

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 400
Committee Substitute Favorable 4/21/21**

Short Title: Asheville City Sch. Bd. Elections.

(Local)

Sponsors:

Referred to:

March 25, 2021

A BILL TO BE ENTITLED
AN ACT TO CHANGE THE ASHEVILLE CITY BOARD OF EDUCATION FROM AN
APPOINTED BOARD OF EDUCATION TO A BOARD OF EDUCATION WITH
ELECTED MEMBERS AND TO INCREASE THE MEMBERSHIP OF THE BOARD
FROM FIVE MEMBERS TO SEVEN MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Beginning in 2022, the Asheville City Board of Education (Board) shall be composed of seven members elected on a nonpartisan basis at the time of the general election in each even-numbered year. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106.2. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the Asheville City School Administrative Unit shall be eligible to vote for all candidates. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes. Members shall take office at the first regular meeting of the Board in December following their election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. Vacancies for positions elected on the Board shall be filled in accordance with G.S. 115C-37(f).

SECTION 2. In the 2022 election to implement staggering of the terms, the members shall be elected and serve as follows:

- (1) The four candidates receiving the highest number of votes shall serve four-year terms, and those seats shall be up for election in 2026 and every four years thereafter.
- (2) The three candidates receiving the next highest number of votes shall serve two-year terms, and those seats shall be up for election in 2024 and every four years thereafter.

Successors to members elected in 2022 shall serve four-year terms.

SECTION 3. The terms of members appointed to the Board who are serving their terms at the time of the 2022 election shall expire upon the qualification of members elected to the Board in accordance with this act.

SECTION 4. The chair of the Board shall be elected at the organizational meeting held in which the Board swears in newly elected members for a term of two years or until a successor is elected and qualified. A majority of the members of the Board shall constitute a



1 quorum, and the chair or any two members may call a meeting. The members of the Board shall
2 receive compensation in accordance with G.S. 115C-38.

3 **SECTION 5.** The following acts are repealed:

4 (1) Chapter 255 of the 1947 Session Laws.

5 (2) Chapter 745 of the 1953 Session Laws.

6 (3) Chapter 20 of the 1985 Session Laws.

7 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes law
8 and applies to elections conducted on or after that date.