

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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**SENATE BILL 253
PROPOSED HOUSE COMMITTEE SUBSTITUTE S253-PCS15214-RB-23**

Short Title: Partisan Elections/Certain School Boards.

(Local)

Sponsors:

Referred to:

March 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE ELECTION METHOD OF THE FOLLOWING COUNTY
3 BOARDS OF EDUCATION FROM NONPARTISAN TO PARTISAN: BEAUFORT,
4 CARTERET, CLEVELAND, DARE, HAYWOOD, HYDE, MADISON, ONSLOW,
5 PENDER, AND YANCEY.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. BEAUFORT COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
9 **ELECTIONS**

10 **SECTION 1.1.** Section 5(b) of Chapter 55 of the 1993 Session Laws, as amended
11 by Chapter 713 of the 1993 Session Laws, reads as rewritten:

12 "(b) ~~The Beginning in 2018, the members of the Permanent Beaufort County Board of~~
13 ~~Education shall be elected for a term of four years in nonpartisan plurality elections held at the~~
14 ~~time of the general election for county offices. The filing period for candidates shall be the~~
15 ~~same as specified in G.S. 163-294.2(c) for nonpartisan plurality elections. on a partisan basis at~~
16 ~~the time of the general election in each even-numbered year as terms expire. The primary and~~
17 ~~election shall be held and conducted in accordance with the general laws governing primaries~~
18 ~~and elections for county officers, except as otherwise provided herein. Duly elected members~~
19 ~~of the Permanent Board shall take office the first Monday of December immediately following~~
20 ~~their election and the terms of their predecessors shall expire at the same time. Members shall~~
21 ~~take the oath of office prescribed in Article VI, Section 7 of the Constitution. Members shall~~
22 ~~serve until a successor has been elected and qualified."~~

23 **SECTION 1.2.** Section 5(i) of Chapter 55 of the 1993 Session Laws, as amended
24 by S.L. 2009-30, reads as rewritten:

25 "(i) ~~Vacancies Beginning in 2018, vacancies on the Permanent Beaufort County Board~~
26 ~~of Education for seats elected on a partisan basis shall be filled by appointment by the~~
27 ~~remaining members of the Permanent Board. in accordance with G.S. 115C-37.1. Any person~~
28 ~~appointed must be at the time of the appointment and must remain a resident of the district for~~
29 ~~which he/she he or she is appointed. Appointments to fill vacancies on the Permanent Board for~~
30 ~~seats elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with~~
31 ~~G.S. 115C-37(f)."~~

32 **SECTION 1.3.** This part does not affect the terms of office of any person elected in
33 2014 or 2016 to the Beaufort County Board of Education. The members of the Beaufort County
34 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a
35 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.
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1 **PART II. CARTERET COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
2 **ELECTIONS**

3 **SECTION 2.1.** Section 1 of Chapter 774 of the 1991 Session Laws is repealed.

4 **SECTION 2.2.** Section 5(d) of S.L. 1997-389 reads as rewritten:

5 "(d) Members of the Carteret County Board of Education shall reside in and represent
6 the districts, but, beginning in 2018, all members shall be elected by the voters of the
7 county at large in nonpartisan plurality elections and a partisan election at the time of the
8 primary general election in each even-numbered year as terms expire. Except as provided by
9 this act, elections shall be conducted in accordance with Chapters 115C and 163 of the General
10 Statutes. Candidates for election to the Carteret County Board of Education shall be nominated
11 at the same time and manner as other county officers. Members shall take office on July 1 the
12 first Monday in December of the year of election, all as previously provided by law. election
13 and the terms of their predecessors shall expire at that same time.

14 Vacancies on the Carteret County Board of Education for positions elected on a nonpartisan
15 basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f). Vacancies on the
16 Board of Education for positions elected on a partisan basis beginning in 2018 shall be filled in
17 accordance with G.S. 115C-37.1."

