

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 687
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10303-ST-34

Short Title: Clarify Vacancy Filling Partisan Bd. of Ed. (Public)

Sponsors: Representative Hardister.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE PROCESS TO FILL A VACANCY ON A LOCAL BOARD OF
3 EDUCATION ELECTED USING THE PARTISAN METHOD OF ELECTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-37.1 reads as rewritten:

6 "§ 115C-37.1. Vacancies in offices of ~~county~~ local boards of education elected on a partisan
7 basis in certain counties.basis.

8 (a) All vacancies in the membership of ~~county boards~~ a local board of education which
9 ~~are is~~ elected by public or local act on a partisan basis shall be filled by appointment of the person,
10 board, or commission specified in the act, except that if the act specifies that appointment shall
11 be made by a party executive committee, then the appointment shall be made instead by the
12 remaining members of the board in accordance with this section, notwithstanding the public or
13 local act specifications for filling a vacancy.

14 (b) If the vacating member was elected as the nominee of a political party, then ~~the~~
15 person, board, or commission required to fill the vacancy shall consult with the county executive
16 committee of that party and appoint the person individual recommended by ~~that~~ the county
17 executive committee of that political party ~~executive committee~~, shall be sworn in at the next
18 regular meeting of the local board of education if the party executive committee ~~makes a~~
19 recommendation recommends a qualified voter of the local board of education within 30 days of
20 the occurrence of the vacancy.

21 (c) Whenever only the qualified voters of less than the entire county were eligible to vote
22 for the member whose seat is vacant ~~(either because the county administrative unit was less than~~
23 ~~countywide or only residents of certain areas of the administrative unit could vote in the general~~
24 ~~election for a district seat),~~ vacant, the appointing authority must accept the recommendation
25 ~~only if the county executive committee restricted~~ shall restrict voting to committee members who
26 represent precincts all or part of which were within the territory of the vacating school board
27 ~~member~~ member when making a recommendation in accordance with subsection (b) of this
28 section.

29 (c1) If the county executive committee of the political party fails to make a
30 recommendation in accordance with this section, the vacancy shall be filled by vote of the
31 remaining members of the local board of education. If the number of vacancies on the local board
32 of education is such that a quorum of the local board of education cannot be obtained, the clerk
33 of superior court of the county shall fill the vacancies upon the request of any remaining member
34 of the local board of education or upon the petition of any five qualified voters of the local board
35 of education.



1 (c2) If for any other reason the vacancy is not filled in accordance with this section within
2 60 days after the day the vacancy occurs, the superintendent shall immediately report the vacancy
3 to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after
4 the day the vacancy is reported, fill the vacancy.

5 (d) This section shall apply only in the following school administrative systems or
6 counties: Alleghany, Beaufort, Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven,
7 Dare, Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover,
8 Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

9 **SECTION 2.** This act becomes effective October 1, 2023, and applies to vacancies
10 occurring on or after that date.