

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 504
Mar 27, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30234-MK-58E

Short Title: Wake Co. Bd. of Ed./Stagger Terms/Districts. (Local)

Sponsors: Representatives Gill, von Haefen, Ball, and Dahle (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE WAKE COUNTY
3 BOARD OF EDUCATION, TO CLARIFY THAT THE CURRENT ELECTION
4 DISTRICTS ARE THOSE DISTRICTS ESTABLISHED IN 2011, AND TO CHANGE THE
5 ELECTION TO ODD-NUMBERED YEARS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 7 of Chapter 717, Session Laws of 1975, as amended by
8 Sections 2 and 3 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter
9 742 of the 1981 Session Laws and amended by Section 2 of S.L. 2013-110, and as ordered by
10 *Raleigh Wake Citizens Association, et al., v. Wake County Board of Elections, et al.*, Court Order
11 5:15-CV-00156-D, Document 104, dated August 9, 2016, and *Raleigh Wake Citizens*
12 *Association, et al., v. Wake County Board of Elections, et al.*, Consent Decree 5:15-CV-00156-D,
13 Document 129, dated December 28, 2017, reads as rewritten:

14 "Sec. 7. (a) ~~Beginning in 2016, nine~~ In 2020, four members of the Wake County Board of
15 Education shall be elected for three-year terms by the nonpartisan plurality election method in
16 accordance with G.S. 163-292 and ~~G.S. 163-294.2~~. G.S. 163-294.2 from Districts 1, 2, 7, and 9
17 established in 2011 by the Wake County Board of Education under G.S. 115C-37(i). Only
18 persons who are registered to vote in the district shall be permitted to file a notice of candidacy
19 for election in that district. Notwithstanding G.S. 163-294.2(c) and G.S. 163-106, candidates
20 seeking office shall file their notices of candidacy with the board of elections no earlier than
21 12:00 noon on the second Monday in June and no later than 12:00 noon on the first Friday in
22 July (except if that is the 4th day of July then at 12:00 noon on the next business day) preceding
23 the election. Such election shall be governed by the provisions of Chapter 163 of the General
24 Statutes and shall be held to coincide with the general election for county officers in
25 even-numbered years.

26 Beginning in 2021, the members of the Wake County Board of Education shall be elected on
27 a nonpartisan plurality basis on the Tuesday after the first Monday in November in odd-numbered
28 years from the single member districts established in 2011 by the Wake County Board of
29 Education under G.S. 115C-37(i), with the results determined as provided by G.S. 163-292. Only
30 persons who are registered to vote in the district shall be permitted to file a notice of candidacy
31 for election in that district. The districts, as established for the purpose of this section, may be
32 subject to change in accordance with the provisions of G.S. 115C-37(i). Except as otherwise
33 provided by this section, elections shall be administered in accordance with Articles 23 and 24
34 of Chapter 163 of the General Statutes.

35 (b) The five members of the Wake County Board of Education who were elected in 2018
36 for two-year terms from Districts 3, 4, 5, 6, and 8 established in 2011 by the Wake County Board



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1 of Education under G.S. 115C-37(i), or any member appointed by the remaining members of the
2 board to fill a vacancy for one of those seats, shall have their terms extended for one year until
3 the 2021 election, as described in subsection (a) of this section, and shall serve until a successor
4 has been elected and qualified. ~~Beginning in 2016, In 2021, and quadrennially thereafter, seven~~
5 five members of the board shall be elected from ~~numbered single member districts~~ Districts 3, 4,
6 5, 6, and 8 to serve a term of four years. The qualified voters of each district shall elect a person
7 who resides in that district for the seat apportioned to that district. Only the qualified voters of
8 the district may vote in that election.

9 (c) ~~In 2016, two members shall be elected from lettered single member districts to serve~~
10 ~~a term of two years. In 2018, 2023, and quadrennially thereafter, two four~~ members shall be
11 elected from ~~lettered single member districts. Districts 1, 2, 7, and 9 for four-year terms.~~ The
12 qualified voters of each district shall elect a person who resides in that district for the seat
13 apportioned to that district. Only the qualified voters of the district may vote in that election."

14 **SECTION 2.** Section 5 of S.L. 2013-110 is repealed.

15 **SECTION 3.** This act does not affect the terms of office of any person elected in
16 2018 from Districts 1, 2, 7, and 9 to the Wake County Board of Education. Each member of the
17 Wake County Board of Education elected in 2018 from Districts 1, 2, 7, and 9, or any member
18 appointed by the remaining members of the Board to fill a vacancy of any of these seats, shall
19 serve until a successor has been elected and qualified.

20 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
21 law.