

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 334
HOUSE BILL 681

AN ACT TO REORGANIZE AND EXPAND THE MEMBERSHIP OF THE WAKE
COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. The Board of Education of Wake County shall continue to consist of five members to represent the districts hereinafter set forth until the first Monday in December, 1974, when three additional members shall be elected in the primary election of said year and thereafter the Board of Education of Wake County shall consist of eight members until the first Monday in December, 1976, when the term of one member of the Board expires, the said member being a resident of Raleigh Township; after said date the Board shall consist of seven members. Until the three additional members are elected, the Board of Education of Wake County shall continue to function as the legal and lawful Board of Education of Wake County and to exercise the powers and duties granted to and imposed upon the said Board of Education.

Sec. 2. The incumbent members of the Board of Education of Wake County shall continue to hold office until the first Monday in December of the year in which their present terms would expire, and until their successors are elected and qualified. Thereafter, one member shall be elected from each of the seven districts of Wake County, as herein provided, which districts are hereby created and established as follows:

District No. 1. shall be composed of that portion of St. Matthews Township, now and hereafter located in the Wake County School District.

District No. 2. shall be composed of that portion of Barton's Creek Township, Neuse Township, Meredith Township and House Creek Township, now and hereafter located in the Wake County School District.

District No. 3. shall be composed of that portion of White Oak Township, Swift Creek Township, Raleigh Township, Leesville Township and Cedar Fork, Township, now and hereafter located in the Wake County School District.

District No. 4. shall be composed of that portion of Cary Township now and hereafter located in the Wake County School District.

District No. 5. shall be composed of that portion of Buckhorn Township, Holly Springs Township, Middle Creek Township and Panther Branch Township, now and hereafter located in the Wake County School District.

District No. 6. shall be composed of that portion of St. Mary's Township, now and hereafter located in the Wake County School District.

District No. 7 shall be composed of that portion of Little River Township, Wake Forest Township, New Light Township and Marks Creek Township, now and hereafter located in the Wake County School District.

Sec. 3. In District No. 1, at the primary election in 1974 for County officers of Wake County, there shall be elected one member who is a bona fide resident of District No. 1. who shall take office on the first Monday in December, 1974, and shall serve for a term of two years. All successors in office for this office shall be elected at intervals of four years and shall serve for terms of four years.

In District No. 2 there shall be elected in the primary election for County officers in Wake County for the year 1976 one member who is a bona fide resident of District No. 2 and said member shall take office on the first Monday in December, 1976, and shall serve for a term of four years, and all successors shall be elected at four-year intervals and shall serve for terms of four years.

In District No. 3 there shall be elected in the primary election for County officers in Wake County for the year 1974, one member who is a bona fide resident of District No. 3 who shall take office on the first Monday in December, 1974, and serve for a term of two years. All successors shall be elected at four-year intervals and shall serve for terms of four years.

In District No. 4 there shall be elected in the primary election for County officers of Wake County in the year of 1974 one member who is a bona fide resident of District No. 4, and said member shall take office on the first Monday in December, 1974, and hold office for a term of four years. All successors to this office shall be elected at four-year intervals and hold office for terms of four years.

In District No. 5 there shall be elected in the primary election for County officers of Wake County in the year of 1974 one member who is a bona fide resident of District No. 5, which said member shall take office on the first Monday in December, 1974, and hold office for a term of two years. Thereafter all successors to this office shall be elected at four-year intervals and shall serve for terms of four years.

In District No. 6 there shall be elected in the primary election for County officers in Wake County in the year of 1978 one member who is a bona fide resident of District No. 6, which said representative of said District shall take office on the first Monday in December, 1978, and shall hold office for a term of four years. Thereafter the successors to this office shall be elected at four-year intervals and said successors shall hold office for terms of four year.

In District No. 7 there shall be elected in the primary election for Wake County officers in Wake County in the year of 1974, one member who is a bona fide resident of District No. 7, which said representative of said District shall take office on the first Monday in December, 1974, and shall hold office for a term of four years. Thereafter all successors to this office shall be elected at four-year intervals and shall serve for a term of four years.

Sec. 4. The election of all representatives to represent the districts herein set forth on the Wake County Board of Education shall be at the time of the primary election to be held for County officers in Wake County and at the times heretofore designated. Except as otherwise provided herein, the election shall be held and

conducted according to the procedure, provisions and machinery of Chapter 163 of the General Statutes (1971 Cumulative Supplement to Volume 3D, as amended), governing primary elections. The said election shall be nonpartisan and there shall be no writing or notation on the ballot which refers in any manner to political party or affiliation. Each candidate shall file with the Wake County Board of Elections a notice stating that he is a candidate shall file with the Wake County Board of Elections a notice stating that he is a candidate for election to the school board. Said notice shall state the district which said candidate desires to be elected to represent, and a statement that he is a bona fide resident of said district, and said notice shall contain his name and address. The said notice of candidacy shall be filed with the Wake County Board of Elections before the deadline set for filing of other county offices and for filing for members of the General Assembly, and the said Wake County Board of Elections shall print a separate ballot for each district. The names of the persons who file notice with the Wake County Board of Elections stating that they desire to be candidates to represent any of the districts shall be printed on a ballot as aforesaid with the name of the district which said candidate desires to represent appearing opposite his name, and the candidate so filing to represent the representative districts shall be voted upon at large by the qualified voters of Wake County in said primary election. In order for any candidate or candidates to represent any district or districts the said candidate or candidates shall receive a majority of the votes cast, which said majority shall be determined by the provisions of G.S. 163-111 (1971 Cumulative Supplement to Volume 3D, as amended). In the event no candidate or candidates shall receive a majority of the votes cast as determined according to the above cited provision of the General Statute, then any such candidate or candidates to represent the said districts may call for a second election according to the primary procedure as set forth in G.S. 163-111(c) (1971 Cumulative Supplement to Volume 3D, as amended). There shall be no third election, and in the event there is a second election the candidate to represent the districts or the candidates, as the case may be, receiving the highest number of votes shall be declared by the Board of Elections to be elected as a member or members of the Board of Education of Wake County. The members of the Wake County Board of Education so elected shall qualify by taking the oath of office on or before the first Monday of December in the year in which they are elected. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after their appointment or election, and a failure to qualify within that time shall constitute a vacancy.

Sec. 4.1. Any qualified voter of Wake County whether or not in the Armed Forces of the United States, may vote by absentee ballot for members of the Wake County Board of Education in the manner now prescribed or may be hereafter prescribed for Primary Elections in the State of North Carolina.

Sec. 5. All persons elected to the Wake County Board of Education as herein provided shall take office on or before the first Monday in December in the year of their election and serve for a term of four years each, except for the first two-year terms provided in Section 3 of this act, and until their successors are elected and qualified; thereafter candidates elected to the said Board of Education in accordance with the

provisions of this act shall likewise take office on or before the first Monday of December of the year of election and shall hold office for terms of four years.

Sec. 6. Any vacancy occurring on the Wake County Board of Education by death, resignation, or otherwise, shall be filled as is now provided by State law for filling vacancies on county boards of education, but such person appointed to fill the vacancy shall be a bona fide resident of the same district as the person whose death, resignation or removal created the vacancy on the Board. If a person who has been elected from any district dies or removes himself, or for any other reason cannot qualify for said office then and in that event it shall constitute a vacancy on said Board and shall be filled as above provided. If there is no candidate from any district, this shall constitute a vacancy which shall be filled as hereinabove provided.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 8. This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1973.