

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 110
Committee Substitute Favorable 3/30/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H110-PCS30380-TH-22

Short Title: Cherokee/Rutherford/Clay Bds. of Ed. Elect.

(Local)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE
CHEROKEE, RUTHERFORD, AND CLAY COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 8 of Chapter 502 of the 1975 Session Laws is repealed.

SECTION 1.(b) Section 2 of Chapter 502 of the 1975 Session Laws reads as
rewritten:

"**Sec. 2.** The Board of Education of Cherokee County shall consist of seven members, all of
whom shall be elected by the voters of the entire county. ~~There shall be no primary election.~~"

SECTION 1.(c) Section 10 of Chapter 502 of the 1975 Session Laws reads as
rewritten:

"**Sec. 10.** All vacancies occurring ~~in the membership of the~~ on the Board of Education of
Cherokee County by death, resignation, removal from office, ~~or~~ change of residence, or
otherwise, for positions elected on a nonpartisan basis in 2012 or 2014 shall be filled within 20
days of such vacancy by the remaining members of said board of education and for the
unexpired term."

SECTION 1.(d) Beginning in 2016, members of the Cherokee County Board of
Education shall be elected on a partisan basis at the time of the general election in each
even-numbered year as terms expire. Candidates for election to the Cherokee County Board of
Education shall be nominated at the same time and manner as other county officers. Members
elected shall take office and qualify on the first Monday in December of the year of their
election and the terms of their predecessors shall expire at that same time. Vacancies on the
Cherokee County Board of Education for positions elected on a partisan basis shall be filled in
accordance with G.S. 115C-37.1.

SECTION 1.(e) This act does not affect the terms of office of any person elected in
2012 or 2014 to the Cherokee County Board of Education.

SECTION 2.(a) Section 4 of Chapter 359 of the 1973 Session Laws, as amended
by Chapter 1165 of the 1977 Session Laws, Chapter 95 of the 1983 Session Laws, and S.L.
2006-92, reads as rewritten:

"**Sec. 4.** Each person desiring to be a candidate for the Board of Education shall file a
notice of candidacy ~~stating his or her name, age, and the district seat for which he or she is
filing. The filing period is the same as for the district board of supervisors of a soil and water
conservation district under G.S. 139-6, and the filing fee is five dollars (\$5.00). in accordance
with Chapter 163 of the General Statutes.~~ The election shall be ~~nonpartisan, separate ballots
shall be used, no party affiliation shall be indicated on the ballot for any candidate, and the~~



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1 election shall be decided by plurality without runoff. In all other respects, the election shall be
2 conducted as provided in Chapter 163 of the General Statutes and rules and regulations of the
3 State Board of Elections concerning the conduct of nonpartisan elections simultaneously with a
4 general election partisan."

5 **SECTION 2.(b)** Section 5 of Chapter 359 of the 1973 Session Laws reads as
6 rewritten:

7 "Sec. 5. On or before ~~August 10~~ February 1 of each election year, the Rutherford County
8 Board of Education shall deliver to the Chairman of the Rutherford County Board of Elections
9 and cause to be posted on the courthouse door a map and description of the boundaries of the
10 districts established in Section 3 of this act."

11 **SECTION 2.(c)** Section 6 of Chapter 359 of the 1973 Session Laws reads as
12 rewritten:

13 "~~Sec. 6. Vacancies~~ For positions elected on a nonpartisan basis in 2012 or 2014, vacancies
14 in the Board of Education shall be filled by appointment by majority vote of the remaining
15 members of the Board for the remainder of the unexpired term. If for any reason the remaining
16 members of the Board are unable to agree upon an appointment to fill a vacancy within 60 days
17 after the vacancy occurs, the Clerk of Superior Court of Rutherford County shall fill the
18 vacancy. A person appointed to fill a vacancy must reside in the district he is appointed to
19 represent. If any person elected or appointed to the Board ceases to reside in the district he was
20 elected or appointed to represent, the remaining members of the Board may declare his office
21 vacant and proceed to fill the vacancy."

22 **SECTION 2.(d)** Beginning in 2016, members of the Rutherford County Board of
23 Education shall be elected on a partisan basis at the time of the general election in each
24 even-numbered year as terms expire. Candidates for election to the Rutherford County Board of
25 Education shall be nominated at the same time and manner as other county officers. Members
26 elected shall take office and qualify on the first Monday in December of the year of their
27 election and the terms of their predecessors shall expire at that same time. Vacancies on the
28 Rutherford County Board of Education for positions elected on a partisan basis shall be filled in
29 accordance with G.S. 115C-37.1.

30 **SECTION 2.(e)** This act does not affect the terms of office of any person elected in
31 2012 or 2014 to the Rutherford County Board of Education.

32 **SECTION 3.(a)** Chapter 254 of the 1991 Session Laws is repealed.

33 **SECTION 3.(b)** The Clay County Board of Education shall consist of five
34 members elected by the qualified voters of Clay County for four-year terms. As the terms of
35 present members expire, their successors shall be elected.

36 **SECTION 3.(c)** Beginning in 2016, members of the Clay County Board of
37 Education shall be elected on a partisan basis at the time of the general election in each
38 even-numbered year as terms expire. Candidates for election to the Clay County Board of
39 Education shall be nominated at the same time and manner as other county officers. Members
40 elected shall take office and qualify on the first Monday in December of the year of their
41 election and the terms of their predecessors shall expire at that same time.

42 **SECTION 3.(d)** For positions elected on a nonpartisan basis in 2012 or 2014,
43 vacancies in the Clay County Board of Education shall be filled by appointment made by the
44 remaining members. Beginning in 2016, vacancies on the Clay County Board of Education for
45 positions elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1.

46 **SECTION 3.(e)** This act does not affect the terms of office of any person elected in
47 2012 or 2014 to the Clay County Board of Education.

48 **SECTION 4.(a)** G.S. 115C-37.1(d) reads as rewritten:

49 "(d) This section shall apply only in the following counties: Alleghany, Brunswick,
50 Cherokee, Clay, Graham, Guilford, Harnett, Lee, New Hanover, Rutherford, Vance, and
51 Washington."

1 **SECTION 4.(b)** This section becomes effective the first Monday in December of
2 2016.
3 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
4 law.