

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

H

1

HOUSE BILL 400

Short Title: Asheville City Sch. Bd. Appt/Elections. (Local)

Sponsors: Representatives Fisher, Turner, and Ager (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Election Law and Campaign Finance Reform, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House

March 25, 2021

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ASHEVILLE CITY BOARD OF EDUCATION FROM AN APPOINTED BOARD OF EDUCATION TO A BOARD OF EDUCATION WITH ELECTED AND APPOINTED MEMBERS AND TO INCREASE THE MEMBERSHIP OF THE BOARD FROM FIVE MEMBERS TO SEVEN MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Beginning in 2022, the Asheville City Board of Education shall be composed of seven members, with four members elected using the nonpartisan primary and election method with the results determined as provided in G.S. 163-294, and three members appointed by the governing body of the City of Asheville.

SECTION 2.(a) Beginning in 2022, four members of the Asheville City Board of Education shall be elected using the nonpartisan primary and election method, and the primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. 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. Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106(c). The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the Asheville City Administrative Unit shall be eligible to vote in the general election for all candidates. Members shall take office at the first regular meeting of the Board in June following 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. Vacancies for positions elected on the Asheville City Board of Education shall be filled in accordance with G.S. 115C-37(f).

SECTION 2.(b) In the 2022 election to implement staggering of the terms, the members shall be elected and serve as follows:

(1) The two members receiving the highest number of votes shall serve four-year terms, and those seats shall be up for election in 2026 and every four years thereafter.

(2) The two members receiving the next highest number of votes shall serve two-year terms, and those seats shall be up for election in 2024 and every four years thereafter.

Successors to members elected in 2022 shall serve four-year terms.

SECTION 3.(a) Beginning in 2022, the governing body of the City of Asheville shall appoint three members to the Asheville City Board of Education. Terms shall begin at the



* H 4 0 0 - V - 1 *

1 first regular meeting of the Board in June. Members shall serve until their successors are
2 appointed and qualified. All members appointed to the Asheville City Board of Education shall
3 be residents of the City of Asheville and shall be persons known to be in favor of public education
4 and interested in the welfare of the schools and shall be appointed by the governing body of the
5 City of Asheville with the sole object in view of maintaining the efficiency of the schools and
6 without any partisan prejudice or bias. For vacancies for a position appointed by the governing
7 body of the City of Asheville by reason of death or resignation or otherwise, the governing body
8 of the City of Asheville shall fill the same by appointment.

9 **SECTION 3.(b)** In 2022 to implement staggering of the terms, the members shall be
10 appointed and serve as follows:

11 (1) Two members shall be appointed to serve four-year terms, and those seats
12 shall be up for reappointment in 2026 and every four years thereafter.

13 (2) One member shall be appointed to serve a two-year term, and the seat shall be
14 up for reappointment in 2024 and every four years thereafter.

15 Successors to members appointed in 2022 shall serve four-year terms.

16 **SECTION 4.** The terms of members appointed to the Asheville City Board of
17 Education who are serving their terms in 2022 shall expire upon the qualification of members
18 elected and appointed to the Board in accordance with this act.

19 **SECTION 5.** The chair of the Asheville City Board of Education shall be elected at
20 the organizational meeting held in which the Board swears in newly appointed and elected
21 members for a term of two years or until a successor is elected and qualified. A majority of the
22 members of the Board shall constitute a quorum, and the chair or any two members may call a
23 meeting. The members of the Board shall receive compensation in accordance with
24 G.S. 115C-38.

25 **SECTION 6.** Chapter 255 of the 1947 Session Laws, as rewritten by Section 1 of
26 Chapter 745 of the 1953 Session Laws and by Section 1 of Chapter 20 of the 1985 Session Laws,
27 is repealed.

28 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes law
29 and applies to (i) elections conducted and (ii) appointments made on or after that date.