18 **SECTION 2.3.** This part does not affect the terms of office of any person elected in
19 2014 or 2016 to the Carteret County Board of Education. The members of the Carteret County
20 Board of Education elected in 2014 or 2016, or any member appointed by the remaining
21 members of the Board to fill a vacancy of a member elected in 2014 or 2016, shall serve until a
22 successor has been elected and qualified.

23
24 **PART III. CLEVELAND COUNTY BOARD OF EDUCATION CHANGE TO**
25 **PARTISAN ELECTIONS**

26 **SECTION 3.1.** Notwithstanding the Plan for the Merger of the Cleveland County,
27 Kings Mountain District, and Shelby City Schools and S.L. 2004-41, as amended by S.L.
28 2007-49, beginning with the 2017 elections, members of the Cleveland County Board of
29 Education shall be elected in elections conducted on a partisan basis, as provided in
30 G.S. 163-291. Vacancies for members elected in 2017 and thereafter shall be filled as provided
31 in G.S. 115C-37.1.

32 **SECTION 3.2.** This part does not affect the terms of office of any person elected in
33 2013 or 2015 to the Cleveland County Board of Education. The members of the Cleveland
34 County Board of Education elected in 2013 or 2015, or any member appointed by the
35 remaining members of the Board to fill a vacancy of a member elected in 2013 or 2015, shall
36 serve until a successor has been elected and qualified.

37
38 **PART IV. DARE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
39 **ELECTIONS**

40 **SECTION 4.1.** Section 3 of Chapter 654 of the 1993 Session Laws reads as
41 rewritten:

42 "Sec. 3. All Beginning in 2018, elections for the members of the Dare County Board of
43 Education shall be nonpartisan, with the results determined by a plurality with no run-offs, held
44 on a partisan basis at the time of the general election for four-year terms in each
45 even-numbered year as terms expire. The primary and election shall be held and conducted in
46 accordance with the general laws governing primaries and elections for county officers, except
47 as otherwise provided herein. All voters in the county shall be eligible to vote for all seven
48 seats on the board."

49 **SECTION 4.2.** Section 11 of Chapter 654 of the 1993 Session Laws reads as
50 rewritten:

1 "Sec. 11. In ~~2002-2018~~ and every four years thereafter, ~~four~~three members shall be elected
2 to the board as follows: one member each from Districts 1, 2, and 3."

3 **SECTION 4.3.** Section 12 of Chapter 654 of the 1993 Session Laws reads as
4 rewritten:

5 "~~Sec. 12. Elections for the Board of Education in 1996 shall be held in May at the same~~
6 ~~time as party primaries for other county offices, and board members shall take office in~~
7 ~~December following the election as provided in general State law. In 1998~~In 2018 and
8 subsequent years, elections shall also be held in May at the same time as party primaries for
9 other county offices, but board members of the Dare County Board of Education elected on a
10 partisan basis at that time of the general election shall take office ~~at the first regular board~~
11 ~~meeting in July on the first Monday in December~~ following the election. The terms of office of
12 persons elected for terms to expire in 1998 and thereafter shall expire on the date of the first
13 regular board meeting in July election and the terms of their predecessors shall expire at the
14 same time. Members shall serve until a successor has been elected and qualified. Beginning in
15 2018, vacancies on the Dare County Board of Education for seats elected on a partisan basis
16 shall be filled in accordance with G.S. 115C-37.1. Appointments to fill vacancies for seats
17 elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with
18 G.S. 115C-37(f)."

19 **SECTION 4.4.** This part does not affect the terms of office of any person elected in
20 2014 or 2016 to the Dare County Board of Education. The members of the Dare County Board
21 of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a
22 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

23 24 **PART V. HAYWOOD COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN** 25 **ELECTIONS**

26 **SECTION 5.1.** Section 4 of Chapter 126 of the 1963 Session Laws, as amended by
27 Chapter 424 of the 1973 Session Laws, Chapter 22 of the 1977 Session Laws, Chapter 89 of the
28 1979 Sessions Laws, S.L. 2009-29, and S.L. 2012-24, is repealed.

