

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 674
PROPOSED HOUSE COMMITTEE SUBSTITUTE S674-PCS35297-TC-36

Short Title: Surry Co./Mt. Airy/Elkin City/Bd. Ed Partisan.

(Local)

Sponsors:

Referred to:

May 21, 2019

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE METHOD OF ELECTION OF THE BOARD OF EDUCATION OF SURRY COUNTY, THE BOARD OF EDUCATION OF THE MOUNT AIRY CITY SCHOOLS ADMINISTRATIVE UNIT, AND THE BOARD OF EDUCATION OF THE ELKIN CITY ADMINISTRATIVE UNIT FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 549 of the 1969 Session Laws reads as rewritten:

"**Section 1.** ~~The Beginning in 2020, the members of the Board of Education of Surry County shall be elected on a non-partisan-partisan basis according to the provisions of Chapter 972 of the Session Laws of 1967. for four-year terms at the time of the general election in each even-numbered year as terms expire. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. Duly elected members of the Board shall take office the first Monday of December immediately following their election, and the terms of their predecessors shall expire at the same time. Members shall take the oath of office prescribed in Article VI, Section 7 of the North Carolina Constitution. Each member shall serve until a successor has been elected and qualified. There shall be elected by the qualified voters of the county school administrative unit one member from each of the Districts hereinafter set forth, as follows:~~

(1) One member who shall be a resident of District No. 1, consisting of so much of Mount Airy Township as does not lie within the boundaries of the Mount Airy City School Administrative Unit.

(2) One member who shall be a resident of District No. 2, consisting of Westfield, Pilot Mountain, Long Hill and Eldora Townships.

(3) One member who shall be a resident of District No. 3, consisting of Shoals, Siloam and Rockford Townships.

(4) One member who shall be a resident of District No. 4, consisting of Dobson, Marsh and Stewart's Creek Townships.

(5) One member who shall be a resident of District No. 5, consisting of Franklin and Bryan Townships.

Elkin Township and that portion of Mount Airy Township lying within the boundaries of Mount Airy City School Administrative Unit are excluded from the above described districts because they are contained in city administrative units with their own separate boards of education."

SECTION 1.(b) Chapter 308 of the 1991 Session Laws is repealed.



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1 **SECTION 1.(c)** Beginning in 2020, vacancies on the Surry County Board of
2 Education for seats elected on a partisan basis shall be filled by a majority vote of the remaining
3 members of the Board in accordance with G.S. 115C-37.1. Any person appointed to fill a vacancy
4 shall be a resident of the district for which he or she is appointed at the time of appointment and
5 shall remain a resident for the remainder of the term. Appointments to fill vacancies on the Surry
6 County Board of Education for seats elected on a nonpartisan basis in 2016 or 2018 shall be filled
7 in accordance with G.S. 115C-37(f).

8 **SECTION 1.(d)** This act does not affect the terms of office of any person elected in
9 2016 or 2018 to the Surry County Board of Education. Each member of the Surry County Board
10 of Education elected in 2016 and 2018, or any member appointed to fill a vacancy for a member
11 elected in 2016 or 2018, shall serve until a successor has been elected and qualified.

12 **SECTION 2.(a)** Section 6 of the Private Laws of 1895, as rewritten by Chapter 475
13 of the 1955 Session Laws and Chapter 672 of the 1995 Session Laws, reads as rewritten:

14 "Sec. 6. (a) Beginning with the general election to be held in November ~~1996,~~ 2020, the
15 Board of Education of the Mount Airy City Schools Administrative Unit shall be elected on a
16 ~~nonpartisan plurality basis in accordance with G.S. 163-292~~ partisan basis in each
17 even-numbered year as terms expire with all candidates being elected by vote of all the qualified
18 voters within the Mount Airy City Schools Administrative Unit. The primary and election shall
19 be held and conducted in accordance with the general laws governing primaries and elections for
20 county officers, except as otherwise provided herein.

