

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2025

H

2

HOUSE BILL 105

Committee Substitute Favorable 3/4/25

Short Title: Gaston Co. Bd. of Ed. Elect. Partisan.

(Local)

Sponsors:

Referred to:

February 13, 2025

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE GASTON COUNTY
3 BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 2 of Chapter 633 of the 1977 Session Laws reads as rewritten:

6 **"Sec. 2.** Composition of board of education.

7 (a) Notwithstanding Section 115-18 of the General Statutes of North Carolina,
8 G.S. 115C-35, the board of education shall consist of nine members. members elected to
9 staggered four-year terms. Two members shall be elected by the duly qualified voters of Gaston
10 County without regard to residence in any particular township and seven from the county at-large
11 and seven members shall be elected by the duly qualified voters of Gaston County from the
12 following townships:from residency districts. For the seven residency district seats, no person
13 shall be eligible to file for or be elected to the board of education unless the person is a qualified
14 voter and resident of the residency district in which the candidate seeks to be elected. All
15 members of the board of education shall be elected by the duly qualified voters of Gaston County.

16 (b) The residency districts for the board of education and the number of members from
17 each residency district are as follows:

18 (1) Cherryville Township shall be entitled to one member.

19 (2) Crowders Mountain Township shall be entitled to one member.

20 (3) Dallas Township shall be entitled to one member.

21 (4) Gastonia Township shall be entitled to two members.

22 (5) Riverbend Township shall be entitled to one member.

23 (6) Southpoint Township shall be entitled to one member."

24 **SECTION 2.** Section 3 of Chapter 633 of the 1977 Session Laws reads as rewritten:

25 **"Sec. 3.** Elections. Notwithstanding Section 115-19 of the General Statutes of North Carolina,
26 at the general election to be held in the year 1978, there shall be elected by the duly qualified
27 voters of Gaston County three members of the board of education, with one member from
28 Cherryville Township, one member from Crowders Mountain Township and one member at
29 large. The term for these three members shall commence on the first Monday in December 1978,
30 and expire at the end of two years thereafter, or on the first Monday in December 1980.

31 At the general election to be held in the year 1980, there shall be elected by the duly qualified
32 voters of Gaston County six members of the board of education, with one member from
33 Cherryville Township, one member from Crowders Mountain Township, one member from
34 Gastonia Township, one member from Riverbend Township, one member from Southpoint
35 Township and one member at large. Those members elected from Cherryville Township,
36 Crowders Mountain Township, Gastonia Township and the member elected at large shall



1 compose one class, whose term of office shall commence on the first Monday in December 1980,
2 and expire at the end of four years thereafter, or on the first Monday in December 1984. The term
3 of office for those members elected from Riverbend Township and Southpoint Township shall
4 commence on the First Monday in December 1980, and expire at the end of two years thereafter,
5 or on the first Monday in December 1982.

6 At the general election to be held in the year 1982, there shall be elected by the duly qualified
7 voters of Gaston County five members of the board of education, with one member from Dallas
8 Township, one member from Gastonia Township, one member from Riverbend Township, one
9 member from Southpoint Township and one member at large. These five members shall compose
10 another class, whose terms of office shall commence on the first Monday in December 1982, and
11 expire at the end of four years thereafter, or on the first Monday in December 1986.

12 Upon the expiration of the term of office of each class of members of the board of education
13 (the term class shall exclude the members elected for a term of two years) their successors shall
14 be elected to hold office for four years and until their successors are elected and
15 qualified. Notwithstanding G.S. 115C-37, members of the board of education shall be elected on
16 a partisan basis at the time of the general election in each even-numbered year as terms expire.
17 Candidates for election to the board of education shall be nominated at the same time and manner
18 as other county officers. Members shall take office on the first Monday in December following
19 the election. Members shall serve until a successor has been elected and qualified.

20 The election of members of the board of education shall be held, conducted and supervised
21 by the board of elections; and except as herein provided, the general election laws and regulations
22 for the nomination and election of county officers, which are set forth in Chapter Chapters 115C
23 and 163 of the General Statutes of North Carolina, as amended, shall apply and govern as to the
24 holding of any election for members of the board of education."

25 **SECTION 3.** Section 4 of Chapter 633 of the 1977 Session Laws, as amended by
26 Chapter 331 of the 1979 Session Laws and Chapter 73 of the 1993 Session Laws, is repealed.

27 **SECTION 4.** Section 7 of Chapter 633 of the 1977 Session Laws reads as rewritten:

28 "**Sec. 7.** Vacancy. Notwithstanding Section 115-24 of the General Statutes of North Carolina,
29 all-All vacancies in the membership of the board of education by death, resignation, or other
30 causes shall be filled by the remaining members of the board of education by the appointment of
31 a person to serve until the next election of members of such board at which time the remaining
32 unexpired term of the office in which the vacancy occurs shall be filled by election. In the event
33 that the replacement is not selected by the board of education within a period of 90 days after the
34 vacancy occurs, such vacancy shall be filled by the board of commissioners. When one who has
35 been elected at large vacates his office, the successor may be selected without regard to the
36 location of his residence in the county. When one who has been elected from a township vacates
37 his office, the successor shall be selected from that same township in accordance with
38 G.S. 115C-37.1."

39 **SECTION 5.** This act does not affect the term of any member elected in 2024 to the
40 Gaston County Board of Education. Any vacancy on the Gaston County Board of Education for
41 a member elected in 2024 shall be filled by appointment by the remaining members of the Gaston
42 County Board of Education to serve the remainder of the unexpired term. When a vacancy occurs
43 in a seat elected from a residency district, the successor shall be selected from the residency
44 district of the vacating member. Each member of the Gaston County Board of Education elected
45 in 2024, or any member appointed to fill a vacancy for a member elected in 2024, shall serve
46 until a successor has been elected and qualified.

47 **SECTION 6.** G.S. 115C-37.1(d) reads as rewritten:

48 "(d) This section shall apply only to the Hickory City Board of Education and the
49 Newton-Conover City Board of Education and in the following counties: Alexander, Alleghany,
50 Ashe, Beaufort, Brunswick, Burke, Cabarrus, Caldwell, Carteret, Catawba, Cherokee, Clay,
51 Craven, Dare, Davie, Forsyth, Gaston, Graham, Harnett, Henderson, Hyde, Iredell, Lee, Lincoln,

1 Madison, McDowell, Mitchell, New Hanover, Onslow, Pamlico, Pender, Polk, Rowan,
2 Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

3 **SECTION 7.** This act becomes effective the first Monday in December of 2026, and
4 elections in 2026 shall be conducted accordingly.