29 **SECTION 5.2.** Beginning in 2018, the Haywood County Board of Education shall
30 consist of nine members who shall be elected on a partisan basis for four-year terms at the time
31 of the general election by the qualified voters of the entire county in each even-numbered year
32 as terms expire. Pursuant to Section 3 of Chapter 126 of the 1963 Session Laws, eight members
33 shall be elected from six designated election districts, including one member each from the
34 Bethel, Clyde, Crabtree-Iron Duff, and Fine's Creek Election Districts and two members each
35 from the Beaverdam and Waynesville Election Districts. The chair of the Board shall be elected
36 by the voters of Haywood County at large. The primary and election shall be held and
37 conducted in accordance with the general laws governing primaries and elections for county
38 officers, except as otherwise provided herein. Members elected shall take office and qualify on
39 the first Monday in December of the year of their election, and the terms of their predecessors
40 shall expire at that same time. Members shall serve until a successor has been elected and
41 qualified.

42 **SECTION 5.3.** In the case of a vacancy of a member elected in 2014 or 2016 to the
43 Haywood County Board of Education, the vacancy shall be filled by the remaining members of
44 the Board until the next general election. Beginning with members elected in 2018, vacancies
45 shall be filled as provided in G.S. 115C-37.1. In the event of a vacancy in an election district, to
46 be eligible for appointment to fill a vacancy, the person must reside in the election district
47 where the vacancy exists.

48 **SECTION 5.4.** This part does not affect the terms of office of any person elected in
49 2014 or 2016 to the Haywood County Board of Education. The members of the Haywood
50 County Board of Education elected in 2014 and 2016, or any member appointed to fill a

1 vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and
2 qualified.

3
4 **PART VI. HYDE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
5 **ELECTIONS**

6 **SECTION 6.1.** Section 2 of S.L. 2007-272 is repealed.

7 **SECTION 6.2.** Section 2 of Chapter 206 of the 1977 Session Laws reads as
8 rewritten:

9 "Sec. 2. The Board of Education of Hyde County shall consist of five members who shall
10 be elected on a ~~nonpartisan~~-partisan basis at the time of the ~~primary~~-general election for county
11 officers. in each even-numbered year as terms expire. The primary and election shall be held
12 and conducted in accordance with the general laws governing primaries and elections for
13 county officers, except as otherwise provided herein. Beginning with the election to be held in
14 1978, 2018, three members shall be elected for terms of four years and one of the members
15 elected in 1978, 2018, and every four years thereafter, shall be a resident of Ocracoke. In 1980,
16 2020, as the terms of the present members expire, two members shall be elected for terms of
17 four years. Thereafter, as the terms of each member expire, successors shall be elected for
18 terms of four years.

19 ~~Except as provided herein, Article 5 of Chapter 115 of the General Statutes shall be~~
20 ~~applicable to the Hyde County Board of Education.~~

21 Beginning in 2018, members elected shall take office and qualify on the first Monday in
22 December of the year of their election, and the terms of their predecessors shall expire at that
23 same time. Members shall serve until a successor has been elected and qualified.

24 In the case of a vacancy of a member elected in 2014 or 2016 to the Hyde County Board of
25 Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members
26 elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

27 **SECTION 6.3.** This part does not affect the terms of office of any person elected in
28 2014 or 2016 to the Hyde County Board of Education. The members of the Hyde County Board
29 of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member
30 elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

31
32 **PART VII. MADISON COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN**
33 **ELECTIONS**

34 **SECTION 7.1.** Section 3 of Chapter 249 of the 1991 Session Laws reads as
35 rewritten:

