

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2023

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HOUSE BILL 308

PROPOSED COMMITTEE SUBSTITUTE H308-CSCH-7 [v.9]

03/20/2023 06:34:06 PM

Short Title: Alexander Co. Bd. of Ed. Referendum.

(Local)

Sponsors:

Referred to:

March 9, 2023

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE A REFERENDUM ON WHETHER TO CHANGE THE ELECTION  
3 METHOD FOR THE ALEXANDER COUNTY BOARD OF EDUCATION FROM  
4 NONPARTISAN TO PARTISAN.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Section 1 of Chapter 774 of the 1969 Session Laws reads as  
7 rewritten:

8 "Section 1. The Board of Education of Alexander County Board of Education shall  
9 consist of six seven members to be elected for staggered terms of four years. (4) years as  
10 hereinafter provided. Members shall be elected from seven single-member electoral districts. One  
11 member shall be elected from each district, and the qualified voters of each district shall elect the  
12 member for that district. Only qualified voters residing in that district may vote for the member  
13 from that district, and each candidate for a district seat shall reside in the district in which the  
14 candidate seeks election."

15 **SECTION 1.(b)** Section 3 of Chapter 774 of the 1969 Session Laws reads as  
16 rewritten:

17 "Sec. 3. Members of the Alexander County Board of Education shall be elected on a  
18 partisan basis in a non Partisan Election to be held at the time of the general election in each  
19 even-numbered year as terms expire. for nomination of candidates for the General Assembly.  
20 Candidates for the office of membership on the Board of Education of Alexander County Board  
21 of Education shall be eligible electors and shall file notice of candidacy with the County Board  
22 of Elections of Alexander County in the same manner and at such the same time as that for  
23 candidates for the General Assembly prior to the date of said primary election, and county  
24 officers. The notice of candidacy shall be accompanied by a filing fee of ten (\$10.00) dollars.  
25 The notice of candidacy shall state the name, age, residence and district of the candidate, together  
26 with and shall include a statement that such the candidate desires to be voted upon as a member  
27 of said the Alexander County Board of Education. Except as provided by this act, the election  
28 shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the  
29 General Statutes."

30 **SECTION 1.(c)** Section 4 of Chapter 774 of the 1969 Session Laws reads as  
31 rewritten:

32 "Sec. 4. The present five members of the Board of Education of Alexander County  
33 shall hold their offices until the expiration of the terms for which they were appointed, provided:  
34 the term of office of one of the two appointed members from District number 1 shall expire on  
35 the first Monday in December, 1970, and the term of office of the one appointed member from  
36 District number 4 shall expire on the first Monday in December, 1970; the term of office of the



1 second appointed member from District number 1, the term of office of the one appointed  
2 member from District number 2, and the term of office of the one appointed member from District  
3 number 3, shall expire on the first Monday in December, 1972. In any case the present members  
4 of the Alexander County Board of Education, or those appointed to fill unexpired terms of said  
5 members, shall hold their offices until Members shall serve until their successors are elected and  
6 qualified. All members elected in any election shall take office on the first Monday in December  
7 of the year in which elected."

8 **SECTION 1.(d)** Section 7 of Chapter 774 of the 1969 Session Laws reads as  
9 rewritten:

10 "Sec. 7. In the event the number of candidates in a district does not exceed the number  
11 of vacancies to be filled in that district, no election shall be necessary and the candidate(s) shall  
12 be declared elected. Vacancies on the Alexander County Board of Education which arise during  
13 a term of office shall be filled in accordance with G.S. 115C-37.1. for the unexpired term by  
14 majority vote of the remaining members of the Board of Education of Alexander County."

15 **SECTION 1.(e)** Sections 2, 4, 5, 6, and 8 of Chapter 774 of the 1969 Session Laws  
16 are repealed.

17 **SECTION 1.(f)** Section 9(a) of S.L. 2015-103 is repealed.

18 **SECTION 1.(g)** This section does not affect the terms of office of any person elected  
19 in 2022 or 2024 to the Alexander County Board of Education. Any vacancy on the Alexander  
20 County Board of Education for a member elected in 2022 or 2024 shall be filled by the remaining  
21 members of the Alexander County Board of Education. The members of the Alexander County  
22 Board of Education elected in 2022 or 2024, or any member appointed to fill a vacancy of a  
23 member elected in 2022 or 2024, shall serve until a successor has been elected and qualified.

24 **SECTION 2.(a)** G.S. 115C-37.1(d) reads as rewritten:

25 "(d) This section shall apply only in the following counties: Alexander, Alleghany,  
26 Beaufort, Brunswick, Carteret, Cherokee, Clay, Dare, Davie, Graham, Guilford, Harnett, Hyde,  
27 Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance,  
28 Washington, and Yancey."

29 **SECTION 2.(b)** This section becomes effective December 1, 2026.

30 **SECTION 3.** Sections 1 and 2 of this act become effective only if approved by a  
31 majority of the qualified voters of Alexander County in a referendum. The election shall be  
32 conducted by the Alexander County Board of Elections in the 2024 general election. The question  
33 to be used in the voting systems and ballots shall be:

34 " [ ] FOR [ ] AGAINST

35 Changing the method of election for the Alexander County Board of Education from  
36 nonpartisan to partisan."

37 **SECTION 4.** If the majority of the votes cast in the referendum in Section 3 are in  
38 favor of the question, Section 1 becomes effective with respect to elections conducted in 2026  
39 and thereafter, and Section 3 becomes effective December 1, 2026. The remainder of this act is  
40 effective when it becomes law.