

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 135  
State and Local Government Committee Substitute Adopted 4/20/05**

Short Title: Jones School Board Vacancies.

(Local)

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Sponsors:

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Referred to:

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February 16, 2005

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN  
3 THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE  
4 CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF  
5 COMMISSIONERS OF JONES COUNTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 349 of the 1973 Session Laws is amended by adding a  
8 new section to read:

9 "Section 3.1. (a) If a vacancy occurs on the board of education, the remaining  
10 members of the board shall appoint a qualified person to fill the vacancy. If the number  
11 of vacancies on the board is such that a quorum of the board cannot be obtained, the  
12 chairman of the board shall appoint enough members to make up a quorum, and the  
13 board shall then proceed to fill the remaining vacancies. If the number of vacancies on  
14 the board is such that a quorum of the board cannot be obtained and the office of  
15 chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon  
16 the request of any remaining member of the board or upon the petition of any five  
17 registered voters of the county. If for any other reason the remaining members of the  
18 board do not fill a vacancy within 60 days after the day the vacancy occurs, the  
19 superintendent shall immediately report the vacancy to the clerk of superior court of the  
20 county. The clerk of superior court shall, within 10 days after the day the vacancy is  
21 reported, fill the vacancy.

22 (b) If the vacancy occurs later than 60 days before the general election held after  
23 the first two years of the term, the appointment to fill the vacancy is for the remainder of  
24 the unexpired term. Otherwise, the term of the person appointed to fill the vacancy  
25 extends to the first Monday in December next following the first general election held  
26 more than 60 days after the day the vacancy occurs; at that general election, a person  
27 shall be elected to the seat vacated, either to the remainder of the unexpired term or, if  
28 the term has expired, to a full term.

1 (c) If a vacancy occurs on the board, and subsection (b) of this section requires  
2 that a person shall be elected to the seat vacated for the remainder of the unexpired term  
3 and the vacancy occurs:

4 (1) Beginning on the tenth day before the filing period ends under  
5 G.S. 163-106(c), a nomination shall be made by the county executive  
6 committee of each political party, and the names of the nominees shall  
7 be printed on the general election ballots.

8 (2) Prior to the tenth day before the filing period ends under  
9 G.S. 163-106(c), nominations shall be made by primary election as  
10 provided by Chapter 163 of the General Statutes.

11 (d) To be eligible for appointment to fill a vacancy, a person must be a member  
12 of the same political party as the member being replaced, if that member was elected as  
13 the nominee of a political party. The board of education or the clerk of superior court, as  
14 the case may be, shall consult the county executive committee of the appropriate  
15 political party before filling a vacancy, but neither the board nor the clerk of the  
16 superior court is bound by the committee's recommendation."

17 **SECTION 2.** This act is effective when it becomes law.