

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 293  
PROPOSED COMMITTEE SUBSTITUTE H293-PCS10179-BK-9

Short Title: Onslow/Pender Bd. Ed. Partisan/Swain Clarify.

(Local)

Sponsors:

Referred to:

March 9, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE ONSLOW COUNTY  
3 BOARD OF EDUCATION AND THE PENDER COUNTY BOARD OF EDUCATION  
4 FROM NONPARTISAN TO PARTISAN AND TO CLARIFY THE ELECTION  
5 METHOD FOR THE SWAIN COUNTY BOARD OF EDUCATION.

6 The General Assembly of North Carolina enacts:

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8 **PART I. ONSLOW COUNTY BOARD OF EDUCATION CHANGE ELECTION**  
9 **METHOD TO PARTISAN**

10 **SECTION 1.1.** Section 1(a) of Chapter 583 of the 1993 Session Laws reads as  
11 rewritten:

12 "**Section 1.(a)** Beginning in ~~1996~~ 2018, the members of the Onslow County Board of  
13 Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the ~~primary election for~~  
14 ~~county officers. The general election in each even-numbered year as terms expire. Except as~~  
15 provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of  
16 the General Statutes. ~~The results of the election shall be determined by the plurality method~~  
17 ~~under G.S. 163-292. Candidates for election to the Onslow County Board of Education shall be~~  
18 nominated at the same time and manner as other county officers. Vacancies on the Board of  
19 Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in  
20 accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions elected on  
21 a partisan basis ~~in 1992 or 1994~~ beginning in 2018 shall be filled in accordance with  
22 G.S. 115C-37.1. This section does not affect the terms of office of any person elected in ~~1992~~  
23 ~~or 1994~~ 2014 or 2016 to the Onslow County Board of Education. Beginning in ~~2000~~, 2018,  
24 members elected shall take office and qualify on ~~July 1~~ the first Monday in December of the  
25 year of their election, and the terms of their predecessors shall expire at that same time."

26 **SECTION 1.2.** The members of the Onslow County Board of Education elected in  
27 2014 and 2016, or any member appointed to fill a vacancy for the remainder of an unexpired  
28 term for a member elected in 2014 or 2016, shall serve until a successor has been elected and  
29 qualified.

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31 **PART II. PENDER COUNTY BOARD OF EDUCATION CHANGE ELECTION**  
32 **METHOD TO PARTISAN**

33 **SECTION 2.1.** Section 2 of Chapter 976 of the 1973 Session Laws reads as  
34 rewritten:

35 "**Sec. 2.** Beginning in ~~1976~~, 2018, members of the Board of Education shall be elected on a  
36 ~~non-partisan~~ partisan basis at the time of the ~~primary election. The names of the candidates~~



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1 ~~shall be printed on the ballots without reference to any party affiliation and any general election~~  
2 ~~in each even-numbered year as terms expire. The primary and election shall be held and~~  
3 ~~conducted in accordance with the general laws governing primaries and elections for county~~  
4 ~~officers, except as otherwise provided herein. Any qualified voter residing in the County shall~~  
5 ~~be entitled to vote."~~

6 **SECTION 2.2.** Section 5 of Chapter 976 of the 1973 Session Laws reads as  
7 rewritten:

8 "Sec. 5. Members of the Board of Education representing Districts 3 and 5 shall be elected  
9 at the time of the ~~primary-general~~ elections in ~~1976-2020~~ for a term of four years. Members of  
10 the Board of Education representing Districts 1, 2 and 4 shall be elected at the ~~primary-general~~  
11 election in ~~1978-2018~~ for a term of four years. Thereafter, as their terms expire, all members  
12 shall be elected for terms of four years. Beginning in 2018, members elected shall take office  
13 and qualify the first Monday of December immediately following their election and the terms  
14 of their predecessors shall expire at the same time. Members shall serve until a successor has  
15 been elected and qualified."