36 "Sec. 3. The ~~chairman~~-chair of the Board of Education of Madison County shall be elected
37 in 1994 2018 and quadrennially thereafter for a four-year term at large by all the qualified
38 voters of Madison County. In the case of a vacancy of a member elected in 2014 or 2016 to the
39 Madison County Board of Education, the vacancy shall be filled as provided in
40 G.S. 115C-37(f). In the case of a vacancy in the office of ~~chairman~~, chair elected in 2014,
41 the remaining members of the Board shall appoint a person as ~~chairman~~-chair who resides in the
42 same district that the ~~chairman~~-chair resided in at the time of his or her election. If the members
43 do not make an appointment within 30 days of the occurrence of the vacancy, the responsibility
44 of making the appointment shall be that of the Senior Resident Superior Court Judge for
45 Madison County. Beginning with members elected in 2018, vacancies shall be filled as
46 provided in G.S. 115C-37.1. In the event of a vacancy in an election district, to be eligible for
47 appointment to fill a vacancy, the person must reside in the election district where the vacancy
48 exists. In the case of a vacancy in the office of chair, to be eligible for appointment to fill a
49 vacancy, the person must reside in the same district that the chair resided in at the time of his or
50 her election."

1 **SECTION 7.2.** Section 4 of Chapter 249 of the 1991 Session Laws reads as
2 rewritten:

3 "Sec. 4. ~~Notwithstanding the provisions of G.S. 115C-37, the Beginning in 2018, the~~
4 Madison County Board of Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time
5 of the ~~primary election in 1994 and quadrennially thereafter. The names of the candidates shall~~
6 ~~be printed on the ballot without reference to any party affiliations. The nonpartisan election and~~
7 ~~runoff election method shall be used with the results determined as provided in G.S. 163-293,~~
8 ~~except that the runoff shall be held on the date provided by G.S. 163-111(e).~~ general election
9 for four-year terms in each even-numbered year as terms expire. The primary and election shall
10 be held and conducted in accordance with the general laws governing primaries and elections
11 for county officers, except as otherwise provided herein. Except as provided by this act, the
12 election shall be conducted in accordance with the applicable provisions of Chapters 115C and
13 163 of the General Statutes."

14 **SECTION 7.3.** Section 5 of Chapter 249 of the 1991 Session Laws, as amended by
15 Chapter 38 of the 1995 Session Laws, reads as rewritten:

16 "Sec. 5. ~~The Beginning in 2018, the~~ terms of office of the members and chairman of the
17 Madison County Board of Education commence on the first Monday in ~~July~~ December of the
18 year of their election, ~~except if that date is the Fourth of July, then the terms commence on the~~
19 ~~second Monday in July.~~ election."

20 **SECTION 7.4.** This part does not affect the terms of office of any person elected in
21 2014 or 2016 to the Madison County Board of Education. The members of the Madison County
22 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a
23 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.
24

25 **PART VIII. ONSLOW COUNTY BOARD OF EDUCATION CHANGE ELECTION** 26 **METHOD TO PARTISAN**

27 **SECTION 8.1.** Section 1(a) of Chapter 583 of the 1993 Session Laws reads as
28 rewritten:

29 "Section 1.(a) ~~Beginning in 1996-2018, the~~ members of the Onslow County Board of
30 Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time of the ~~primary election for~~
31 ~~county officers. The general election in each even-numbered year as terms expire. Except as~~
32 ~~provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of~~
33 ~~the General Statutes. The results of the election shall be determined by the plurality method~~
34 ~~under G.S. 163-292. Candidates for election to the Onslow County Board of Education shall be~~
35 ~~nominated at the same time and manner as other county officers. Vacancies on the Board of~~
36 Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in
37 accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions elected on
38 a partisan basis ~~in 1992 or 1994~~ beginning in 2018 shall be filled in accordance with
39 G.S. 115C-37.1. This section does not affect the terms of office of any person elected in ~~1992~~
40 ~~or 1994~~ 2014 or 2016 to the Onslow County Board of Education. Beginning in ~~2000, 2018,~~
41 members elected shall take office and qualify on July 1 the first Monday in December of the
42 year of their election, and the terms of their predecessors shall expire at that same time."