21 (b) The Board of Education shall consist of seven members who shall reside within the
22 Mount Airy City Schools Administrative Unit, elected as follows:

- 23 (1) Two members from District A, which consists of Mount Airy #1.
- 24 (2) Two members from District B, which consists of ~~Mount Airy #2.~~ Mount Airy
25 #2 and Mount Airy #3.
- 26 (3) One member from District C, which consists of Mount Airy #4 and Mount
27 Airy #5.
- 28 (4) One member from District D, which consists of Mount Airy #6 and Mount
29 Airy #7.
- 30 (5) One member at-large.

31 (c) At the initial election in November 1996, one member shall be elected from each
32 district and one at-large as provided in this subsection. These five elected members shall take
33 office at the first regular meeting of the Board of Education in December 1996. The terms of
34 office of the five current members of the Board of Education whose terms expire on or before
35 June 30, 1997, shall instead terminate at the commencement of that meeting, except that as to
36 those current Board of Education members whose terms expire on June 30, 1996, the Board of
37 Commissioners of the City of Mount Airy may appoint successors to serve from July 1, 1996,
38 until the first regular meeting in December 1996, or it may allow either or both of those members
39 to hold over until their successors are elected and qualify. One member each shall be elected in
40 1996 and quadrennially thereafter from Districts A, B, C, and D for four-year terms. The member
41 elected in 1996 on an at-large basis shall be elected for a two-year term, and a successor shall be
42 elected in 1998 and quadrennially thereafter for a four-year term.

43 (d) One member each shall be elected in 1998 and quadrennially thereafter from District
44 A and B for four-year terms to replace the members whose terms currently expire in 1998. The
45 Board of Commissioners of the City of Mount Airy may appoint successors to serve from July
46 1, 1998, until the first regular meeting in December 1998 or it may allow either or both of those
47 members to hold over until their successors are elected and qualify.

48 (e) Duly elected members of the Board of Education shall take office the first Monday of
49 December immediately following their election, and the terms of their predecessors shall expire
50 at the same time. Members shall take the oath of office prescribed in Article VI, Section 7 of the

1 North Carolina Constitution. Each member shall serve until a successor has been elected and
2 qualified.

3 At the first regular meeting in December after each election, the Board of Education shall
4 elect from its membership a ~~Chairman~~ chair to serve a two-year term.

5 (f) Any vacancies on the Board of Education shall be filled for the remainder of the
6 unexpired term by majority vote of the remaining members of the Board of Education. Beginning
7 with members elected to the Board of Education in 2020, if the vacating member was elected as
8 the nominee of a political party, then the Board of Education shall consult with the county
9 executive committee of that party and appoint the person recommended by that party executive
10 committee, if the party executive committee (i) makes a recommendation within 30 days of the
11 occurrence of the vacancy and (ii) the county executive committee restricted voting to committee
12 members who represent precincts all or part of which were within the territory of the city
13 administrative unit. Any person appointed to fill a vacancy for a district seat shall be a resident
14 of the district for which he or she is appointed at the time of appointment and shall remain a
15 resident for the remainder of the term.

16 (g) ~~Candidates shall file notice of candidacy not earlier than 12:00 noon on the first Friday~~
17 ~~in July (except that if that day is a holiday, then not earlier than 12:00 noon on the next Monday)~~
18 ~~and not later than 12:00 noon on the first Friday in August of the year of election."~~

19 **SECTION 2.(b)** This act does not affect the terms of office of any person elected in
20 2016 or 2018 to the Board of Education of the Mount Airy City Schools Administrative Unit.
21 Each member of the Board of Education of the Mount Airy City Schools Administrative Unit
22 elected in 2016 and 2018, or any member appointed to fill a vacancy for a member elected in
23 2016 or 2018, shall serve until a successor has been elected and qualified.

