel,
45 Clyde, Crabtree-Iron Duff, and Fine's Creek Election Districts, and two members each from the
46 Beaverdam and Waynesville Election Districts. The chair of the Board shall be elected by the
47 voters of Haywood County at large. The primary and election shall be held and conducted in
48 accordance with the general laws governing primaries and elections for county officers, except as
49 otherwise provided herein. Members elected shall take office and qualify on the first Monday in
50 December of the year of their election, and the terms of their predecessors shall expire at that same
51 time. Members shall serve until a successor has been elected and qualified.

1 **SECTION 3.3.** In the case of a vacancy of a member elected in 2014 or 2016 to the
2 Haywood County Board of Education, the vacancy shall be filled by the remaining members of
3 the Board until the next general election. Beginning with members elected in 2018, vacancies shall
4 be filled as provided in G.S. 115C-37.1. In the event of a vacancy in an election district, to be
5 eligible for appointment to fill a vacancy, the person must reside in the election district where the
6 vacancy exists.

7 **SECTION 3.4.** This part does not affect the terms of office of any person elected in
8 2014 or 2016 to the Haywood County Board of Education. The members of the Haywood County
9 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a
10 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

11 12 **PART IV. HYDE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN** 13 **ELECTIONS**

14 **SECTION 4.1.** Section 2 of S.L. 2007-272 is repealed.

15 **SECTION 4.2.** Section 2 of Chapter 206 of the 1977 Session Laws reads as rewritten:

16 "Sec. 2. The Board of Education of Hyde County shall consist of five members who shall be
17 elected on a ~~nonpartisan-partisan~~ basis at the time of the ~~primary-general~~ election for county
18 ~~officers.~~ in each even-numbered year as terms expire. The primary and election shall be held and
19 conducted in accordance with the general laws governing primaries and elections for county
20 officers, except as otherwise provided herein. Beginning with the election to be held in ~~1978,~~
21 2018, three members shall be elected for terms of four years and one of the members elected in
22 ~~1978, 2018,~~ and every four years thereafter, shall be a resident of Ocracoke. In ~~1980, 2020,~~ as the
23 terms of the present members expire, two members shall be elected for terms of four years.
24 Thereafter, as the terms of each member expire, successors shall be elected for terms of four years.

25 ~~Except as provided herein, Article 5 of Chapter 115 of the General Statutes shall be applicable~~
26 ~~to the Hyde County Board of Education.~~

27 Beginning in 2018, members elected shall take office and qualify on the first Monday in
28 December of the year of their election, and the terms of their predecessors shall expire at that same
29 time. Members shall serve until a successor has been elected and qualified.

30 In the case of a vacancy of a member elected in 2014 or 2016 to the Hyde County Board of
31 Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members
32 elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

33 **SECTION 4.3.** This part does not affect the terms of office of any person elected in
34 2014 or 2016 to the Hyde County Board of Education. The members of the Hyde County Board of
35 Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member
36 elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

37 38 **PART V. MADISON COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN** 39 **ELECTIONS**

40 **SECTION 5.1.** Section 3 of Chapter 249 of the 1991 Session Laws reads as rewritten:

41 "Sec. 3. The ~~chairman-chair~~ of the Board of Education of Madison County shall be elected in
42 ~~1994-2018~~ and quadrennially thereafter for a four-year term at large by all the qualified voters of
43 Madison County. In the case of a vacancy of a member elected in 2014 or 2016 to the Madison
44 County Board of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). In the case
45 of a vacancy in the office of chairman, chair elected in 2014, the remaining members of the Board
46 shall appoint a person as chairman-chair who resides in the same district that the chairman-chair
47 resided in at the time of his or her election. If the members do not make an appointment within 30
48 days of the occurrence of the vacancy, the responsibility of making the appointment shall be that
49 of the Senior Resident Superior Court Judge for Madison County. Beginning with members
50 elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1. In the event of a vacancy
51 in an election district, to be eligible for appointment to fill a vacancy, the person must reside in the

1 election district where the vacancy exists. In the case of a vacancy in the office of chair, to be
2 eligible for appointment to fill a vacancy, the person must reside in the same district that the chair
3 resided in at the time of his or her election."

