

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 353
Committee Substitute Favorable 5/5/21
PROPOSED COMMITTEE SUBSTITUTE H353-PCS10526-CG-16

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 STAGGER THE TERMS OF THE WINSTON-SALEM/FORSYTH COUNTY
3 BOARD OF EDUCATION AND TO ESTABLISH FOUR-YEAR STAGGERED TERMS
4 WITH ODD-YEAR ELECTIONS FOR THE WAKE COUNTY BOARD OF EDUCATION.
5 The General Assembly of North Carolina enacts:

6
7 **PART I. WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION**

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

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

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

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

35 ~~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 Session Laws of 1961 reads
8 as rewritten:

9 "(i) The board shall ~~continue to be~~ composed of ~~eight~~nine persons and the ~~then~~ members
10 of the board shall continue in office (regardless of the terms for which they were originally
11 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 **PART II. WAKE COUNTY BOARD OF EDUCATION**

18 **SECTION 2.1.(a)** Section 7 of Chapter 717 of the Session Laws of 1975, as amended
19 by Chapter 321 of the Session Laws of 1977, as rewritten by Chapter 742 of the Session Laws of
20 1981, as amended by S.L. 2013-110, and as ordered by Raleigh Wake Citizens Association, et
21 al., v. Wake County Board of Elections, et al., Court Order 5:15-CV-00156-D, Document 104,
22 dated August 9, 2016, and Raleigh Wake Citizens Association, et al., v. Wake County Board of
23 Elections, et al., Consent Decree 5:15-CV-00156-D, Document 129, dated December 28, 2017,
24 reads as rewritten:
25

26 "**Sec. 7.** (a) ~~Beginning in 2016, nine members of the~~ The Wake County Board of Education
27 shall consist of nine members, elected for staggered terms from nine single-member districts.
28 Members shall be elected by the nonpartisan plurality election method in accordance with
29 G.S. 163-292 and G.S. 163-294.2. 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. Notwithstanding
31 G.S. 163-294.2(c) and G.S. 163-106, candidates seeking office shall file their notices of
32 candidacy with the board of elections no earlier than 12:00 noon on the second Monday in June
33 and no later than 12:00 noon on the first Friday in July (except if that is the 4th day of July then
34 at 12:00 noon on the next business day) preceding the election. Such election shall be governed
35 by the provisions of Chapter 163 of the General Statutes and Statutes. The election in 2022 shall
36 be held to coincide with the general election for county officers in even-numbered years.

37 (b) ~~Beginning in 2016, and quadrennially thereafter, seven members of the board shall~~
38 ~~be elected from numbered single member districts to serve a term of four years. The qualified~~
39 ~~voters of each district shall elect a person who resides in that district for the seat apportioned to~~
40 ~~that district. Only the qualified voters of the district may vote in that election.~~ In order to
41 implement staggered terms, in 2022, an election shall be held for all nine members of the Wake
42 County Board of Education. The Wake County Board of Elections shall certify the total vote
43 count in each of the nine single-member districts. The members in the four districts receiving the
44 four highest total vote counts shall be elected to serve a three-year term. The members from the
45 remaining five districts shall be elected to serve a one-year term.

46 (c) ~~In 2016, two members shall be elected from lettered single member districts to serve~~
47 ~~a term of two years. In 2018, and quadrennially thereafter, two members shall be elected from~~
48 ~~lettered single member districts. The qualified voters of each district shall elect a person who~~
49 ~~resides in that district for the seat apportioned to that district. Only the qualified voters of the~~
50 ~~district may vote in that election.~~

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

6 **SECTION 2.1.(b)** This section is effective when it becomes law.

7 **SECTION 2.2.(a)** Section 7(a) of Chapter 717 of the Session Laws of 1975, as
8 amended by Chapter 321 of the Session Laws of 1977, as rewritten by Chapter 742 of the Session
9 Laws of 1981, as amended by S.L. 2013-110, as ordered by Raleigh Wake Citizens Association,
10 et al., v. Wake County Board of Elections, et al., Court Order 5:15-CV-00156-D, Document 104,
11 dated August 9, 2016, and Raleigh Wake Citizens Association, et al., v. Wake County Board of
12 Elections, et al., Consent Decree 5:15-CV-00156-D, Document 129, dated December 28, 2017,
13 and as amended by Section 2.1 of this act, reads as rewritten:

14 "(a) The Wake County Board of Education shall consist of nine members, elected for
15 four-year staggered terms from nine single-member districts. Members shall be elected by the
16 nonpartisan plurality election method in accordance with G.S. 163-292 and G.S. 163-294.2. Such
17 election shall be governed by the provisions of Chapter 163 of the General Statutes. ~~The election~~
18 ~~in 2022-Statutes and shall be held to coincide with the general election for county officers in~~
19 ~~even-numbered years on the Tuesday after the first Monday in November in each odd-numbered~~
20 ~~year as terms expire."~~

21 **SECTION 2.2.(b)** This section becomes effective December 4, 2023, and elections
22 in 2023 shall be held accordingly.

23 **SECTION 2.3.** Sections 2.1 and 2.2 of this act do not affect the terms of office of
24 any person elected in 2020 to the Wake County Board of Education. Each member of the Wake
25 County Board of Education elected in 2020, or any member appointed to fill a vacancy for a
26 member elected in 2020, shall serve until a successor has been elected and qualified.

27 **SECTION 2.4.** Section 5 of S.L. 2013-110 is repealed.

29 **PART III. EFFECTIVE DATE**

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