43 **SECTION 8.2.** The members of the Onslow County Board of Education elected in
44 2014 and 2016, or any member appointed to fill a vacancy for the remainder of an unexpired
45 term for a member elected in 2014 or 2016, shall serve until a successor has been elected and
46 qualified.
47

48 **PART IX. PENDER COUNTY BOARD OF EDUCATION CHANGE ELECTION** 49 **METHOD TO PARTISAN**

50 **SECTION 9.1.** Section 2 of Chapter 976 of the 1973 Session Laws reads as
51 rewritten:

1 "Sec. 2. ~~Beginning in 1976, 2018,~~ members of the Board of Education shall be elected on a
2 ~~non-partisan-partisan~~ basis at the time of the ~~primary~~ election. ~~The names of the candidates~~
3 ~~shall be printed on the ballots without reference to any party affiliation and any general election~~
4 ~~in each even-numbered year as terms expire. The primary and election shall be held and~~
5 ~~conducted in accordance with the general laws governing primaries and elections for county~~
6 ~~officers, except as otherwise provided herein. Any qualified voter residing in the County shall~~
7 ~~be entitled to vote."~~

8 SECTION 9.2. Section 5 of Chapter 976 of the 1973 Session Laws reads as
9 rewritten:

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

18 SECTION 9.3. Section 6 of Chapter 976 of the 1973 Session Laws reads as
19 rewritten:

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

27 SECTION 9.4. This part does not affect the terms of office of any person elected in
28 2014 or 2016 to the Board of Education of Pender County. The members of the Board of
29 Education elected in 2014 or 2016, or any member appointed to fill a vacancy for a member
30 elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

31 SECTION 9.5. Chapter 546 of the 1949 Session Laws, as amended by Chapter 796
32 of the 1955 Session Laws and Chapter 328 of the 1965 Session Laws, is repealed.

33 34 **PART X. YANCEY COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN** 35 **ELECTIONS**

36 SECTION 10.1. Section 1 of Chapter 203 of the 1973 Session Laws, as amended
37 by Section 1 of Chapter 135 of the 1985 Session Laws, reads as rewritten:

38 "Section 1. ~~The Beginning in 2018, the Yancey County Board of Education shall consist of~~
39 ~~five members who shall be elected by the voters of Yancey County, for staggered terms of four~~
40 ~~years, in a nonpartisan-partisan election as herein provided, at the time of the general election in~~
41 ~~each even-numbered year as terms expire. The primary and election shall be held and~~
42 ~~conducted in accordance with the general laws governing primaries and elections for county~~
43 ~~officers, except as otherwise provided herein. Beginning in 2018, members elected shall take~~
44 ~~office and qualify on the first Monday in December of the year of their election, and the terms~~
45 ~~of their predecessors shall expire at that same time. Members shall serve until a successor has~~
46 ~~been elected and qualified.~~

47 ~~Beginning with the primary election for county offices to be held in 1974, there shall be a~~
48 ~~nonpartisan election to elect successors to the present members of the school board whose~~
49 ~~terms expire in 1974, and every two years thereafter, as the terms of the members expire.~~

1 ~~The nonpartisan election and runoff election method shall be used with the results~~
2 ~~determined as provided in G.S. 163-293, except that the runoff shall be held on the date~~
3 ~~provided by G.S. 163-111(e).~~

4 In the case of a vacancy of a member elected in 2014 or 2016 to the Yancey County Board
5 of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with
6 members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

7 **SECTION 10.2.** This part does not affect the terms of office of any person elected
8 in 2014 or 2016 to the Yancey County Board of Education. The members of the Yancey
9 County Board of Education elected in 2014 and 2016, or any member appointed to fill a
10 vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and
11 qualified.

12 **PART XII. CONFORMING STATUTORY CHANGES**

13 **SECTION 12.(a)** Effective on the first Monday in December of 2017,
14 G.S. 115C-37.1(d) reads as rewritten:

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

18 **SECTION 12.(b)** Effective on the first Monday in December of 2018,
19 G.S. 115C-37.1(d), as amended by Section 12(b) of this part, reads as rewritten:

20 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
21 Brunswick, Carteret, Cherokee, Clay, Cleveland, Dare, Davie, Graham, Guilford, Harnett,
22 Haywood, Hyde, Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly,
23 Vance, ~~and Washington.~~ Washington, and Yancey."
24
25

26 **PART XIII. EFFECTIVE DATE**

27 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
28 law.