24 **SECTION 3.(a)** Section 4 of Chapter 455 of the 1947 Session Laws, as rewritten by
25 Section 3 of Chapter 284 of the 1973 Session Laws and Section 1 of Chapter 1258 of the 1973
26 Session Laws, reads as rewritten:

27 "(a) ~~The Beginning in 2020, the~~ members of the Board of Education of the Elkin City
28 Administrative Unit shall be elected on a nonpartisan plurality-partisan basis in even-numbered
29 years as terms expire on the same day that regular general elections are held. ~~Candidates for the~~
30 ~~Board shall file for office on or before the fourteenth Monday preceding the date on which the~~
31 ~~general election shall be held and shall pay a filing fee of five dollars (\$5.00). All candidates shall~~
32 be elected by vote of all the qualified voters within the Elkin City Administrative Unit. The
33 primary and election shall be held and conducted in accordance with the general laws governing
34 primaries and elections for county officers, except as otherwise provided herein.

35 (b) The first election under this act shall be held in November of 1974 at which time all
36 members of the Board shall be elected. Of the three at-large members elected in 1974 from inside
37 the corporate limits of the City of Elkin, the two receiving the highest number of votes shall serve
38 a four-year term and the person receiving the next highest number of votes shall serve a two-year
39 term. The person elected in 1974 from the area within the Elkin ~~School District~~ City
40 Administrative Unit to the west of Interstate 77 and outside the corporate limits of the City of
41 Elkin shall serve for a four-year term. The person elected in 1974 from the area within the Elkin
42 ~~School District~~ City Administrative Unit to the east of Interstate 77 and outside the corporate
43 limits of the City of Elkin shall serve a two-year term. Thereafter as the terms expire, successors
44 shall be elected for terms of four years. Those persons who shall be elected to the Board must
45 qualify by taking the oath of office on or before the first Monday in December next succeeding
46 their ~~election~~ election, and the terms of their predecessors shall expire at the same time. Each
47 member shall serve until a successor has been elected and qualified.

48 (c) Those persons appointed to the Board to fill a vacancy shall qualify within thirty days
49 of notification. At the first meeting of the Board following the taking the oath of office by Board
50 members, a ~~Chairman~~ chair shall be chosen by and from the membership of the Board. Any
51 vacancy occurring in the membership of the Board for any reason shall be filled by a majority

1 ~~vote of the remaining members of the Board within thirty days after such vacancy occurs.~~ Board.
2 Beginning with members elected to the Board in 2020, if the vacating member was elected as the
3 nominee of a political party, then the Board shall consult with the county executive committee
4 of that party and appoint the person recommended by that party executive committee, if the party
5 executive committee (i) makes a recommendation within 30 days of the occurrence of the
6 vacancy and (ii) the county executive committee restricted voting to committee members who
7 represent precincts all or part of which were within the territory of the city administrative unit.
8 Any person appointed to fill a vacancy for a seat for a designated area within the Elkin City
9 Administrative Unit pursuant to subsection (b) of this section shall be a resident of the designated
10 area for which he or she is appointed at the time of appointment and shall remain a resident for
11 the remainder of the term."

12 **SECTION 3.(b)** This act does not affect the terms of office of any person elected in
13 2016 or 2018 to the Board of Education of the Elkin City Administrative Unit. Each member of
14 the Board of Education of the Elkin City Administrative Unit elected in 2016 and 2018, or any
15 member appointed to fill a vacancy for a member elected in 2016 or 2018, shall serve until a
16 successor has been elected and qualified.

17 **SECTION 4.** Effective the first Monday in December of 2020, G.S. 115C-37.1(d)
18 reads as rewritten:

19 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
20 Brunswick, Carteret, Cherokee, Clay, Cleveland, Dare, Davie, Graham, Guilford, Harnett, Hyde,
21 Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Surry, Vance,
22 Washington, and Yancey."

23 **SECTION 5.** This act is effective when it becomes law and applies to elections held
24 on or after that date.