

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 66
Committee Substitute Favorable 2/28/23
Committee Substitute #2 Favorable 3/7/23
PROPOSED SENATE COMMITTEE SUBSTITUTE H66-PCS30370-ST-30

Short Title: Partisan Boards of Education.

(Local)

Sponsors:

Referred to:

February 8, 2023

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, NEWTON-CONOVER CITY BOARD OF EDUCATION, AND PAMLICO COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

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

"Section 1. ~~The Board of Education of Catawba County~~ Board of Education shall ~~continue to be constituted with~~ consist of seven members as its membership, and the present members of the ~~Board of Education of Catawba County shall continue to hold their offices for the terms of office now established and until the term of office of each member has expired as follows:~~

~~H.T. Campbell~~ First Monday in December, 1970

~~Fred H. Lytton~~ First Monday in December, 1970

~~Martin S. Keisler~~ First Monday in December, 1972

~~Bruce Teague~~ First Monday in December, 1972

~~John Hunsucker~~ First Monday in December, 1972

and his successor has been elected and qualified as hereinafter set forth. elected to staggered four-year terms."

SECTION 1.(b) 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. In the general election in 1988, there shall be elected three members of the Board of Education of Catawba County. All members so elected shall hold their offices for four years, and serve until their successors are elected and qualified. Beginning in 1996, as vacancies occur in the membership of Seats on the Catawba County Board of Education of Catawba County by reason of expiration of terms of office, they 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.(c) 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:



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

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

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

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

20 "Sec. 5. All candidates in any primary or general election held under this Act shall be
21 qualified ~~electors-voters~~ of Catawba County who reside outside the boundaries of the Hickory
22 Administrative School Unit and the Newton-Conover Administrative School Unit, and shall be
23 voted upon at large by the electors-voters in Catawba County who reside outside the boundaries
24 of the Hickory Administrative School Unit and the Newton-Conover Administrative School
25 Unit."

26 **SECTION 1.(f)** Chapter 874 of the 1969 Session Laws is amended by adding a new
27 section to read:

28 "Sec. 6.1. Vacancies on the Catawba County Board of Education shall be filled in accordance
29 with G.S. 115C-37.1."

30 **SECTION 1.(g)** This act does not affect the term of office of any member elected in
31 2020 or 2022 to the Catawba County Board of Education. The members of the Catawba County
32 Board of Education elected in 2020 and 2022, or any member appointed to fill a vacancy for the
33 remainder of an unexpired term for a member elected in 2020 or 2022, shall serve until a
34 successor has been elected and qualified. Any vacancy on the Catawba County Board of
35 Education for a member elected in 2020 and 2022 shall be filled by appointment by the remaining
36 members of the Board.

37 **SECTION 1.(h)** This section is effective when it becomes law and applies to
38 elections held in 2024 and thereafter.

39 **SECTION 2.(a)** Section 1 of Chapter 930 of the 1971 Session Laws reads as
40 rewritten:

41 "Section 1. The Hickory City Board of Education of the Hickory Administrative School Unit
42 shall continue to consist of seven (7) members, and the present members of the Board of
43 Education of the Hickory Administrative School Unit shall continue to hold their offices for the
44 terms of office hereby established and until the term of office of each member has expired as
45 follows:

46	Ward 1	William L. Cauble, Jr.	First Monday in Dec. 1973
47	Ward 2	C. R. Cagle	First Monday in Dec. 1973
48	Ward 3	Gene D. Smith	First Monday in Dec. 1973
49	Ward 4	Sam Dula	First Monday in Dec. 1971
50	Ward 5	Dr. W. E. Leonard	First Monday in Dec. 1973
51	Ward 6	Mrs. J. E. Barringer	First Monday in Dec. 1971

1 Member-
2 at Large ~~Weldon S. Fanjoy First Monday in Dec. 1971~~
3 ~~or until his successor has been elected and qualified as hereinafter provided and~~
4 ~~thereafter the term of office of each member of the Board shall be four years.~~ elected to staggered
5 four-year terms."

