

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-78
SENATE BILL 253**

AN ACT TO CHANGE THE ELECTION METHOD OF THE FOLLOWING COUNTY BOARDS OF EDUCATION FROM NONPARTISAN TO PARTISAN: BEAUFORT, CARTERET, CLEVELAND, DARE, HYDE, MADISON, ONSLOW, PENDER, AND YANCEY.

The General Assembly of North Carolina enacts:

PART I. BEAUFORT COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 1.1. Section 5(b) of Chapter 55 of the 1993 Session Laws, as amended by Chapter 713 of the 1993 Session Laws, reads as rewritten:

"(b) ~~The Beginning in 2018, the members of the Permanent Beaufort County Board of Education shall be elected for a term of four years in nonpartisan plurality elections held at the time of the general election for county offices. The filing period for candidates shall be the same as specified in G.S. 163-294.2(c) for nonpartisan plurality elections.~~ on a partisan basis 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 Permanent 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 Constitution. Members shall serve until a successor has been elected and qualified."

SECTION 1.2. Section 5(i) of Chapter 55 of the 1993 Session Laws, as amended by S.L. 2009-30, reads as rewritten:

"(i) ~~Vacancies Beginning in 2018, vacancies on the Permanent Beaufort County Board of Education for seats elected on a partisan basis shall be filled by appointment by the remaining members of the Permanent Board.~~ in accordance with G.S. 115C-37.1. Any person appointed must be at the time of the appointment and must remain a resident of the district for which ~~he/she~~ he or she is appointed. Appointments to fill vacancies on the Permanent Board for seats elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f)."

SECTION 1.3. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Beaufort County Board of Education. The members of the Beaufort County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART II. CARTERET COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 2.1. Section 1 of Chapter 774 of the 1991 Session Laws is repealed.

SECTION 2.2. Section 5(d) of S.L. 1997-389 reads as rewritten:

"(d) Members of the Carteret County Board of Education shall reside in and represent the districts, but, beginning in 2018, all members shall be elected by the voters of the



county at large in ~~nonpartisan plurality elections and a~~ partisan election at the time of the ~~primary~~general election in each even-numbered year as terms expire. Except as provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes. Candidates for election to the Carteret County Board of Education shall be nominated at the same time and manner as other county officers. Members shall take office on July 1 the first Monday in December of the year of election, all as previously provided by law election and the terms of their predecessors shall expire at that same time.

Vacancies on the Carteret County Board of Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions elected on a partisan basis beginning in 2018 shall be filled in accordance with G.S. 115C-37.1."

SECTION 2.3. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Carteret County Board of Education. The members of the Carteret County Board of Education elected in 2014 or 2016, or any member appointed by the remaining members of the Board to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART III. CLEVELAND COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 3.1. Notwithstanding the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools and S.L. 2004-41, as amended by S.L. 2007-49, beginning with the 2017 elections, members of the Cleveland County Board of Education shall be elected in elections conducted on a partisan basis, as provided in G.S. 163-291. Vacancies for members elected in 2017 and thereafter shall be filled as provided in G.S. 115C-37.1.

SECTION 3.2. This part does not affect the terms of office of any person elected in 2013 or 2015 to the Cleveland County Board of Education. The members of the Cleveland County Board of Education elected in 2013 or 2015, or any member appointed by the remaining members of the Board to fill a vacancy of a member elected in 2013 or 2015, shall serve until a successor has been elected and qualified.

PART IV. DARE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 4.1. Section 3 of Chapter 654 of the 1993 Session Laws reads as rewritten:

"Sec. 3. ~~All~~Beginning in 2018, elections for the members of the Dare County Board of Education shall be nonpartisan, with the results determined by a plurality with no run-offs. held on a partisan basis at the time of the general election for four-year terms 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. All voters in the county shall be eligible to vote for all seven seats on the board."

SECTION 4.2. Section 11 of Chapter 654 of the 1993 Session Laws reads as rewritten:

"Sec. 11. In ~~2002-2018~~ and every four years thereafter, ~~four~~three members shall be elected to the board as follows: one member each from Districts 1, 2, and 3."

