

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 359  
HOUSE BILL 891

AN ACT TO PROVIDE FOR AN ELECTION ON THE QUESTION OF THE  
NONPARTISAN ELECTION OF THE RUTHERFORD COUNTY BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

**Section 1.** At the time of the primary election for county officers to be held in 1974, a countywide election shall be held in Rutherford County on the question of whether the Rutherford County Board of Education should be elected in a nonpartisan election. The election shall be conducted by the Rutherford County Board of Elections. The proposition shall be placed on a separate ballot and shall be in the following form: "FOR nonpartisan election of the Rutherford County Board of Education", and "AGAINST nonpartisan election of the Rutherford County Board of Education".

If a majority of the votes cast in the election are for nonpartisan election of the Rutherford County Board of Education, then Sections 2 through 9 of this act shall become effective upon the certification of the results of the election, and the names of those persons nominated in the primary of each political party as candidates for the Rutherford County Board of Education shall be placed on a separate ballot in the 1974 general election without designation of party affiliation, and the 1974 election for members of the Rutherford County Board of Education shall be conducted on a nonpartisan basis. In this election, the candidate receiving the highest number of votes for each district seat shall be declared elected, and there shall be no runoff. In 1976 and biennially thereafter, all elections for members of the Rutherford County Board of Education shall be conducted on a nonpartisan basis as provided in Sections 2 through 9 of this act. Except as otherwise provided in this section, the 1974 election shall be conducted as provided in Chapter 439 of the Session Laws of 1969.

If a majority of the votes cast in the election are against nonpartisan election of the Rutherford County Board of Education, Sections 2 through 9 of this act shall be null and void.

**Sec. 2.** The Rutherford County Board of Education consists of six members who shall reside in and represent the districts set out in Section 3 of this act, but who shall be elected by the voters of Rutherford County voting at large. Members of the Board shall serve terms of four years beginning on the first Monday in December following their election and continuing until their successors are elected and qualified. The three members of the Board who were elected in 1970 pursuant to Chapter 439 of the Session Laws of 1969 shall continue to hold office until the first Monday in

December, 1974, and the three members elected in 1972 pursuant to this act shall continue to hold office until the first Monday in December, 1976.

**Sec. 3.** For the purpose of electing members of the Board of Education, Rutherford county is divided into three districts as follows:

District I comprises the attendance area of Rutherfordton -Spindale Central High School and the attendance area of Union Mills High School, as these areas are defined from time to time by the Board of Education pursuant to law;

District II comprises the attendance area of East High School, as this area is defined from time to time by the Board of Education pursuant to law; and

District III comprises the attendance area of Chase High School as this area is defined from time to time by the Board of Education pursuant to law.

Two members of the Board of Education shall reside in and represent each district. In the 1974 election, one member shall be elected to represent each district, and in the 1976 election, one member shall be elected to represent each district. Thereafter, members shall be elected pursuant to this act as the terms expire.

**Sec. 4.** Each person desiring to be a candidate for the Board of Education shall file a notice of candidacy stating his or her name, age, and the district seat for which he or she is filing. The filing deadline is the Friday preceding the sixth Saturday before the election, and the filing fee is five dollars (\$5.00). The election shall be nonpartisan, separate ballots shall be used, no party affiliation shall be indicated on the ballot for any candidate, and the election shall be decided by plurality without runoff. In all other respects, the election shall be conducted as provided in Chapter 163 of the General Statutes and rules and regulations of the State Board of Elections concerning the conduct of nonpartisan elections simultaneously with a general election.

**Sec. 5.** On or before August 10 of each election year, the Rutherford County Board of Education shall deliver to the Chairman of the Rutherford County Board of Elections and cause to be posted on the courthouse door a map and description of the boundaries of the districts established in Section 3 of this act.

**Sec. 6.** Vacancies in the Board of Education shall be filled by appointment by majority vote of the remaining members of the Board for the remainder of the unexpired term. If for any reason the remaining members of the Board are unable to agree upon an appointment to fill a vacancy within 60 days after the vacancy occurs, the Clerk of Superior Court of Rutherford County shall fill the vacancy. A person appointed to fill a vacancy must reside in the district he is appointed to represent. If any person elected or appointed to the Board ceases to reside in the district he was elected or appointed to represent, the remaining members of the Board may declare his office vacant and proceed to fill the vacancy.

**Sec. 7.** Chapter 439 of the Session Laws of 1969 is repealed.

**Sec. 8.** This act shall become effective upon ratification.

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