6 **SECTION 2.(b)** Section 3 of Chapter 930 of the 1971 Session Laws reads as
7 rewritten:

8 "Sec. 3. One ~~(4)~~ member of the Hickory City Board of Education shall be elected from each
9 ward by the qualified voters of the ward, and the member must be a resident of the ward. One ~~(4)~~
10 member of the Hickory City Board of Education shall be elected at large by the qualified voters
11 of the entire unit. ~~The election shall be nonpartisan and no primary election shall be held.~~
12 Members shall be elected on a partisan basis at the time of the general election in each
13 even-numbered year as terms expire. Candidates for election to the Hickory City Board of
14 Education shall be nominated at the same time and manner as county officers. Except as provided
15 by this act, the election shall be conducted in accordance with the applicable provisions of
16 Chapters 115C and 163 of the General Statutes. The election shall be held and conducted by the
17 Catawba County Board of Elections and the expense of the election shall be paid by Catawba
18 County. Registration and the election shall be held and conducted in accordance with the laws,
19 rules and regulations applicable to elections for County offices except as otherwise provided in
20 this act. Elections."

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

23 "Sec. 4. Candidates for membership on the Hickory City Board of Education shall file ~~their~~
24 a notice of candidacy with the Catawba County Board of Elections, on forms prescribed by the
25 Board, not later than 5:00 p.m. on the ninth Friday preceding the election, at the same time as
26 candidates for county officers, and pay a filing fee of five dollars (\$5.00). If more than two (2)
27 candidates file from a ward, or as an at large candidate, the person receiving a plurality of the
28 votes cast shall be declared elected. All candidates in any primary or general election held under
29 this act shall be qualified voters of Catawba County who reside within the boundaries of the
30 Hickory Administrative School Unit and, if filing for a seat representing a ward, reside within
31 that ward."

32 **SECTION 2.(d)** Section 7 of Chapter 930 of the 1971 Session Laws reads as
33 rewritten:

34 "Sec. 7. ~~Beginning in 1973, except as otherwise specifically provided herein elections under~~
35 ~~this act shall be held on the same date as regular municipal elections in the City of Hickory for~~
36 ~~the purpose of electing members to the Board of Education to take the place of the members~~
37 ~~whose terms next expire.~~ The members elected shall take office and qualify on the first Monday
38 in December following their election and shall serve for terms of four (4) years, and until their
39 successors are elected and qualified."

40 **SECTION 2.(e)** Section 10 of Chapter 930 of the 1971 Session Laws reads as
41 rewritten:

42 "Sec. 10. All vacancies in the membership of the Hickory City Board of Education shall be
43 ~~filled by appointment by the remaining members of the Board. If a vacancy occurs during the~~
44 ~~first two years of a term, such appointment shall be only until the next regular election for seats~~
45 ~~on the Board, at which time such vacancy shall be filled by election for the remaining two years~~
46 ~~of the term. If a vacancy occurs during the last two years of a term, such appointment shall be~~
47 ~~for the remainder of the term.~~ in accordance with G.S. 115C-37.1. For the purposes of that section,
48 the Hickory City Board of Education shall be considered a county board of education."

49 **SECTION 2.(f)** Sections 5 and 6 of Chapter 930 of the 1971 Session Laws are
50 repealed.

1 **SECTION 2.(g)** No election for the Hickory City Board of Education shall occur in
2 2023. The terms of office for the three members of the Hickory City Board of Education serving
3 on the effective date of this section whose terms are set to expire in 2023 shall be extended by
4 one year. The terms of office for the four members of the Hickory City Board of Education
5 serving on the effective date of this section whose terms are set to expire in 2025 shall be
6 extended by one year. Regular elections for the Hickory City Board of Education shall be
7 conducted in even-numbered years beginning in 2024.

