

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 244  
Mar 9, 2021  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10081-MK-60C\*

Short Title: Lincoln Co. Bd. of Ed./Partisan Election.

(Local)

Sponsors: Representative Saine.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE ELECTION METHOD FOR THE LINCOLN COUNTY BOARD  
3 OF EDUCATION FROM NONPARTISAN TO PARTISAN.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 5 of Chapter 876 of the Session Laws of 1973, as amended by  
6 Section 1 of Chapter 179 of the Session Laws of 1983, Chapter 155 of the Session Laws of 1985,  
7 and Chapter 304 of the Session Laws of 1989, reads as rewritten:

8 "~~Sec. 5. At the time of the primary and election of State and county officers for the year 1976,~~  
9 ~~there shall be nominated and elected four members of the Lincoln County Board of Education,~~  
10 ~~one each from North Brook Township, Ironton Township, Lincolnton Township inside the city~~  
11 ~~limits of Lincolnton and at large.~~

12 ~~At the time of the primary and election of State and county officers for the year 1978, there~~  
13 ~~shall be nominated and elected three members of the Lincoln County Board of Education, one~~  
14 ~~each from the Lincolnton Township outside the city limits of Lincolnton, Howard's Creek~~  
15 ~~Township and Catawba Springs Township. Persons to be elected from districts shall reside in the~~  
16 ~~district they represent, but the qualified voters of the entire county shall elect all members of the~~  
17 ~~board. Each candidate for election to the Lincoln County Board of Education shall file a notice~~  
18 ~~of candidacy with the Lincoln County Board of Elections, and if the candidacy is for a district~~  
19 ~~seat, the notice shall show in which township (or part of township for Lincolnton Township) the~~  
20 ~~person resides. All candidates for election shall file the notice of candidacy during the period~~  
21 ~~beginning at noon on the first Monday in June and ending at noon on the first Monday in July,~~  
22 ~~provided that if the first Monday in July is the fourth day of that month, the period shall end at~~  
23 ~~noon on the fifth day of July, and shall pay a filing fee of ten dollars (\$10.00).~~

24 ~~The Beginning in 2022, the election of the Lincoln County Board of Education shall be~~  
25 ~~conducted by the nonpartisan plurality method, and the results determined in accordance with~~  
26 ~~G.S. 163-292. The date for the election shall be the date of the general election as determined by~~  
27 ~~G.S. 163-1 partisan method at the time of the general election in each even-numbered year as~~  
28 ~~terms expire. Candidates for election to the Lincoln County Board of Education shall be~~  
29 ~~nominated at the same time and manner as other county officers. Except as provided by this act,~~  
30 ~~the election shall be conducted by the Lincoln County Board of Elections in accordance with~~  
31 ~~Chapter 115C and Chapter 163 of the General Statutes.~~

32 ~~Each person In 2022 and quadrennially thereafter, three members shall be elected to the~~  
33 ~~Lincoln County Board of Education shall serve for a term of four years. Biennially thereafter, at~~  
34 ~~each general election for State and county officers the vacancies occurring in the membership of~~  
35 ~~the Lincoln County Board of Education shall be filled by election as the terms of the members~~  
36 ~~expire, and the members shall be elected for four-year terms. In 2024 and quadrennially~~



1 thereafter, four members shall be elected to the Lincoln County Board of Education for a term of  
2 four years. The members of the Lincoln County Board of Education nominated and elected shall  
3 take office on the first Monday in December following their election, and the terms of their office  
4 shall date and extend from that time. The terms of their predecessors shall expire at that same  
5 time. Members shall serve until a successor has been elected and qualified.

6 ~~If a person elected to the Lincoln County Board of Education from a township or district~~  
7 ~~ceases to reside in that township or district during the term of office to which he was elected, for~~  
8 ~~any reason other than a redefinition of district boundaries occurring during the term of office, the~~  
9 ~~Lincoln County Board of Education may by majority vote declare a vacancy and proceed to fill~~  
10 ~~the vacancy in the manner provided in Chapter 115C of the General Statutes of North~~  
11 ~~Carolina.~~ Vacancies on the Lincoln County Board of Education for positions elected on a  
12 nonpartisan basis in 2018 or 2020 shall be filled by appointment by the remaining members of  
13 the Board until the next election of the members of the Board, at which time the remaining  
14 unexpired term of the office in which the vacancy occurs shall be filled by election. Beginning  
15 in 2022, vacancies on the Lincoln County Board of Education for positions elected on a partisan  
16 basis shall be filled by appointment by the remaining members of the Board, in accordance with  
17 G.S. 115C-37.1."

18 **SECTION 2.** This act does not affect the terms of office of any member elected in  
19 2018 or 2020 to the Lincoln County Board of Education. The members of the Lincoln County  
20 Board of Education elected in 2018 and 2020, or any member appointed to fill a vacancy for the  
21 remainder of an unexpired term for a member elected in 2018 or 2020, shall serve until a  
22 successor has been elected and qualified.

23 **SECTION 3.** Effective on the first Monday in December of 2022, G.S. 115C-37.1(d)  
24 reads as rewritten:

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

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