

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 1162
Committee Substitute Favorable 6/14/22
PROPOSED COMMITTEE SUBSTITUTE H1162-PCS30587-BK-18

Short Title: Catawba/Newton-Conover/Hickory Bd of Ed Elect.

(Local)

Sponsors:

Referred to:

June 1, 2022

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE MEMBERS OF THE
CATAWBA COUNTY BOARD OF EDUCATION, HICKORY CITY BOARD OF
EDUCATION, AND NEWTON-CONOVER CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 2 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 170 of the 1985 Session Laws and Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. In the general election in 1986, there shall be elected four members of the ~~Board of Education of Catawba County~~ County Board of Education. In the general election in 1988, there shall be elected three members of the ~~Board of Education of Catawba County~~ County Board of Education. All members so elected shall hold their offices for four years, and until their successors are elected and qualified. Beginning in 1996, ~~as vacancies occur in the membership of the Board of Education of 2024, seats on the Catawba County by reason of expiration of terms of office, they~~ Board of Education shall be filled by nomination in the primaries and by election in the general elections according to the number of vacancies to be filled and according to the procedure set forth in this Act."

SECTION 1.(b) Section 3 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 382 of the 1979 Session Laws and Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 3. All persons desiring to be candidates for membership on ~~said the Catawba County~~ Board of Education shall file notice of candidacy with the Board of Elections of Catawba County not earlier than noon on the first Monday in June and not later than noon on the first Friday in July in the year of the election, which at the same time as candidates for other county offices. The notice shall state the name of each candidate, his age and place of residence, and which shall be accompanied by a filing fee of ten dollars (\$10.00)."

SECTION 1.(c) Section 4 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 4. Notwithstanding the provisions of G.S. 115C-37, the Catawba County Board of Education shall be elected on a ~~nonpartisan basis at the time set by G.S. 163-1 for the general election in each even-numbered year as terms expire. The election shall be conducted on a nonpartisan plurality basis, with the results determined in accordance with G.S. 163-292. The names of the candidates shall be printed on the ballot without reference to any party affiliations.~~ partisan basis. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes. Members of the



* H 1 1 6 2 - P C S 3 0 5 8 7 - B K - 1 8 *

1 ~~Board of Education of Catawba County~~ Board of Education shall take office and qualify on the
2 ~~First-first~~ Monday in December following their election."

3 **SECTION 1.(d)** Section 5 of Chapter 874 of the 1969 Session Laws, as amended by
4 Chapter 132 of the 1995 Session Laws, reads as rewritten:

5 "Sec. 5. All candidates in any primary and all nominees in any general election held under
6 this Act shall be qualified ~~electors-voters~~ of Catawba County who reside outside the boundaries
7 of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit,
8 and shall be voted upon at large by the ~~electors-voters~~ in Catawba County who reside outside the
9 boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative
10 School Unit."

11 **SECTION 1.(e)** Chapter 874 of the 1969 Session Laws is amended by adding a new
12 section to read:

13 "Sec. 6.1. Vacancies on the Catawba County Board of Education for positions elected on a
14 nonpartisan basis in 2020 and 2022 shall be filled by appointment by the remaining members of
15 the Board until the next election of the members of the Board, at which time the remaining
16 unexpired term of the office in which the vacancy occurs shall be filled by election. Beginning
17 in 2024, vacancies on the Catawba County Board of Education for positions elected on a partisan
18 basis shall be filled by appointment by the remaining members of the Board, in accordance with
19 G.S. 115C-37.1."

20 **SECTION 1.(f)** This act does not affect the terms of office of any member elected
21 in 2020 or 2022 to the Catawba County Board of Education. The members of the Catawba County
22 Board of Education elected in 2020 and 2022, or any member appointed to fill a vacancy for the
23 remainder of an unexpired term for a member elected in 2020 or 2022, shall serve until a
24 successor has been elected and qualified.

25 **SECTION 1.(g)** This section is effective when it becomes law and applies to
26 elections held in 2024 and thereafter.

27 **SECTION 2.(a)** Section 3 of Chapter 930 of the 1971 Session Laws reads as
28 rewritten:

29 "Sec. 3. One (1) member of the Hickory City Board of Education shall be elected from each
30 ward by the qualified voters of the ward, and the member must be a resident of the ward. One (1)
31 member of the Hickory City Board of Education shall be elected at large by the qualified voters
32 of the entire unit. ~~The election shall be nonpartisan and no primary election shall be held.~~
33 Beginning in 2023, members shall be elected on a partisan basis, and elections shall be conducted
34 in accordance with G.S. 163-279(a)(2) and G.S. 163-291. The election shall be held and
35 conducted by the Catawba County Board of Elections and the expense of the election shall be
36 paid by Catawba County. Registration and the election shall be held and conducted in accordance
37 with the ~~laws, rules and regulations applicable to elections for County offices applicable~~
38 provisions of Chapters 115C and 163 of the General Statutes, except as otherwise provided in
39 this act."

