

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 400
Committee Substitute Favorable 4/21/21
Committee Substitute #2 Favorable 5/5/21
Senate State and Local Government Committee Substitute Adopted 8/25/21
Senate State and Local Government Committee Substitute Adopted 10/6/21**

Short Title: Asheville City Sch. Bd. Appt/Elections.

(Local)

Sponsors:

Referred to:

March 25, 2021

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE ASHEVILLE CITY BOARD OF EDUCATION FROM AN
2 APPOINTED BOARD OF EDUCATION TO A BOARD OF EDUCATION WITH
3 ELECTED MEMBERS AND TO INCREASE THE MEMBERSHIP OF THE ASHEVILLE
4 CITY BOARD OF EDUCATION FROM FIVE MEMBERS TO SEVEN MEMBERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Beginning in 2022, the Asheville City Board of Education (Board)
7 shall be composed of seven members, with three members appointed by the governing body of
8 the City of Asheville and four members elected in accordance with this act. Beginning in 2024,
9 the Board shall be composed of seven members elected to staggered four-year terms.

10 **SECTION 2.** Elected members of the Board shall be elected on a nonpartisan basis
11 at the time of the general election in each even-numbered year to serve a four-year term. The
12 nonpartisan primary and election method shall be used with the results determined as provided
13 in G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan
14 primaries. Candidates shall file their notice of candidacy with the county board of elections under
15 the same schedule provided by G.S. 163-106.2. The names of the candidates shall be printed on
16 the ballots without reference to any party affiliation, and any qualified voter residing in the
17 Asheville City School Administrative Unit shall be eligible to vote for all candidates. Except as
18 provided by this act, the election shall be conducted in accordance with the applicable provisions
19 of Chapters 115C and 163 of the General Statutes. Members shall take office at the first regular
20 meeting of the Board in December following their election, and the terms of their predecessors
21 shall expire at that same time. Members shall serve until a successor has been elected and
22 qualified. Vacancies for positions elected on the Board shall be filled in accordance with
23 G.S. 115C-37(f).

24 **SECTION 3.** The terms of the members appointed to the Board who are serving their
25 terms at the time of the effective date of this act shall expire as follows:

- 26 (1) The seats of the two members appointed to the Board in 2019 shall expire in
27 2022 upon the qualification of the members elected to the Board in 2022 in
28 accordance with this act.
29 (2) The seats of the three members appointed to the Board in 2021 shall expire in
30 2024 upon the qualification of the members elected to the Board in 2024 in
31 accordance with this act.
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1 **SECTION 4.** The chair of the Board shall be elected at each organizational meeting
2 held in which the Board swears in newly elected members. The chair of the Board shall serve a
3 term of two years or until a successor is elected and qualified. A majority of the members of the
4 Board shall constitute a quorum, and the chair or any two members may call a meeting. The
5 members of the Board shall receive compensation in accordance with G.S. 115C-38.

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

7 (1) Section 2 of Chapter 255 of the Session Laws of 1947.

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

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

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