

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
Senate State and Local Government Committee Substitute Adopted 8/25/21

Short Title: Modify Asheville/Buncombe Sch. Bd. Elect.

(Local)

Sponsors:

Referred to:

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 MEMBERS, TO INCREASE THE MEMBERSHIP OF THE ASHEVILLE CITY BOARD OF EDUCATION FROM FIVE MEMBERS TO SEVEN MEMBERS, AND TO PROVIDE THAT SIX MEMBERS OF THE BUNCOMBE COUNTY BOARD OF EDUCATION BE ELECTED BY ELIGIBLE VOTERS FROM THE DISTRICT THOSE MEMBERS REPRESENT.

The General Assembly of North Carolina enacts:

SECTION 1. Beginning in 2022, the Asheville City Board of Education (Board) shall be composed of seven members, with three members appointed by the governing body of the City of Asheville and four members elected in accordance with this act. Beginning in 2024, the Board shall be composed of seven members elected to staggered four-year terms.

SECTION 2. Elected members of the Board shall be elected on a nonpartisan basis at the time of the general election in each even-numbered year to serve a four-year term. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106.2. 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 School Administrative Unit shall be eligible to vote for all candidates. 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. Members shall take office at the first regular meeting of the Board in December 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 Board shall be filled in accordance with G.S. 115C-37(f).

SECTION 3. The terms of the members appointed to the Board who are serving their terms at the time of the effective date of this act shall expire as follows:

- (1) The seats of the two members appointed to the Board in 2019 shall expire in 2022 upon the qualification of the members elected to the Board in 2022 in accordance with this act.



- 1 (2) The seats of the three members appointed to the Board in 2021 shall expire in
2 2024 upon the qualification of the members elected to the Board in 2024 in
3 accordance with this act.

4 **SECTION 4.** The chair of the Board shall be elected at each organizational meeting
5 held in which the Board swears in newly elected members. The chair of the Board shall serve a
6 term of two years or until a successor is elected and qualified. A majority of the members of the
7 Board shall constitute a quorum, and the chair or any two members may call a meeting. The
8 members of the Board shall receive compensation in accordance with G.S. 115C-38.

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

- 10 (1) Section 2 of Chapter 255 of the Session Laws of 1947.
11 (2) Chapter 745 of the Session Laws of 1953.
12 (3) Chapter 20 of the Session Laws of 1985.

13 **SECTION 6.** Section 4 of Chapter 532 of the Session Laws of 1975, as amended by
14 Chapter 178 of the Session Laws of 1981 and Chapter 93 of the Session Laws of 1995, reads as
15 rewritten:

16 "Sec. 4. The members representing the various districts on the Buncombe County Board of
17 Education shall be residents of ~~these said~~ those districts and shall file with the County Board of
18 Elections of Buncombe County a notice of candidacy earlier than 12:00 noon on the first Friday
19 in July, and not later than 12:00 noon on the first Friday in August in the year of the election
20 which shall give the candidate's name, address, place of residence and a statement that he or she
21 desires to be a candidate for membership on the ~~said~~ Buncombe County Board of Education for
22 the district in which he or she resides. ~~The election of said members of said board of education~~
23 ~~shall be by nonpartisan election.~~ The Board of Elections of Buncombe County shall prepare a
24 separate ballot for the election of ~~said~~ members which shall, among other things, contain the
25 name of the candidate, the school district that he or she desires to represent and shall not contain
26 any reference to party affiliation in any manner or form. The candidates for membership on the
27 Buncombe County Board of Education representing districts shall be voted on by the eligible
28 voters residing in that district. The candidate representing the Buncombe County School
29 Administrative Unit at large shall be voted on at large by the eligible voters ~~resident~~ residing in
30 the Buncombe County School Administrative Unit, and the Unit. The Board of Elections of
31 Buncombe County shall canvass and judicially determine the results of ~~said~~ the election and
32 declare the members so elected. All persons ~~so~~ qualified shall serve until their successors are
33 elected and ~~qualified, and any~~ qualified. Any vacancy occurring on the Buncombe County Board
34 of Education by death, resignation or by change of residency from the district from which any
35 such person was elected, or otherwise shall be filled by the appointment by the remaining
36 members of the Board for the unexpired term, but the person appointed to fill such vacancy must
37 be from the same district as the person whose death, resignation or removal created the vacancy
38 on the ~~said~~ Buncombe County Board of Education, provided that if the vacancy has not been
39 filled within 60 days of its occurrence, and the term has not yet expired, then the vacancy shall
40 be filled by the Senior Resident Superior Court Judge of Buncombe County for the remainder of
41 the unexpired term, but the person appointed to fill such vacancy must be from the same district
42 as the person whose death, resignation, or removal created the vacancy on the ~~said~~ Buncombe
43 County Board of Education."

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