

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS35060-LB-103A (02/09)

Short Title: Duplin Chair Vote Only if Tie.

(Local)

Sponsors: Senator Albertson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IN THE CASE OF DUPLIN COUNTY, IF THE BOARD  
CONSISTS OF AN EVEN NUMBER OF MEMBERS, THE CHAIR OF A BOARD OF  
EDUCATION OR COUNTY BOARD OF COMMISSIONERS MAY VOTE ONLY IN  
THE CASE OF A TIE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 115C-41(a) reads as rewritten:

"(a) Unless otherwise provided by local law, all local boards of education shall have an organizational meeting no later than 60 days after the swearing in of members following election or appointment and as often thereafter as the board shall determine appropriate. The board may fix the date and time of its organizational meeting. At the organizational meeting the members of all boards shall elect one of their members as chairman for a period of one year, or until his successor is elected and qualified. The chairman of the local board of education shall preside at the meetings of the board, and in the event of his absence or sickness, the board may appoint one of its members temporary chairman. If the board consists of an even number of members, the chairman may vote only in the case of a tie. The superintendent of schools, whether a county or city superintendent, shall be ex officio secretary to his respective board. He shall keep the minutes of the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the superintendency, the board may elect one of its members to serve temporarily as secretary to the board."

**SECTION 1.(b)** This section applies only to the Duplin County Board of Education.

**SECTION 2.(a)** G.S. 153A-39 reads as rewritten:

"§ 153A-39. **Selection of chairman and vice-chairman; powers and duties.**

On:

(1) The first Monday in December of each even-numbered year; and

(2) Its first regular meeting in December of each odd-numbered year,

the board of commissioners shall choose one of its members as chairman for the ensuing year, unless the chairman is elected as such by the people or otherwise designated by law. The board shall also at that time choose a vice-chairman to act in the absence or disability of the chairman. If the chairman and the vice-chairman are both absent from a meeting of the board, the members present may choose a temporary chairman.

The chairman is the presiding officer of the board of commissioners. Unless excused by rule of the board, the presiding officer has the duty to vote on any question before the board, but he has no right to break a tie vote in which he participated. Notwithstanding the prior



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1 sentence, unless the chairman is an officer elected separately by the people, if the board  
2 consists of an even number of members, the chairman may vote only in the case of a tie."

3 **SECTION 2.(b)** This section applies only to the Duplin County Board of  
4 Commissioners.

5 **SECTION 3.** This act is effective when it becomes law.