

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 400  
Committee Substitute Favorable 4/21/21  
Committee Substitute #2 Favorable 5/5/21**

Short Title: Asheville City Sch. Bd. Elections.

(Local)

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Sponsors:

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Referred to:

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March 25, 2021

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE ASHEVILLE CITY BOARD OF EDUCATION FROM AN  
2 APPOINTED BOARD OF EDUCATION TO A BOARD OF EDUCATION WITH  
3 ELECTED MEMBERS AND TO INCREASE THE MEMBERSHIP OF THE BOARD  
4 FROM FIVE MEMBERS TO SEVEN MEMBERS.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Beginning in 2022, the Asheville City Board of Education (Board)  
8 shall be composed of seven members elected on a nonpartisan basis at the time of the general  
9 election in each even-numbered year. The nonpartisan primary and election method shall be used  
10 with the results determined as provided in G.S. 163-294. The primary shall be held on the date  
11 provided by G.S. 163-1 for county partisan primaries. Candidates shall file their notice of  
12 candidacy with the county board of elections under the same schedule provided by  
13 G.S. 163-106.2. The names of the candidates shall be printed on the ballots without reference to  
14 any party affiliation, and any qualified voter residing in the Asheville City School Administrative  
15 Unit shall be eligible to vote for all candidates. Except as provided by this act, the election shall  
16 be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the  
17 General Statutes. Members shall take office at the first regular meeting of the Board in December  
18 following their election, and the terms of their predecessors shall expire at that same time.  
19 Members shall serve until a successor has been elected and qualified. Vacancies for positions  
20 elected on the Board shall be filled in accordance with G.S. 115C-37(f).

21 **SECTION 2.** In the 2022 election to implement staggering of the terms, the members  
22 shall be elected and serve as follows:

- 23 (1) The four candidates receiving the highest number of votes shall serve  
24 four-year terms, and those seats shall be up for election in 2026 and every four  
25 years thereafter.  
26 (2) The three candidates receiving the next highest number of votes shall serve  
27 two-year terms, and those seats shall be up for election in 2024 and every four  
28 years thereafter.

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

30 **SECTION 3.** The terms of members appointed to the Board who are serving their  
31 terms at the time of the 2022 election shall expire upon the qualification of members elected to  
32 the Board in accordance with this act.

33 **SECTION 4.** The chair of the Board shall be elected at each organizational meeting  
34 held in which the Board swears in newly elected members. The chair of the Board shall serve a  
35 term of two years or until a successor is elected and qualified. A majority of the members of the



1 Board shall constitute a quorum, and the chair or any two members may call a meeting. The  
2 members of the Board shall receive compensation in accordance with G.S. 115C-38.

3 **SECTION 5.** The following acts are repealed:

4 (1) Chapter 255 of the 1947 Session Laws.

5 (2) Chapter 745 of the 1953 Session Laws.

6 (3) Chapter 20 of the 1985 Session Laws.

7 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes law  
8 and applies to elections conducted on or after that date.