

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1301
SENATE BILL 576

1 AN ACT ELIMINATING CERTAIN INCONSISTENCIES BETWEEN THE OMNIBUS
2 SCHOOL BOARD APPOINTMENT ACT AND THE GENERAL STATUTES, AND
3 CLARIFYING THE PROCEDURE FOR ELECTION OF COUNTY BOARDS OF
4 EDUCATION IN 1970.

5
6 The General Assembly of North Carolina do enact:

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8 **Section 1.** Chapter 248, Session Laws of 1969 (House Bill 378), is amended by
9 inserting a new Sec. 3 therein and renumbering the succeeding sections accordingly, as follows:

10 "Sec. 3. Unless otherwise provided by local act, elections shall be held in 1970 to fill terms
11 of office expiring under this Act in 1971, and in 1972 to fill terms of office expiring under this
12 Act in 1973. Those elections shall be conducted as provided by Chapter 115, Article 5, of the
13 General Statutes. Persons elected in 1970 to succeed persons appointed in this Act to terms of
14 office expiring in 1971 shall take office on the first Monday in April 1971, and persons elected
15 in 1972 to succeed persons appointed in this Act to terms of office expiring in 1973 shall take
16 office on the first Monday in April 1973. Candidates elected to terms of two years in 1970 shall
17 serve until the first Monday in December of 1972, and candidates elected to terms of four years
18 in 1970 shall serve until the first Monday in December of 1974. Candidates elected to terms of
19 two years in 1972 shall serve until the first Monday in December of 1974 and candidates
20 elected to terms of four years in 1972 shall serve until the first Monday in December of 1976.

21 "Provided, in counties having three-member boards and subject to this act, persons
22 appointed herein for terms of two years, persons appointed to four-year terms by the 1967
23 General Assembly, and persons appointed to six-year terms by the 1965 General Assembly
24 shall hold office until the first Monday in December, 1970, and until their successors are
25 elected and qualified, and persons appointed herein for four-year terms and persons appointed
26 to six-year terms by the 1967 General Assembly shall hold office until the first Monday in
27 December, 1972, and until their successors are elected and qualified. Candidates hereafter
28 elected in these counties shall take office on the first Monday in December following their
29 election."

30 **Sec. 2.** Section 1 of Chapter 972, Session Laws of 1967, is rewritten to read as
31 follows:

32 "**Sec. 115-18. How constituted.** The County board of education in each county shall consist of
33 five members elected by the voters of the county at large for terms of four years."

34 Section 2 of Chapter 972, Session Laws of 1967, is rewritten to read as follows:

35 "**Sec. 115-19. How elected.** The County Boards of Education shall be elected on a nonpartisan
36 basis at the time of the primary election in 1970 and biennially thereafter. The names of the
37 candidates shall be printed on the ballots without reference to any party affiliation and any
38 qualified voter residing in the county shall be entitled to vote such ballots. Except as otherwise
39 provided herein, the election shall be conducted according to the provisions of Chapter 163 of
40 the General Statutes then governing primary elections, and any local acts amendatory thereto."

41 "The terms of office of the members shall be staggered so as nearly equal to one-half as
42 possible shall expire every two years. If the appointments heretofore made by the General
43 Assembly are for terms of office which comply with the preceding sentence, elections shall be

1 held in 1970, 1972, and biennially thereafter to fill vacancies as they occur for terms of four
2 years. If the appointments heretofore made by the General Assembly are for terms which all
3 expire in the same year, at the first election held hereunder the three members receiving the
4 highest number of votes shall be elected for terms of four years and the two members elected
5 with the next highest number of votes shall be elected for terms of two years. Thereafter, all
6 candidates shall be elected for terms of four years. If the appointments heretofore made by the
7 General Assembly are for terms of office which do not comply with the first sentence of this
8 paragraph but do not all expire in the same year, and/or if the board consists of any number of
9 members other than five, the board shall, on or before the fourteenth day before the deadline for
10 filing notice of candidacy for county offices in 1970, adopt a resolution designating the term of
11 office to be served by members elected to fill vacancies occurring in 1970 and 1972, which
12 terms shall be either two years or four years, in order that the board shall consist of five
13 members with as nearly equal to one-half as possible of the terms of office expiring every two
14 years thereafter. Any such resolution shall be filed with the county board of elections, the State
15 Board of Elections, and the State Board of Education."

16 **Sec. 3.** "Section 2, Chapter 248, Session Laws of 1969 is hereby amended by
17 deleting the words "the first Monday in April, 1969," in the first sentence and inserting in lieu
18 thereof the following: "the first Monday in June, 1969,".

19 **Sec. 4.** All laws and clauses of laws in conflict with this Act are repealed, except
20 local acts providing for the election of county boards of education by the people.

21 **Sec. 5.** This Act shall take effect upon its ratification.

22 In the General Assembly read three times and ratified, this the 2nd day of July,
23 1969.