

**§ 115C-37.1. Vacancies in offices of county boards elected on partisan basis in certain counties.**

(a) All vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act, except that if the act specifies that appointment shall be made by a party executive committee, then the appointment shall be made instead by the remaining members of the board.

(b) If the vacating member was elected as the nominee of a political party, then the person, board, or commission required to fill the vacancy shall consult with the county executive committee of that party and appoint the person recommended by that party executive committee, if the party executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(c) Whenever only the qualified voters of less than the entire county were eligible to vote for the member whose seat is vacant (either because the county administrative unit was less than countywide or only residents of certain areas of the administrative unit could vote in the general election for a district seat), the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territory of the vacating school board member.

(d) **(Effective until December 1, 2024)** This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey.

(d) **(Effective December 1, 2024 until December 1, 2026)** This section shall apply only to the Hickory City Board of Education and the Newton-Conover City Board of Education and in the following counties: Alleghany, Ashe, Beaufort, Brunswick, Burke, Cabarrus, Caldwell, Carteret, Catawba, Cherokee, Clay, Craven, Dare, Davie, Graham, Harnett, Henderson, Hyde, Iredell, Lee, Lincoln, Madison, McDowell, Mitchell, New Hanover, Onslow, Pamlico, Pender, Polk, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey.

(d) **(Contingent effective date – see note)** This section shall apply only to the Hickory City Board of Education and the Newton-Conover City Board of Education and in the following counties: Alexander, Alleghany, Ashe, Beaufort, Brunswick, Burke, Cabarrus, Caldwell, Carteret, Catawba, Cherokee, Clay, Craven, Dare, Davie, Graham, Harnett, Henderson, Hyde, Iredell, Lee, Lincoln, Madison, McDowell, Mitchell, New Hanover, Onslow, Pamlico, Pender, Polk, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey. (1981, c. 763, ss. 4, 14; c. 830; 1983, c. 493, s. 1; 1987 (Reg. Sess., 1988), c. 974, s. 5; 1989, c. 497, s. 3; 2009-277, ss. 1, 2; 2013-220, s. 2; 2013-361, s. 2; 2014-6, s. 5(b); 2015-35, s. 4(a); 2015-242, s. 2; 2017-78, s. 12(a), (b); 2019-63, s. 4; 2019-102, s. 2(d); 2021-28, s. 2; 2021-51, s. 2.5; 2021-99, s. 3; 2021-140, s. 4; 2023-4, ss. 1(b), 7(a); 2023-22, s. 5(a); 2023-32, s. 5(a); 2023-37, s. 8(a); 2023-41, s. 2(a).)