40 **SECTION 2.(b)** Section 4 of Chapter 930 of the 1971 Session Laws, as amended by
41 Chapter 382 of the 1979 Session Laws, reads as rewritten:

42 "Sec. 4. Candidates for membership on the Hickory City Board of Education shall file their
43 notice of candidacy with the Catawba County Board of Elections, on forms prescribed by the
44 ~~Board, not later than 5:00 p.m. on the ninth Friday preceding the election, Catawba County Board~~
45 of Elections, and pay a filing fee of five dollars (\$5.00). ~~If more than two (2) candidates file from~~
46 ~~a ward, or as an at large candidate, the person receiving a plurality of the votes cast shall be~~
47 ~~declared elected.~~All candidates in any primary and general election held under this act shall be
48 qualified voters of Catawba County who reside within the boundaries of the Hickory
49 Administrative School Unit."

50 **SECTION 2.(c)** Section 7 of Chapter 930 of the 1971 Session Laws reads as
51 rewritten:

1 "Sec. 7. ~~Beginning in 1973, except as otherwise specifically provided herein elections under~~
2 ~~this act shall be held on the same date as regular municipal elections in the City of Hickory for~~
3 ~~the purpose of electing members to the Board of Education to take the place of the members~~
4 ~~whose terms next expire. Beginning in 2023, seats on the Hickory City Board of Education shall~~
5 ~~be filled by nomination in the primaries and by election in the general elections. The members~~
6 ~~elected shall take office and qualify on the first Monday in December following their election~~
7 ~~and shall serve for terms of four (4) years, and until their successors are elected and qualified."~~

8 **SECTION 2.(d)** Section 10 of Chapter 930 of the 1971 Session Laws reads as
9 rewritten:

10 "Sec. 10. All vacancies in the membership of the Hickory City Board of Education for
11 positions elected on a nonpartisan basis in 2019 and 2021 shall be filled by appointment by the
12 remaining members of the Board. If a vacancy occurs during the first two years of a term, such
13 appointment shall be only until the next regular election for seats on the Board, at which time
14 such vacancy shall be filled by election for the remaining two years of the term. If a vacancy
15 occurs during the last two years of a term, such appointment shall be for the remainder of the
16 term. Beginning in 2023, vacancies on the Hickory City Board of Education for positions elected
17 on a partisan basis shall be filled by appointment by the remaining members of the Board, in
18 accordance with G.S. 115C-37.1."

19 **SECTION 2.(e)** Sections 5 and 6 of Chapter 930 of the 1971 Session Laws are
20 repealed.

21 **SECTION 2.(f)** This act does not affect the terms of office of any member elected
22 in 2019 or 2021 to the Hickory City Board of Education. The members of the Hickory City Board
23 of Education elected in 2019 and 2021, or any member appointed to fill a vacancy for the
24 remainder of an unexpired term for a member elected in 2019 or 2021, shall serve until a
25 successor has been elected and qualified.

26 **SECTION 2.(g)** This section is effective when it becomes law and applies to
27 elections held in 2023 and thereafter.

28 **SECTION 3.(a)** Chapter 200 of the Private Laws of 1935, as amended by Chapter
29 716 of the 1961 Session Laws and Chapter 81 of the 1967 Session Laws, reads as rewritten:

30 "Section 1. ~~That at the next municipal election to be held on the first Monday in May, one~~
31 ~~thousand nine hundred thirty five, there shall be elected by the qualified voters residing in the~~
32 ~~Newton-Conover City Administrative Unit four members to serve on the Board of Trustees of~~
33 ~~said administrative unit, the election to be held under and subject to the same rules and~~
34 ~~regulations governing the nominating and electing of municipal officers of the Town of Newton.~~
35 ~~Said election to be held by having two voting places, one in the Town Hall in the Town of~~
36 ~~Newton, and all qualified voters residing in the old Newton Graded School District, viz: within~~
37 ~~the boundary lines of the Newton Graded School District as of January first, one thousand nine~~
38 ~~hundred and thirty one, shall be allowed to vote at such an election at the Newton voting precinct,~~
39 ~~and the other voting precinct shall be in the school building, or in the Town hall, in the Town of~~
40 ~~Conover, North Carolina, and all qualified voters residing in the old Conover Special Tax School~~
41 ~~District, viz: within the boundary lines of said old Conover Special Tax School District as of~~
42 ~~January first, one thousand nine hundred and thirty one, shall be allowed to vote at such an~~
43 ~~election at the Conover voting precinct. The Board of Trustees for said administrative unit shall~~
44 ~~consist of six members, four of whom shall reside within the limits of the old Newton Graded~~
45 ~~School District, and the remaining two shall reside in that territory formerly known as the~~
46 ~~Conover Special Tax School District. The terms of office for said trustees shall be as follows: D.~~
47 ~~B. Gaither and O. R. Cline shall continue as members of the Newton-Conover City~~
48 ~~Administrative Unit until their present term of office expires on the first Monday in May, one~~
49 ~~thousand nine hundred and thirty six. Two members, one from Newton and one from Conover~~
50 ~~District, shall be elected on the first Monday in May, one thousand nine hundred and thirty five,~~
51 ~~for a term of two years. Two members, one from Newton and one from Conover District, shall~~

1 be elected on the first Monday in May, one thousand nine hundred and thirty-five, for a term of
2 three years. On the first Monday in May in each year thereafter there shall be elected two trustees
3 who shall hold office for a period of three years to succeed those whose terms expire. The
4 Newton-Conover City Board of Education shall consist of six members. Members shall serve a
5 term of four years. Three members shall represent the Newton district, as described in this act.
6 Three members shall represent the Conover district, as described in this act. In 2023, and every
7 four years thereafter, one member representing the Newton district and two members
8 representing the Conover district shall be elected. In 2025, and every four years thereafter, two
9 members representing the Newton district and one member representing the Conover district
10 shall be elected.

11 "Sec. 1½. (a) Qualified voters residing in the area hereinbefore defined as "Old Conover
12 Special School Tax District" shall vote for the ~~Trustees~~ members of the Newton-Conover City
13 Board of Education residing in that district only and the qualified voters residing in the area
14 hereinbefore defined as the "Old Newton Graded School District" shall vote for the ~~Trustees~~
15 members of the Newton-Conover City Board of Education residing in that district only, so that
16 the Conover representatives shall be elected exclusively by voters and residents of the Conover
17 district and the Newton representatives shall be elected exclusively by voters and residents of the
18 Newton district. At each ~~election herein provided for, election,~~ the Town of Conover shall
19 provide a separate ballot to be used in the election of ~~Trustees of the School Unit~~ members of the
20 Newton-Conover City Board of Education containing the names of the Conover candidates only
21 and the City of Newton shall provide a separate ballot to be used in the election of ~~Trustees of~~
22 ~~the School Unit~~ members of the Newton-Conover City Board of Education containing the names
23 of the Newton candidates only.

24 (b) For the purpose of conducting the elections ~~herein provided for,~~ for members of the
25 Newton-Conover City Board of Education, the division and boundary line separating the said
26 Old Conover Special School Tax District and the Old Newton Graded School District is hereby
27 established and re-defined as follows:

28 ...

29 "Sec. 2. ~~That the election officials of the Town of Newton, North Carolina, shall conduct said~~
30 ~~election, appoint the registrars, judges, and other poll holders necessary, and do each and~~
31 ~~everything necessary in conducting said election, under the rules governing and controlling~~
32 ~~regular and special municipal elections, of the voting precinct located in the Town of Newton.~~
33 ~~That the election officials of the Town of Conover, North Carolina, shall conduct the election at~~
34 ~~the voting precinct in the Town of Conover in the same manner as herein provided for the Town~~
35 ~~of Newton: Provided, that any special election may be called by the election officials of said~~
36 ~~Towns meeting in joint session. Beginning in 2023, members of the Newton-Conover City Board~~
37 ~~of Education shall be elected on a partisan basis, and conducted in accordance with~~
38 ~~G.S. 163-279(a)(2) and G.S. 163-291. Except as provided by this act, the election shall be~~
39 ~~conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General~~
40 ~~Statutes.~~