8 **SECTION 2.(h)** The members of the Hickory City Board of Education elected in
9 2019 and 2021, or any member appointed to fill a vacancy for the remainder of an unexpired
10 term for a member elected in 2019 or 2021, shall serve until a successor has been elected and
11 qualified. Any vacancy on the Hickory City Board of Education for a member elected in 2019
12 and 2021 shall be filled by appointment by the remaining members of the Hickory City Board of
13 Education.

14 **SECTION 2.(i)** This section is effective when it becomes law and applies to elections
15 held on or after that date.

16 **SECTION 3.(a)** Chapter 200 of the Private Laws of 1935, as amended by Chapter
17 716 of the 1961 Session Laws and Chapter 81 of the 1967 Session Laws, reads as rewritten:

18 ~~"Section 1. That at the next municipal election to be held on the first Monday in May, one~~
19 ~~thousand nine hundred thirty five, there shall be elected by the qualified voters residing in the~~
20 ~~Newton Conover City Administrative Unit four members to serve on the Board of Trustees of~~
21 ~~said administrative unit, the election to be held under and subject to the same rules and~~
22 ~~regulations governing the nominating and electing of municipal officers of the Town of Newton.~~
23 ~~Said election to be held by having two voting places, one in the Town Hall in the Town of~~
24 ~~Newton, and all qualified voters residing in the old Newton Graded School District, viz: within~~
25 ~~the boundary lines of the Newton Graded School District as of January first, one thousand nine~~
26 ~~hundred and thirty one, shall be allowed to vote at such an election at the Newton voting precinct,~~
27 ~~and the other voting precinct shall be in the school building, or in the Town hall, in the Town of~~
28 ~~Conover, North Carolina, and all qualified voters residing in the old Conover Special Tax School~~
29 ~~District, viz: within the boundary lines of said old Conover Special Tax School District as of~~
30 ~~January first, one thousand nine hundred and thirty one, shall be allowed to vote at such an~~
31 ~~election at the Conover voting precinct. The Board of Trustees for said administrative unit shall~~
32 ~~consist of six members, four of whom shall reside within the limits of the old Newton Graded~~
33 ~~School District, and the remaining two shall reside in that territory formerly known as the~~
34 ~~Conover Special Tax School District. The terms of office for said trustees shall be as follows: D.~~
35 ~~B. Gaither and O. R. Cline shall continue as members of the Newton Conover City~~
36 ~~Administrative Unit until their present term of office expires on the first Monday in May, one~~
37 ~~thousand nine hundred and thirty six. Two members, one from Newton and one from Conover~~
38 ~~District, shall be elected on the first Monday in May, one thousand nine hundred and thirty five,~~
39 ~~for a term of two years. Two members, one from Newton and one from Conover District, shall~~
40 ~~be elected on the first Monday in May, one thousand nine hundred and thirty five, for a term of~~
41 ~~three years. On the first Monday in May in each year thereafter there shall be elected two trustees~~
42 ~~who shall hold office for a period of three years to succeed those whose terms expire.~~
43 The Newton-Conover City Board of Education shall consist of six members. Members shall serve
44 staggered four-year terms. Three members shall represent the Newton district. Three members
45 shall represent the Conover district.

46 "Sec. 1½. (a) Qualified voters residing in the area ~~hereinbefore~~ defined as "Old Conover
47 Special School Tax District" shall vote for the ~~Trustees~~ members of the Newton-Conover City
48 Board of Education residing in that district only and the qualified voters residing in the area
49 ~~hereinbefore~~ defined as the "Old Newton Graded School District" shall vote for the ~~Trustees~~
50 members of the Newton-Conover City Board of Education residing in that district only, so that
51 the Conover representatives shall be elected exclusively by voters and residents of the Conover

1 district and the Newton representatives shall be elected exclusively by voters and residents of the
2 Newton district. ~~At each election herein provided for, the Town of Conover shall provide a~~
3 ~~separate ballot to be used in the election of Trustees of the School Unit containing the names of~~
4 ~~the Conover candidates only and the City of Newton shall provide a separate ballot to be used in~~
5 ~~the election of Trustees of the School Unit containing the names of the Newton candidates only.~~

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

10 ...