4 **SECTION 5.2.** Section 4 of Chapter 249 of the 1991 Session Laws reads as rewritten:

5 "Sec. 4. ~~Notwithstanding the provisions of G.S. 115C-37, the~~ Beginning in 2018, the Madison
6 County Board of Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time of the
7 ~~primary election in 1994 and quadrennially thereafter. The names of the candidates shall be~~
8 ~~printed on the ballot without reference to any party affiliations. The nonpartisan election and~~
9 ~~runoff election method shall be used with the results determined as provided in G.S. 163-293,~~
10 ~~except that the runoff shall be held on the date provided by G.S. 163-111(e).~~ general election for
11 four-year terms in each even-numbered year as terms expire. The primary and election shall be
12 held and conducted in accordance with the general laws governing primaries and elections for
13 county officers, except as otherwise provided herein. Except as provided by this act, the election
14 shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the
15 General Statutes."

16 **SECTION 5.3.** Section 5 of Chapter 249 of the 1991 Session Laws, as amended by
17 Chapter 38 of the 1995 Session Laws, reads as rewritten:

18 "Sec. 5. ~~The~~ Beginning in 2018, the terms of office of the members and chairman of the
19 Madison County Board of Education commence on the first Monday in ~~July~~ December of the year
20 of their election, ~~except if that date is the Fourth of July, then the terms commence on the second~~
21 ~~Monday in July.~~ election."

22 **SECTION 5.4.** This part does not affect the terms of office of any person elected in
23 2014 or 2016 to the Madison County Board of Education. The members of the Madison County
24 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a
25 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.
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27 **PART VI. YANCEY COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN** 28 **ELECTIONS**

29 **SECTION 6.1.** Section 1 of Chapter 203 of the 1973 Session Laws, as amended by
30 Section 1 of Chapter 135 of the 1985 Session Laws, reads as rewritten:

31 "**Section 1.** ~~The~~ Beginning in 2018, the Yancey County Board of Education shall consist of
32 five members who shall be elected by the voters of Yancey County, for staggered terms of four
33 years, in a ~~nonpartisan-partisan~~ election ~~as herein provided~~ at the time of the general election in
34 each even-numbered year as terms expire. The primary and election shall be held and conducted in
35 accordance with the general laws governing primaries and elections for county officers, except as
36 otherwise provided herein. Beginning in 2018, members elected shall take office and qualify on
37 the first Monday in December of the year of their election, and the terms of their predecessors
38 shall expire at that same time. Members shall serve until a successor has been elected and
39 qualified.

40 ~~Beginning with the primary election for county offices to be held in 1974, there shall be a~~
41 ~~nonpartisan election to elect successors to the present members of the school board whose terms~~
42 ~~expire in 1974, and every two years thereafter, as the terms of the members expire.~~

43 ~~The nonpartisan election and runoff election method shall be used with the results determined~~
44 ~~as provided in G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-~~
45 ~~111(e).~~

46 In the case of a vacancy of a member elected in 2014 or 2016 to the Yancey County Board of
47 Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members
48 elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

49 **SECTION 6.2.** This part does not affect the terms of office of any person elected in
50 2014 or 2016 to the Yancey County Board of Education. The members of the Yancey County

1 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a
2 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

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4 **PART VII. CONFORMING STATUTORY CHANGES**

5 **SECTION 7.** Effective on the first Monday in December of 2018, G.S. 115C-37.1(d)
6 reads as rewritten:

7 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
8 Brunswick, Cherokee, Clay, Dare, Davie, Graham, Guilford, Harnett, Haywood, Hyde, Iredell,
9 Lee, Madison, New Hanover, Rutherford, Stanly, Vance, ~~and Washington.~~ Washington, and
10 Yancey."

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12 **PART VIII. EFFECTIVE DATE**

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