SECTION 4.3. Section 12 of Chapter 654 of the 1993 Session Laws reads as rewritten:

"Sec. 12. ~~Elections for the Board of Education in 1996 shall be held in May at the same time as party primaries for other county offices, and board members shall take office in December following the election as provided in general State law. In 1998~~ In 2018 and

~~subsequent years, elections shall also be held in May at the same time as party primaries for other county offices, but board members of the Dare County Board of Education elected on a partisan basis at that time of the general election shall take office at the first regular board meeting in July on the first Monday in December following the election. The terms of office of persons elected for terms to expire in 1998 and thereafter shall expire on the date of the first regular board meeting in July election and the terms of their predecessors shall expire at the same time. Members shall serve until a successor has been elected and qualified. Beginning in 2018, vacancies on the Dare County Board of Education for seats elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1. Appointments to fill vacancies for seats elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f)."~~

SECTION 4.4. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Dare County Board of Education. The members of the Dare County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART VI. HYDE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 6.1. Section 2 of S.L. 2007-272 is repealed.

SECTION 6.2. Section 2 of Chapter 206 of the 1977 Session Laws reads as rewritten:

"**Sec. 2.** The Board of Education of Hyde County shall consist of five members who shall be elected on a ~~nonpartisan~~ partisan basis at the time of the ~~primary~~ general election for county officers. 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. Beginning with the election to be held in ~~1978,~~ 2018, three members shall be elected for terms of four years and one of the members elected in ~~1978,~~ 2018, and every four years thereafter, shall be a resident of Ocracoke. In ~~1980,~~ 2020, as the terms of the present members expire, two members shall be elected for terms of four years. Thereafter, as the terms of each member expire, successors shall be elected for terms of four years.

~~Except as provided herein, Article 5 of Chapter 115 of the General Statutes shall be applicable to the Hyde County Board of Education.~~

Beginning in 2018, members elected shall take office and qualify on the first Monday in December of the year of their election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

In the case of a vacancy of a member elected in 2014 or 2016 to the Hyde County Board of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

SECTION 6.3. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Hyde County Board of Education. The members of the Hyde County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART VII. MADISON COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 7.1. Section 3 of Chapter 249 of the 1991 Session Laws reads as rewritten:

"**Sec. 3.** The ~~chairman~~ chair of the Board of Education of Madison County shall be elected in ~~1994~~ 2018 and quadrennially thereafter for a four-year term at large by all the qualified voters of Madison County. In the case of a vacancy of a member elected in 2014 or 2016 to the

Madison County Board of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). In the case of a vacancy in the office of ~~chairman~~, ~~chair~~ elected in 2014, the remaining members of the Board shall appoint a person as ~~chairman~~ ~~chair~~ who resides in the same district that the ~~chairman~~ ~~chair~~ resided in at the time of his or her election. If the members do not make an appointment within 30 days of the occurrence of the vacancy, the responsibility of making the appointment shall be that of the Senior Resident Superior Court Judge for Madison County. Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1. In the event of a vacancy in an election district, to be eligible for appointment to fill a vacancy, the person must reside in the election district where the vacancy exists. In the case of a vacancy in the office of chair, to be eligible for appointment to fill a vacancy, the person must reside in the same district that the chair resided in at the time of his or her election."

SECTION 7.2. Section 4 of Chapter 249 of the 1991 Session Laws reads as rewritten:

"Sec. 4. ~~Notwithstanding the provisions of G.S. 115C 37, the~~ Beginning in 2018, the Madison County Board of Education shall be elected on a ~~nonpartisan~~ ~~partisan~~ basis at the time of the ~~primary~~ election in 1994 and quadrennially thereafter. The names of the candidates shall be printed on the ballot without reference to any party affiliations. The ~~nonpartisan~~ election and runoff election method shall be used with the results determined as provided in G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-111(e). ~~general~~ election for four-year terms 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. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes."

SECTION 7.3. Section 5 of Chapter 249 of the 1991 Session Laws, as amended by Chapter 38 of the 1995 Session Laws, reads as rewritten:

"Sec. 5. ~~The~~ Beginning in 2018, the terms of office of the members and chairman of the Madison County Board of Education commence on the first Monday in ~~July~~ ~~December~~ of the year of their election, except if that date is the Fourth of July, then the terms commence on the second Monday in ~~July~~ election."