11 "Sec. 2. ~~That the election officials of the Town of Newton, North Carolina, shall conduct said~~
12 ~~election, appoint the registrars, judges, and other poll holders necessary, and do each and~~
13 ~~everything necessary in conducting said election, under the rules governing and controlling~~
14 ~~regular and special municipal elections, of the voting precinct located in the Town of Newton.~~
15 ~~That the election officials of the Town of Conover, North Carolina, shall conduct the election at~~
16 ~~the voting precinct in the Town of Conover in the same manner as herein provided for the Town~~
17 ~~of Newton: *Provided*, that any special election may be called by the election officials of said~~
18 ~~Towns meeting in joint session.~~Members of the Newton-Conover City Board of Education shall
19 be elected on a partisan basis at the time of the general election in each even-numbered year as
20 terms expire. Candidates for election to the Newton-Conover City Board of Education shall be
21 nominated at the same time and manner as county officers. Except as provided by this act, the
22 election shall be conducted in accordance with the applicable provisions of Chapters 115C and
23 163 of the General Statutes.

24 "Sec. 3. ~~That a special book shall be provided in each voting place for the registration of~~
25 ~~voters residing within the limits of each voting place, or precinct, as set out herein, who shall~~
26 ~~register and vote in the precinct in which they reside, and special boxes shall be provided at each~~
27 ~~voting place, to wit, in the Town Hall in Newton, North Carolina, and in the school building or~~
28 ~~Town Hall in Conover, North Carolina, in which shall be deposited the votes for said trustees:~~
29 ~~*Provided*, that all legally qualified voters now registered in the Town of Newton or in the former~~
30 ~~Newton Graded School District shall be deemed legally registered in the said Newton precinct~~
31 ~~and all legally qualified voters now registered in the Town of Conover or in the old Conover~~
32 ~~Special Tax District shall be deemed legally registered in the Conover precinct, and such~~
33 ~~registered voters shall not be required to re-register except and unless a new registration shall be~~
34 ~~ordered in either or both of said precincts by the election officials of the Towns of Newton and~~
35 ~~Conover meeting in joint session.~~Candidates for membership on the Newton-Conover City Board
36 of Education shall file a notice of candidacy with the Catawba County Board of Elections, on
37 forms prescribed by the Catawba County Board of Elections, at the same time as candidates for
38 county officers. All candidates in any primary or general election held under this act shall be
39 qualified voters of Catawba County who reside within the boundaries of the Newton-Conover
40 Administrative School Unit and who reside in the district for the seat apportioned to that district.

41 "Sec. 4. ~~That the said trustees~~Elected members of the Newton-Conover City Board of
42 Education shall take office and qualify and enter upon their duties as such officers on the first
43 Monday next in December following the election as herein provided, and shall have all the
44 powers, authorities and duties conferred and imposed upon the trustees now acting as trustees of
45 the said Newton-Conover City Administrative Unit and the said trustees now serving, with the
46 exception of D. B. Gaither and O. R. Cline, shall, when the four trustees herein provided for have
47 been elected and qualified, be relieved of all further duties powers and authorities as such
48 trustees.~~election. Members shall serve until their successors are elected and qualified.~~

49 "Sec. 5. ~~That the said trustees, as herein provided for, Each year, the members of the~~
50 Newton-Conover City Board of Education shall at their first meeting elect from their number a

1 chairman, who shall a chair to serve for one year, and that thereafter at the first meeting after
2 each election they shall elect a chairman to serve for one year.

3 "Sec. 6. That the expense of the election herein provided for as held in the Town of Newton
4 shall be paid by the Town of Newton from the general funds of said Town. That the expense of
5 the election herein provided for as held in the Town of Conover shall be paid by the Town of
6 Conover from the general funds of said Town. The election shall be held and conducted by the
7 Catawba County Board of Elections.

