

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 674

Short Title: Surry Co./Mt. Airy/Elkin City/Bd. Ed Partisan. (Local)

Sponsors: Senators Berger and Ballard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 21, 2019

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE METHOD OF ELECTION OF THE BOARD OF EDUCATION OF SURRY COUNTY, THE BOARD OF EDUCATION OF THE MOUNT AIRY CITY SCHOOLS ADMINISTRATIVE UNIT, AND THE BOARD OF EDUCATION OF THE ELKIN CITY ADMINISTRATIVE UNIT FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 549 of the 1969 Session Laws reads as rewritten:

"**Section 1.** ~~The Beginning in 2020, the members of the Board of Education of Surry County shall be elected on a non-partisan-partisan basis according to the provisions of Chapter 972 of the Session Laws of 1967. for four-year terms 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 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. Each member shall serve until a successor has been elected and qualified.~~ There shall be elected by the qualified voters of the county one member from each of the Districts hereinafter set forth, as follows:

(1) One member who shall be a resident of District No. 1, consisting of so much of Mount Airy Township as does not lie within the boundaries of the Mount Airy City School Administrative Unit.

(2) One member who shall be a resident of District No. 2, consisting of Westfield, Pilot Mountain, Long Hill and Eldora Townships.

(3) One member who shall be a resident of District No. 3, consisting of Shoals, Siloam and Rockford Townships.

(4) One member who shall be a resident of District No. 4, consisting of Dobson, Marsh and Stewart's Creek Townships.

(5) One member who shall be a resident of District No. 5, consisting of Franklin and Bryan Townships.

Elkin Township and that portion of Mount Airy Township lying within the boundaries of Mount Airy City School Administrative Unit are excluded from the above described districts because they are contained in city administrative units with their own separate boards of education."

SECTION 1.(b) Chapter 308 of the 1991 Session Laws is repealed.



1 **SECTION 1.(c)** Beginning in 2020, vacancies on the Surry County Board of
2 Education for seats elected on a partisan basis shall be filled by a majority vote of the remaining
3 members of the Board in accordance with G.S. 115C-37.1. Any person appointed to fill a vacancy
4 shall be a resident of the district for which he or she is appointed at the time of appointment and
5 shall remain a resident for the remainder of the term. Appointments to fill vacancies on the Surry
6 County Board of Education for seats elected on a nonpartisan basis in 2016 or 2018 shall be filled
7 in accordance with G.S. 115C-37(f).

8 **SECTION 1.(d)** This act does not affect the terms of office of any person elected in
9 2016 or 2018 to the Surry County Board of Education. Each member of the Surry County Board
10 of Education elected in 2016 and 2018, or any member appointed to fill a vacancy for a member
11 elected in 2016 or 2018, shall serve until a successor has been elected and qualified.

12 **SECTION 2.(a)** Section 6 of the Private Laws of 1895, as rewritten by Chapter 475
13 of the 1955 Session Laws and Chapter 672 of the 1995 Session Laws, reads as rewritten:

14 "Sec. 6. (a) Beginning with the general election to be held in November ~~1996,~~ 2020, the
15 Board of Education of the Mount Airy City Schools Administrative Unit shall be elected on a
16 ~~nonpartisan plurality basis in accordance with G.S. 163-292~~ partisan basis in each
17 even-numbered year as terms expire with all candidates being elected by vote of all the qualified
18 voters within the Mount Airy City Schools Administrative Unit. The primary and election shall
19 be held and conducted in accordance with the general laws governing primaries and elections for
20 county officers, except as otherwise provided herein.

21 (b) The Board of Education shall consist of seven members who shall reside within the
22 Mount Airy City Schools Administrative Unit, elected as follows:

- 23 (1) Two members from District A, which consists of Mount Airy #1.
- 24 (2) Two members from District B, which consists of Mount Airy #2.
- 25 (3) One member from District C, which consists of Mount Airy #4 and Mount
26 Airy #5.
- 27 (4) One member from District D, which consists of Mount Airy #6 and Mount
28 Airy #7.
- 29 (5) One member at-large.

30 (c) At the initial election in November 1996, one member shall be elected from each
31 district and one at-large as provided in this subsection. These five elected members shall take
32 office at the first regular meeting of the Board of Education in December 1996. The terms of
33 office of the five current members of the Board of Education whose terms expire on or before
34 June 30, 1997, shall instead terminate at the commencement of that meeting, except that as to
35 those current Board of Education members whose terms expire on June 30, 1996, the Board of
36 Commissioners of the City of Mount Airy may appoint successors to serve from July 1, 1996,
37 until the first regular meeting in December 1996, or it may allow either or both of those members
38 to hold over until their successors are elected and qualify. One member each shall be elected in
39 1996 and quadrennially thereafter from Districts A, B, C, and D for four-year terms. The member
40 elected in 1996 on an at-large basis shall be elected for a two-year term, and a successor shall be
41 elected in 1998 and quadrennially thereafter for a four-year term.

42 (d) One member each shall be elected in 1998 and quadrennially thereafter from District
43 A and B for four-year terms to replace the members whose terms currently expire in 1998. The
44 Board of Commissioners of the City of Mount Airy may appoint successors to serve from July
45 1, 1998, until the first regular meeting in December 1998 or it may allow either or both of those
46 members to hold over until their successors are elected and qualify.

47 (e) Duly elected members of the Board of Education shall take office the first Monday of
48 December immediately following their election and the terms of their predecessors shall expire
49 at the same time. Members shall take the oath of office prescribed in Article VI, Section 7 of the
50 Constitution. Each member shall serve until a successor has been elected and qualified.

1 At the first regular meeting in December after each election, the Board of Education shall
2 elect from its membership a ~~Chairman~~chair to serve a two-year term.

3 (f) Any vacancies on the Board of Education shall be filled for the remainder of the
4 unexpired term by majority vote of the remaining members of the Board of Education. Beginning
5 with members elected to the Board of Education in 2020, if the vacating member was elected as
6 the nominee of a political party, then the Board of Education shall consult with the county
7 executive committee of that party and appoint the person recommended by that party executive
8 committee, if the party executive committee (i) makes a recommendation within 30 days of the
9 occurrence of the vacancy and (ii) the county executive committee restricted voting to committee
10 members who represent precincts all or part of which were within the territory of the city
11 administrative unit. Any person appointed to fill a vacancy for a district seat shall be a resident
12 of the district for which he or she is appointed at the time of appointment and shall remain a
13 resident for the remainder of the term.

14 (g) ~~Candidates shall file notice of candidacy not earlier than 12:00 noon on the first Friday~~
15 ~~in July (except that if that day is a holiday, then not earlier than 12:00 noon on the next Monday)~~
16 ~~and not later than 12:00 noon on the first Friday in August of the year of election."~~

17 **SECTION 2.(b)** This act does not affect the terms of office of any person elected in
18 2016 or 2018 to the Board of Education of the Mount Airy City Schools Administrative Unit.
19 Each member of the Board of Education of the Mount Airy City Schools Administrative Unit
20 elected in 2016 and 2018, or any member appointed to fill a vacancy for a member elected in
21 2016 or 2018, shall serve until a successor has been elected and qualified.

22 **SECTION 3.(a)** Section 4 of Chapter 455 of the 1947 Session Laws, as rewritten by
23 Section 3 of Chapter 284 of the 1973 Session Laws and Section 1 of Chapter 1258 of the 1973
24 Session Laws, reads as rewritten:

25 "(a) ~~The Beginning in 2020, the~~ members of the Board of Education of the Elkin City
26 Administrative Unit shall be elected on a nonpartisan plurality-partisan basis in even-numbered
27 years as terms expire on the same day that regular general elections are held. ~~Candidates for the~~
28 ~~Board shall file for office on or before the fourteenth Monday preceding the date on which the~~
29 ~~general election shall be held and shall pay a filing fee of five dollars (\$5.00). The primary and~~
30 ~~election shall be held and conducted in accordance with the general laws governing primaries~~
31 ~~and elections for county officers, except as otherwise provided herein.~~

32 (b) The first election under this act shall be held in November of 1974 at which time all
33 members of the Board shall be elected. Of the three at-large members elected in 1974 from inside
34 the corporate limits of the City of Elkin, the two receiving the highest number of votes shall serve
35 a four-year term and the person receiving the next highest number of votes shall serve a two-year
36 term. The person elected in 1974 from the area within the Elkin School District to the west of
37 Interstate 77 and outside the corporate limits of the City of Elkin shall serve for a four-year term.
38 The person elected in 1974 from the area within the Elkin School District to the east of Interstate
39 77 and outside the corporate limits of the City of Elkin shall serve a two-year term. Thereafter as
40 the terms expire, successors shall be elected for terms of four years. Those persons who shall be
41 elected to the Board must qualify by taking the oath of office on or before the first Monday in
42 December next succeeding their ~~election~~election, and the terms of their predecessors shall expire
43 at the same time. Each member shall serve until a successor has been elected and qualified.

44 (c) Those persons appointed to the Board to fill a vacancy shall qualify within thirty days
45 of notification. At the first meeting of the Board following the taking the oath of office by Board
46 members, a ~~Chairman~~chair shall be chosen by and from the membership of the Board. Any
47 vacancy occurring in the membership of the Board for any reason shall be filled by a majority
48 vote of the remaining members of the ~~Board within thirty days after such vacancy occurs.~~Board.
49 Beginning with members elected to the Board in 2020, if the vacating member was elected as the
50 nominee of a political party, then the Board shall consult with the county executive committee
51 of that party and appoint the person recommended by that party executive committee, if the party

1 executive committee (i) makes a recommendation within 30 days of the occurrence of the
2 vacancy and (ii) the county executive committee restricted voting to committee members who
3 represent precincts all or part of which were within the territory of the city administrative unit.
4 Any person appointed to fill a vacancy for a seat for a designated area within the Elkin City
5 School District pursuant to subsection (b) of this section shall be a resident of the designated area
6 for which he or she is appointed at the time of appointment and shall remain a resident for the
7 remainder of the term."

8 **SECTION 3.(b)** This act does not affect the terms of office of any person elected in
9 2016 or 2018 to the Board of Education of the Elkin City Administrative Unit. Each member of
10 the Board of Education of the Elkin City Administrative Unit elected in 2016 and 2018, or any
11 member appointed to fill a vacancy for a member elected in 2016 or 2018, shall serve until a
12 successor has been elected and qualified.

13 **SECTION 4.** Effective the first Monday in December of 2020, G.S. 115C-37.1(d)
14 reads as rewritten:

15 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
16 Brunswick, Carteret, Cherokee, Clay, Cleveland, Dare, Davie, Graham, Guilford, Harnett, Hyde,
17 Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Surry, Vance,
18 Washington, and Yancey."

19 **SECTION 5.** This act is effective when it becomes law and applies to elections held
20 on or after that date.