16 **SECTION 2.3.** Section 6 of Chapter 976 of the 1973 Session Laws reads as  
17 rewritten:

18 "~~Sec. 6. Except as herein provided, the provisions of North Carolina General Statutes~~  
19 ~~Section 115-19 shall govern the election of the Board of Education of Pender~~  
20 ~~County. Vacancies on the Board of Education for positions elected on a nonpartisan basis in~~  
21 ~~2014 or 2016 shall be filled in accordance with G.S. 115C-37(f). Beginning in 2018, vacancies~~  
22 ~~on the Board of Education for seats elected on a partisan basis shall be filled in accordance with~~  
23 ~~G.S. 115C-37.1. Any person appointed must be at the time of the appointment and must remain~~  
24 ~~a resident of the district for which he or she is appointed."~~

25 **SECTION 2.4.** This part does not affect the terms of office of any person elected in  
26 2014 or 2016 to the Board of Education of Pender County. The members of the Board of  
27 Education elected in 2014 or 2016, or any member appointed to fill a vacancy for a member  
28 elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

29 **SECTION 2.5.** Chapter 546 of the 1949 Session Laws, as amended by Chapter 796  
30 of the 1955 Session Laws and Chapter 328 of the 1965 Session Laws, is repealed.

### 31 32 **PART III. SWAIN COUNTY BOARD OF EDUCATION CLARIFY ELECTION** 33 **METHOD**

34 **SECTION 3.1.** Chapter 1174 of the 1967 Session Laws is repealed.

35 **SECTION 3.2.** The Swain County Board of Education shall consist of five  
36 members to be nominated and elected on a partisan basis by the qualified voters of the entire  
37 county at the time of the general election in each even-numbered year as terms expire. Except  
38 as provided by this act, elections shall be conducted in accordance with Chapters 115C and 163  
39 of the General Statutes. Candidates for election to the Swain County Board of Education shall  
40 be nominated at the same time and manner as other county officers. If the number of candidates  
41 of a political party filing notice of candidacy is less or equal to the number of offices to be  
42 filled, then such candidates shall be declared the nominees for such political party and no  
43 primary election shall be held for such candidates or party, and such nominees' names shall  
44 appear on the general election ballot. In 2018, and quadrennially thereafter, two members shall  
45 be elected for four-year terms. In 2020, and quadrennially thereafter, three members shall be  
46 elected for four-year terms.

47 **SECTION 3.3.** Members elected to the Swain County Board of Education shall  
48 take office and qualify on the first Monday in December of the year of their election, and the  
49 terms of their predecessors shall expire at that same time. Members shall serve until a successor  
50 has been elected and qualified.

1           **SECTION 3.4.** Vacancies on the Swain County Board of Education for positions  
2 elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with  
3 G.S. 115C-37(f). Vacancies on the Swain County Board of Education for positions elected on a  
4 partisan basis beginning in 2018 shall be filled in accordance with G.S. 115C-37.1.

5           **SECTION 3.5.** The Swain County Board of Education shall hold its organizational  
6 meeting on the first Monday in December, and biennially thereafter, and shall elect a chair and  
7 such other officers as it deems necessary.

8           **SECTION 3.6.** This part does not affect the terms of office of any person elected in  
9 2014 or 2016 to the Swain County Board of Education. The members of the Swain County  
10 Board of Education elected in 2014 or 2016, or any member appointed by the remaining  
11 members of the Board to fill a vacancy of a member elected in 2014 or 2016, shall serve until a  
12 successor has been elected and qualified.

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14 **PART IV. CONFORMING STATUTORY CHANGES**

15           **SECTION 4.** Effective on the first Monday in December of 2018,  
16 G.S. 115C-37.1(d) reads as rewritten:

17           "(d) This section shall apply only in the following counties: Alleghany, Brunswick,  
18 Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Onslow,  
19 Pender, Rutherford, Stanly, Swain, Vance, and Washington."

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21 **PART V. EFFECTIVE DATE**

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