8 "Sec. 7. ~~That vacancies occurring~~ Vacancies on the Newton-Conover City Board of trustees
9 Education shall be filled by appointments made by the remaining members of said Board at the
10 time of such vacancy in accordance with G.S. 115C-37.1. For the purposes of that section, the
11 Newton-Conover City Board of Education shall be considered a county board of education.

12"

13 **SECTION 3.(b)** No election for the Newton-Conover City Board of Education shall
14 occur in 2023. The terms of office for the three members of the Newton-Conover City Board of
15 Education serving on the effective date of this section whose terms are set to expire in 2023 shall
16 be extended by one year. The terms of office for the three members of the Newton-Conover City
17 Board of Education serving on the effective date of this section whose terms are set to expire in
18 2025 shall be extended by one year. Regular elections for the Newton-Conover City Board of
19 Education shall be conducted in even-numbered years beginning in 2024.

20 **SECTION 3.(c)** The members of the Newton-Conover City Board of Education
21 elected in 2019 and 2021, or any member appointed to fill a vacancy for the remainder of an
22 unexpired term for a member elected in 2019 or 2021, shall serve until a successor has been
23 elected and qualified. Any vacancy on the Newton-Conover City Board of Education for a
24 member elected in 2019 and 2021 shall be filled by appointment by the remaining members of
25 the Newton-Conover City Board of Education.

26 **SECTION 3.(d)** This section is effective when it becomes law and applies to
27 elections held on or after that date.

28 **SECTION 4.(a)** Chapter 551 of the 1981 Session Laws is repealed.

29 **SECTION 4.(b)** Section 8 of Chapter 939 of the 1987 Session Laws reads as
30 rewritten:

31 "Sec. 8. The Board of Education of Pamlico County Pamlico County Board of Education
32 shall continue to consist of seven members, members, elected on a partisan basis at the time of
33 the general election in each even-numbered year. Candidates for election to the Pamlico County
34 Board of Education shall be nominated at the same time and manner as other county officers.
35 Members shall serve staggered four-year terms. Members shall take office on the first Monday
36 in December following the election, and the terms of their predecessors shall expire at the same
37 time. Members shall serve until a successor has been elected and qualified. Except as otherwise
38 provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of
39 the General Statutes. Vacancies on the Pamlico County Board of Education shall be filled in
40 accordance with G.S. 115C-37.1."

41 **SECTION 4.(c)** Section 10 of Chapter 939 of the 1987 Session Laws, as amended
42 by S.L. 2005-305, is repealed.

43 **SECTION 4.(d)** Sections 11 and 13 of Chapter 939 of the 1987 Session Laws are
44 repealed.

45 **SECTION 4.(e)** Beginning in 2024, one member shall be elected from Districts 1,
46 2, 3, and 5 to serve four-year terms. Beginning in 2026, one member shall be elected from District
47 4 and two members shall be elected from the county at large to serve four-year terms.

48 **SECTION 4.(f)** This section does not affect the terms of office of any person elected
49 in 2020 or 2022 to the Pamlico County Board of Education. Any vacancy on the Pamlico County
50 Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining
51 members of the Pamlico County Board of Education. The members of the Pamlico County Board

1 of Education elected in 2020 or 2022, or any member appointed by the remaining members of
2 the Pamlico County Board of Education to fill a vacancy of a member elected in 2020 or 2022,
3 shall serve until a successor has been elected and qualified.

4 **SECTION 5.(a)** G.S. 115C-37.1(d) reads as rewritten:

5 "(d) This section shall apply only to the Hickory City Board of Education and the
6 Newton-Conover City Board of Education and in the following counties: Alleghany, Beaufort,
7 Brunswick, Burke, Caldwell, Carteret, Catawba, Cherokee, Clay, Cleveland, Craven, Dare,
8 Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow,
9 Pamlico, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

10 **SECTION 5.(b)** This section becomes effective December 1, 2024.

11 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
12 law.