

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 353
PROPOSED COMMITTEE SUBSTITUTE H353-PCS40558-TC-34

Short Title: Winston-Salem/Forsyth and Wake Bds. of Ed.

(Local)

Sponsors:

Referred to:

March 23, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A STAGGERING OF THE TERMS OF MEMBERS OF THE
3 WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO REVISE
4 ELECTIONS FOR THE WAKE COUNTY BOARD OF EDUCATION.

5 The General Assembly of North Carolina enacts:

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7 **PART I. CREATE A STAGGERING OF THE TERMS OF MEMBERS OF THE**
8 **WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION**

9 **SECTION 1.(a)** Section 2(a)(5)(ii) of Chapter 112 of the 1961 Session Laws, as
10 rewritten by Chapter 466 of the 1985 Session Laws, and as amended by Chapter 696 of the 1991
11 Session Laws, S.L. 2009-72, and Section 2(b) of S.L. 2011-141, reads as rewritten:

12 "(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County
13 Board of Education shall be composed of nine members. ~~In the 2010 election, nine persons shall~~
14 ~~be elected to the Winston-Salem/Forsyth County Board of Education for members, serving~~
15 ~~four-year staggered terms. The terms of those elected in 2010 for two-year terms shall instead~~
16 ~~expire on the first Monday in December of 2014.~~December.

17 In 2014:2022, to implement staggering of the terms, all members shall be elected and serve
18 as follows:

- 19 (1) Two persons shall be elected from District 1. The person receiving the highest
20 number of votes shall serve a four-year term, and such seat shall be up for
21 election in 2026 and every four years thereafter. The person receiving the
22 second highest number of votes shall serve a two-year term, and such seat
23 shall be up for election in 2024 and every four years thereafter.
- 24 (2) Four persons shall be elected from District 2. The two persons receiving the
25 highest and second highest number of votes shall serve a four-year term, and
26 such seats shall be up for election in 2026 and every four years thereafter. The
27 persons receiving the third and fourth highest number of votes shall serve a
28 two-year term, and such seats shall be up for election in 2024 and every four
29 years thereafter.
- 30 (3) Three members shall be elected at large from all of Forsyth County. The
31 persons receiving the highest and second highest number of votes shall serve
32 a four-year term, and such seats shall be up for election in 2026 and every four
33 years thereafter. The person receiving the third highest number of votes shall
34 serve a two-year term, and such seat shall be up for election in 2024 and every
35 four years thereafter.

36 ~~Successors to those elected in 2014 shall serve four-year terms.~~



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1 For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district
2 seats, only residents of the district shall be eligible to be candidates and only qualified voters of
3 the district shall be eligible to vote.

4 The districts as established for the purpose of this subparagraph ~~are for the 2010 election~~
5 ~~those established under G.S. 115C-37(i), which are subject to change for the election in 2014~~
6 ~~after the return of the 2010 census under G.S. 115C-37(i).~~"

7 **SECTION 1.(b)** Section 2(a)(5)(i) of Chapter 112 of the 1961 Session Laws reads
8 as rewritten:

9 "(i) The board shall ~~continue to be~~ composed of ~~eight-nine~~ persons and the ~~then~~
10 members of the board shall continue in office (regardless of the terms for which they were
11 originally appointed) until their successors are elected and qualified, as hereinafter provided."

12 **SECTION 1.(c)** This section does not affect the terms of office of any person elected
13 in 2018 to the Winston-Salem/Forsyth County Board of Education. Each member of the
14 Winston-Salem/Forsyth County Board of Education elected in 2018, or any member appointed
15 to fill a vacancy for a member elected in 2018, shall serve until a successor has been elected and
16 qualified.

17 **SECTION 1.(d)** This section is effective when it becomes law.

18 **PART II. REVISE ELECTIONS FOR THE WAKE COUNTY BOARD OF EDUCATION**

19 **SECTION 2.(a)** Section 7 of Chapter 717, Session Laws of 1975, as amended by
20 Sections 2 and 3 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter
21 742 of the 1981 Session Laws and amended by Section 2 of S.L. 2013-110, and as ordered by
22 Raleigh Wake Citizens Association, et al., v. Wake County Board of Elections, et al., Court Order
23 5:15-CV-00156-D, Document 104, dated August 9, 2016, and Raleigh Wake Citizens
24 Association, et al., v. Wake County Board of Elections, et al., Consent Decree 5:15-CV-00156-D,
25 Document 129, dated December 28, 2017, reads as rewritten:

26 "Sec. 7. (a) Beginning in ~~2016, nine-2022,~~ members of the Wake County Board of Education
27 from Districts 3, 4, 5, 6, and 8 shall be elected by the nonpartisan plurality election method in
28 accordance with G.S. 163-292 and ~~G.S. 163-294.2.~~ G.S. 163-294.2 to a term to expire on the first
29 Monday in December of 2025. Only persons who are registered to vote in the district shall be
30 permitted to file a notice of candidacy for election in that district. Only the qualified voters of
31 that district may vote in that election. Notwithstanding G.S. 163-294.2(c) and G.S. 163-106,
32 candidates seeking office shall file their notices of candidacy with the board of elections no
33 earlier than 12:00 noon on the second Monday in June and no later than 12:00 noon on the first
34 Friday in July (except if that is the 4th day of July then at 12:00 noon on the next business day)
35 preceding the election. Such election shall be governed by the provisions of Chapter 163 of the
36 General Statutes and shall be held to coincide with the general election for county officers in
37 even-numbered years.

38 (b) ~~Beginning in 2016, and quadrennially thereafter, seven members of the board shall~~
39 ~~be elected from numbered single member districts to serve a term of four years. The qualified~~
40 ~~voters of each district shall elect a person who resides in that district for the seat apportioned to~~
41 ~~that district. Only the qualified voters of the district may vote in that election. In accordance with~~
42 ~~G.S. 115C-37(i), following the return of the 2020 census, the Wake County Board of Education~~
43 ~~shall revise the electoral district boundaries established in 2011 by that Board as needed to correct~~
44 ~~for population imbalances. Those electoral districts shall be used for elections beginning in 2022.~~
45 ~~The Wake County Board of Elections shall make subsequent revisions to electoral district~~
46 ~~boundaries in accordance with G.S. 115C-37(i).~~

47 (c) ~~In 2016, two members shall be elected from lettered single member districts to serve~~
48 ~~a term of two years. In 2018, and quadrennially thereafter, two members shall be elected from~~
49 ~~lettered single member districts. The qualified voters of each district shall elect a person who~~
50 ~~resides in that district for the seat apportioned to that district. Only the qualified voters of the~~
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~~district may vote in that election. The four members of the Wake County Board of Education who were elected in 2020 for two-year terms from Districts 1, 2, 7, and 9, or any member appointed by the remaining members of the board to fill a vacancy for one of those seats, shall have their terms extended for one year until the first Monday in December of 2023, and shall serve until a successor has been elected and qualified."~~

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

~~"Sec. 7. (a) Beginning in 2022, members of the The Wake County Board of Education from Districts 3, 4, 5, 6, and 8 shall consist of nine members who shall be elected by the nonpartisan plurality election and runoff method in accordance with G.S. 163-292 and G.S. 163-294.2 to a term to expire on the first Monday in December of 2025. G.S. 163-279(a)(4), 163-293, and 163-294.2. Beginning in 2023 and quadrennially thereafter, elections shall be held for Districts 1, 2, 7, and 9. Beginning in 2025 and quadrennially thereafter, elections shall be held for Districts 3, 4, 5, 6, and 8. Only persons who are registered to vote in the district shall be permitted to file a notice of candidacy for election in that district. Only the qualified voters of that district may vote in that election. Notwithstanding G.S. 163-294.2(e) and G.S. 163-106, candidates seeking office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the second Monday in June and no later than 12:00 noon on the first Friday in July (except if that is the 4th day of July then at 12:00 noon on the next business day) preceding the election. Such election shall be governed by the provisions of Chapter 163 of the General Statutes and shall be held to coincide with the general election for county officers in even-numbered years. Statutes.~~

(b) In accordance with G.S. 115C-37(i), following the return of the 2020 census, the Wake County Board of Education shall revise the electoral district boundaries established in 2011 by that Board as needed to correct for population imbalances. Those electoral districts shall be used for elections beginning in 2022. The Wake County Board of Elections shall make subsequent revisions to electoral district boundaries in accordance with G.S. 115C-37(i).

~~(c) The four members of the Wake County Board of Education who were elected in 2020 for two-year terms from Districts 1, 2, 7, and 9, or any member appointed by the remaining members of the board to fill a vacancy for one of those seats, shall have their terms extended for one year until the first Monday in December of 2023, and shall serve until a successor has been elected and qualified."~~

SECTION 2.(c) Section 5 of S.L. 2013-110 is repealed.

SECTION 2.(d) Subsections (a) and (c) of this section are effective when they become law. Subsection (b) of this section becomes effective January 1, 2023. Each member of the Wake County Board of Education elected in 2020 from Districts 1, 2, 7, and 9, and elected in 2022 from Districts 3, 4, 5, 6, and 8, or any member appointed by the remaining members of the Board to fill a vacancy of any of these seats, shall serve until a successor has been elected and qualified.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.