SECTION 7.4. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Madison County Board of Education. The members of the Madison County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART VIII. ONSLOW COUNTY BOARD OF EDUCATION CHANGE ELECTION METHOD TO PARTISAN

SECTION 8.1. Section 1(a) of Chapter 583 of the 1993 Session Laws reads as rewritten:

"Section 1.(a) Beginning in ~~1996~~ ~~2018~~, the members of the Onslow County Board of Education shall be elected on a ~~nonpartisan~~ ~~partisan~~ basis at the time of the ~~primary~~ election for county officers. ~~The~~ ~~general~~ election in each even-numbered year as terms expire. Except as provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes. ~~The results of the election shall be determined by the plurality method under G.S. 163-292. Candidates for election to the Onslow County Board of Education shall be nominated at the same time and manner as other county officers.~~ Vacancies on the Board of Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions elected on a partisan basis in 1992 or 1994 beginning in 2018 shall be filled in accordance with G.S. 115C-37.1. This section does not affect the terms of office of any person elected in 1992

~~or 1994-2014 or 2016~~ to the Onslow County Board of Education. Beginning in ~~2000, 2018,~~ members elected shall take office and qualify on ~~July 1 the first Monday in December~~ of the year of their election, and the terms of their predecessors shall expire at that same time."

SECTION 8.2. The members of the Onslow County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for the remainder of an unexpired term for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART IX. PENDER COUNTY BOARD OF EDUCATION CHANGE ELECTION METHOD TO PARTISAN

SECTION 9.1. Section 2 of Chapter 976 of the 1973 Session Laws reads as rewritten:

"**Sec. 2.** Beginning in ~~1976, 2018,~~ members of the Board of Education shall be elected on a ~~non-partisan-partisan~~ basis at the time of the ~~primary election~~. ~~The names of the candidates shall be printed on the ballots without reference to any party affiliation and any 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. Any qualified voter residing in the County shall be entitled to vote.~~"

SECTION 9.2. Section 5 of Chapter 976 of the 1973 Session Laws reads as rewritten:

"**Sec. 5.** Members of the Board of Education representing Districts 3 and 5 shall be elected at the time of the ~~primary-general~~ elections in ~~1976-2020~~ for a term of four years. Members of the Board of Education representing Districts 1, 2 and 4 shall be elected at the ~~primary-general~~ election in ~~1978-2018~~ for a term of four years. Thereafter, as their terms expire, all members shall be elected for terms of four years. Beginning in 2018, members elected shall take office and qualify the first Monday of December immediately following their election and the terms of their predecessors shall expire at the same time. Members shall serve until a successor has been elected and qualified."

SECTION 9.3. Section 6 of Chapter 976 of the 1973 Session Laws reads as rewritten:

"**Sec. 6.** ~~Except as herein provided, the provisions of North Carolina General Statutes Section 115-19 shall govern the election of the Board of Education of Pender County. Vacancies on the Board of Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f). Beginning in 2018, vacancies on the Board of Education for seats elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1. Any person appointed must be at the time of the appointment and must remain a resident of the district for which he or she is appointed.~~"

SECTION 9.4. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Board of Education of Pender County. The members of the Board of Education elected in 2014 or 2016, or any member appointed to fill a vacancy for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

SECTION 9.5. Chapter 546 of the 1949 Session Laws, as amended by Chapter 796 of the 1955 Session Laws and Chapter 328 of the 1965 Session Laws, is repealed.

PART X. YANCEY COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS

SECTION 10.1. Section 1 of Chapter 203 of the 1973 Session Laws, as amended by Section 1 of Chapter 135 of the 1985 Session Laws, reads as rewritten:

"**Section 1.** ~~The Beginning in 2018,~~ the Yancey County Board of Education shall consist of five members who shall be elected by the voters of Yancey County, for staggered terms of four

years, in a ~~nonpartisan~~ partisan election as ~~herein provided~~. 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. Beginning in 2018, members elected shall take office and qualify on the first Monday in December of the year of their election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

~~Beginning with the primary election for county offices to be held in 1974, there shall be a nonpartisan election to elect successors to the present members of the school board whose terms expire in 1974, and every two years thereafter, as the terms of the members expire.~~

~~The nonpartisan election and runoff election method shall be used with the results determined as provided in G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-111(e).~~

In the case of a vacancy of a member elected in 2014 or 2016 to the Yancey County Board of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

SECTION 10.2. This part does not affect the terms of office of any person elected in 2014 or 2016 to the Yancey County Board of Education. The members of the Yancey County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

PART XII. CONFORMING STATUTORY CHANGES

SECTION 12.(a) Effective on the first Monday in December of 2017, G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Cherokee, Clay, Cleveland, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Rutherford, Stanly, Vance, and Washington."

SECTION 12.(b) Effective on the first Monday in December of 2018, G.S. 115C-37.1(d), as amended by Section 12(b) of this part, reads as rewritten:

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

PART XIII. EFFECTIVE DATE

SECTION 13. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives