

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 308
Committee Substitute Favorable 3/21/23

Short Title: Alexander Co. Bd. of Ed. Referendum.

(Local)

Sponsors:

Referred to:

March 9, 2023

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A REFERENDUM ON WHETHER TO CHANGE THE ELECTION METHOD FOR THE ALEXANDER COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 774 of the 1969 Session Laws reads as rewritten:

"**Section 1.** The ~~Board of Education of Alexander County~~ Board of Education shall consist of ~~six~~ seven members to be elected for staggered terms of four (4) ~~years as hereinafter provided~~ years. Members shall be elected from seven single-member electoral districts. One member shall be elected from each district, and the qualified voters of each district shall elect the member for that district. Only qualified voters residing in that district may vote for the member from that district, and each candidate for a district seat shall reside in the district in which the candidate seeks election."

SECTION 1.(b) Section 3 of Chapter 774 of the 1969 Session Laws reads as rewritten:

"**Sec. 3.** Members of the Alexander County Board of Education shall be elected ~~in a non-Partisan Election to be held on a partisan basis~~ at the time of the general election ~~for nomination of candidates for the General Assembly in each even-numbered year as terms expire.~~ Candidates for the office of membership on the ~~Board of Education of Alexander County~~ shall be eligible electors and Board of Education shall file notice of candidacy with the County Board of Elections of Alexander County in the same manner and at such the same time as that for candidates for the General Assembly prior to the date of said primary election, and county officers. The notice of candidacy shall be accompanied by a filing fee of ten (\$10.00) dollars. The notice of candidacy shall state the name, age, residence and district of the candidate, ~~together with~~ and shall include a statement that such the candidate desires to be voted upon as a member of ~~said the~~ Alexander County Board of Education. 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."

SECTION 1.(c) Section 4 of Chapter 774 of the 1969 Session Laws reads as rewritten:

"**Sec. 4.** ~~The present five members of the Board of Education of Alexander County shall hold their offices until the expiration of the terms for which they were appointed, provided: the term of office of one of the two appointed members from District number 1 shall expire on the first Monday in December, 1970, and the term of office of the one appointed member from District number 4 shall expire on the first Monday in December, 1970; the term of office of the second appointed member from District number 1, the term of office of the one appointed member from~~



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1 ~~District number 2, and the term of office of the one appointed member from District number 3,~~
2 ~~shall expire on the first Monday in December, 1972. In any case the present members of the~~
3 ~~Alexander County Board of Education, or those appointed to fill unexpired terms of said~~
4 ~~members, shall hold their offices until~~ Members shall serve until their successors are elected and
5 qualified. All members elected in any election shall take office on the first Monday in December
6 of the year in which elected."

7 **SECTION 1.(d)** Section 7 of Chapter 774 of the 1969 Session Laws reads as
8 rewritten:

9 ~~"Sec. 7. In the event the number of candidates in a district does not exceed the number of~~
10 ~~vacancies to be filled in that district, no election shall be necessary and the candidate(s) shall be~~
11 ~~declared elected. Vacancies on the Alexander County Board which arise during a term of office~~
12 ~~of Education shall be filled for the unexpired term by majority vote of the remaining members of~~
13 ~~the Board of Education of Alexander County in accordance with G.S. 115C-37.1."~~

14 **SECTION 1.(e)** Sections 2, 4, 5, 6, and 8 of Chapter 774 of the 1969 Session Laws
15 are repealed.

16 **SECTION 1.(f)** Section 9(a) of S.L. 2015-103 is repealed.

17 **SECTION 1.(g)** This section does not affect the terms of office of any person elected
18 in 2022 or 2024 to the Alexander County Board of Education. Any vacancy on the Alexander
19 County Board of Education for a member elected in 2022 or 2024 shall be filled by the remaining
20 members of the Alexander County Board of Education. The members of the Alexander County
21 Board of Education elected in 2022 or 2024, or any member appointed to fill a vacancy of a
22 member elected in 2022 or 2024, shall serve until a successor has been elected and qualified.

23 **SECTION 2.(a)** G.S. 115C-37.1(d) reads as rewritten:

24 "(d) This section shall apply only in the following counties: Alexander, Alleghany,
25 Beaufort, Brunswick, Carteret, Cherokee, Clay, Dare, Davie, Graham, Guilford, Harnett, Hyde,
26 Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance,
27 Washington, and Yancey."

28 **SECTION 2.(b)** This section becomes effective December 1, 2026.

29 **SECTION 3.** Sections 1 and 2 of this act become effective only if approved by a
30 majority of the qualified voters of Alexander County in a referendum. The election shall be
31 conducted by the Alexander County Board of Elections in the 2024 general election. The question
32 to be used in the voting systems and ballots shall be:

33 "[] FOR [] AGAINST

34 Changing the method of election for the Alexander County Board of Education from
35 nonpartisan to partisan."

36 **SECTION 4.** If the majority of the votes cast in the referendum in Section 3 of this
37 act are in favor of the question, Section 1 of this act becomes effective with respect to elections
38 conducted in 2026 and thereafter and Section 3 of this act becomes effective December 1, 2026.
39 The remainder of this act is effective when it becomes law.