41 "Sec. 3. ~~That a special book shall be provided in each voting place for the registration of~~
42 ~~voters residing within the limits of each voting place, or precinct, as set out herein, who shall~~
43 ~~register and vote in the precinct in which they reside, and special boxes shall be provided at each~~
44 ~~voting place, to wit, in the Town Hall in Newton, North Carolina, and in the school building or~~
45 ~~Town Hall in Conover, North Carolina, in which shall be deposited the votes for said trustees:~~
46 ~~Provided, that all legally qualified voters now registered in the Town of Newton or in the former~~
47 ~~Newton Graded School District shall be deemed legally registered in the said Newton precinct~~
48 ~~and all legally qualified voters now registered in the Town of Conover or in the old Conover~~
49 ~~Special Tax District shall be deemed legally registered in the Conover precinct, and such~~
50 ~~registered voters shall not be required to re-register except and unless a new registration shall be~~
51 ~~ordered in either or both of said precincts by the election officials of the Towns of Newton and~~

1 ~~Conover meeting in joint session.~~All candidates in any primary and general election held under
2 this act shall be qualified voters of Catawba County who reside within the boundaries of the
3 Newton-Conover Administrative School Unit.

4 "Sec. 4. ~~That the said trustees~~Members of the Newton-Conover City Board of Education
5 shall take office and qualify and enter upon their duties as such officers on the first Monday next
6 in December following the election as herein provided, and shall have all the powers, authorities
7 and duties conferred and imposed upon the trustees now acting as trustees of the said Newton-
8 Conover City Administrative Unit and the said trustees now serving, with the exception of D. B.
9 Gaither and O. R. Cline, shall, when the four trustees herein provided for have been elected and
10 qualified, be relieved of all further duties powers and authorities as such trustees.their election.

11 "Sec. 5. ~~That the said trustees, as herein provided for,~~The members of the Newton-Conover
12 City Board of Education shall at their first meeting following each election elect from their
13 number a chairman, who shall a chair to serve for one year, and that thereafter at the first meeting
14 after each election they shall elect a chairman to serve for one year.

15 "Sec. 6. ~~That the~~The expense of the election herein provided for as held in the Town of
16 Newton shall be paid by the Town of Newton from the general funds of ~~said the~~ Town. ~~That the~~
17 The expense of the election herein provided for as held in the Town of Conover shall be paid by
18 the Town of Conover from the general funds of ~~said the~~ Town.

19 "Sec. 7. ~~That vacancies occurring~~Vacancies on the Newton-Conover City Board of trustees
20 Education for positions elected on a nonpartisan basis in 2019 and 2021 shall be filled by
21 appointments made by the remaining members of said the Board at the time of such vacancy.
22 Beginning in 2023, vacancies on the Newton-Conover City Board of Education for positions
23 elected on a partisan basis shall be filled by appointment by the remaining members of the Board,
24 in accordance with G.S. 115C-37.1.

25"

26 **SECTION 3.(b)** This act does not affect the terms of office of any member elected
27 in 2019 or 2021 to the Newton-Conover City Board of Education. The members of the
28 Newton-Conover City Board of Education elected in 2019 and 2021, or any member appointed
29 to fill a vacancy for the remainder of an unexpired term for a member elected in 2019 or 2021,
30 shall serve until a successor has been elected and qualified.

31 **SECTION 3.(c)** This section is effective when it becomes law and applies to
32 elections held in 2023 and thereafter.

33 **SECTION 4.(a)** G.S. 115C-37.1(d) reads as rewritten:

34 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
35 Brunswick, Burke, Caldwell, Carteret, Catawba, Cherokee, Clay, Cleveland, Craven, Dare,
36 Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow,
37 Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

38 **SECTION 4.(b)** This section becomes effective December 1, 2024.

39 **SECTION 5.(a)** Article 5 of Chapter 115C of the General Statutes is amended by
40 adding a new section to read:

41 "**§ 115C-37.2. Vacancies in offices of city boards of elected on partisan basis in certain city**
42 **school administrative units.**

43 (a) All vacancies in the membership of city boards of education which are elected by
44 public or local act on a partisan basis shall be filled by appointment of the person, board, or
45 commission specified in the act, except that if the act specifies that appointment shall be made
46 by a party executive committee, then the appointment shall be made instead by the remaining
47 members of the board.

48 (b) If the vacating member was elected as the nominee of a political party, then the
49 person, board, or commission required to fill the vacancy shall consult with the county executive
50 committee of that party who represent precincts all or part of which were within the territory of
51 the vacating school board member and appoint the person recommended by those members of

1 the party executive committee, if the party executive committee makes a recommendation within
2 30 days of the occurrence of the vacancy.
3 (c) This section shall apply only in the following city school administrative units:
4 Hickory City Schools and Newton-Conover City Schools."
5 **SECTION 5.(b)** This section becomes effective December 1, 2023.
6 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
7 law.