

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 774

Short Title: Nonpartisan Boards of Education Statewide. (Public)

Sponsors: Representatives Everitt, Hurtado, and John (Primary Sponsors).

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

Referred to: Rules, Calendar, and Operations of the House

May 4, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT EVERY ELECTION FOR A BOARD OF EDUCATION IN  
3 THE STATE BE HELD AS A NONPARTISAN ELECTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-37 reads as rewritten:

6 "§ 115C-37. Election of board members.

7 (a) Method of Election. – The county boards of education shall be elected on a  
8 nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. The names  
9 of the candidates shall be printed on the ballots without reference to any party affiliation and any  
10 qualified voter residing in the county shall be entitled to vote such ballots. Notwithstanding any  
11 provision of G.S. 153A-3 to the contrary, a local act shall not supersede the method of  
12 nonpartisan election provided for in this subsection. Except as otherwise provided herein, the  
13 election shall be conducted according to the provisions of Chapter 163 of the General Statutes  
14 then governing primary elections.

15 The terms of office of the members shall be staggered so as nearly equal to one half as  
16 possible shall expire every two years.

17 ...

18 (c) City Board of Education. – The board of education for any city administrative unit  
19 shall be appointed or elected as now provided by law. If the board of education is elected, it shall  
20 be elected biennially on a nonpartisan basis. Notwithstanding any provision of G.S. 160A-3 to  
21 the contrary, a local act shall not supersede the method of nonpartisan election provided for in  
22 this subsection.

23 If no provision is now made by the law for the filling of vacancies ~~in the membership of for~~  
24 appointed members of any city board of education, such vacancy ~~may shall~~ be filled by the  
25 governing body of the city or town embraced by ~~said the~~ administrative unit. In the event that  
26 any such vacancy is not filled in this manner within 30 days, the State Board of Education ~~may~~  
27 shall fill such the vacancy.

28 ...

29 (e) ~~Vacancies in Nominations for Membership on County Boards.~~ — If any candidate  
30 ~~nominated on a partisan basis shall die, resign, or for any reason become ineligible or disqualified~~  
31 ~~between the date of his nomination and the time for the election, such vacancy caused thereby~~  
32 ~~may be filled by the actions of the county executive committee of the political party of such~~  
33 ~~candidate.~~

34 (f) Vacancies in Office. – All vacancies in the membership of the boards of education  
35 whose members are elected pursuant to the provisions of subsection (a) of this section by death,



1 resignation, or other causes shall be filled by appointment by the remaining members of the  
2 board, of a person to serve until the next election of members of such board, at which time the  
3 remaining unexpired term of the office in which the vacancy occurs shall be filled by election.

4 (g) Eligibility for Board Membership; Holding Other Offices. – Any person possessing  
5 the qualifications for election to public office set forth in Article VI, Sec. 6 of the Constitution  
6 of North Carolina shall be eligible to serve as a member of a local board of education: Provided,  
7 however, that any person elected or appointed to a local board of education, and also employed  
8 by that board of education, shall resign his or her employment before taking office as a member  
9 of that board of education.

10 Membership on a board of education is hereby declared to be an office that, with the  
11 exceptions provided above, may be held concurrently with any appointive office, pursuant to  
12 Article VI, Sec. 9 of the Constitution, but any person holding an elective office shall not be  
13 eligible to serve as a member of a local board of education.

14 (h) Death or Disqualification of ~~Candidate in Nonpartisan Election~~. Candidate. – If a  
15 candidate dies or becomes disqualified after the filing period has closed and before the election,  
16 and the ballots have not been printed, the county board of elections shall immediately reopen the  
17 filing period for five days so that additional candidates may file for election. If the ballots have  
18 been printed at the time the board of elections receives notice of the death or disqualification, the  
19 board shall reopen the filing period for three days if the board determines it will have time to  
20 reprint the ballots before the election.

21 In the event the board of elections determines that there is not time enough to reopen the  
22 filing period for three days and to reprint the ballots, then the ballots shall not be reprinted and  
23 the name of the deceased or disqualified candidate shall remain on the ballot. Votes cast for such  
24 candidate shall not be considered and the candidates receiving the highest number of votes equal  
25 to the number of positions to be filled shall be elected.

26 ...."

27 **SECTION 2.** G.S. 115C-37.1 is repealed.

28 **SECTION 3.** G.S. 115C-67 reads as rewritten:

29 **"§ 115C-67. Merger of units in same county.**

30 City school administrative units may be consolidated and merged with contiguous city school  
31 administrative units and with county school administrative units upon approval by the State  
32 Board of Education of a plan for consolidation and merger submitted by the boards of education  
33 involved and bearing the approval of the board of county commissioners.

34 County and city boards of education desiring to consolidate and merge their school  
35 administrative units may do so by entering into a written plan which shall set forth the conditions  
36 of merger. The provisions of the plan shall be consistent with the General Statutes and shall  
37 contain, but not be limited to, the following:

38 ...

39 (3) The establishment and maintenance of a board of education which shall  
40 administer all the public schools of the newly created unit, including:

41 ...

42 b. The method of constituting and continuing the board of education; the  
43 manner of selection of board members, including (i) the number of  
44 members of the board, (ii) the method of their election or appointment,  
45 (iii) whether members shall be nominated, elected, or appointed from  
46 districts or at large, (iv) the manner of determining the nominee, and  
47 (v) ~~whether the election shall be partisan or nonpartisan~~; the length of  
48 the members' terms of office; the dates of induction into office; the  
49 organization of the board; the procedure for filling vacancies; and the  
50 compensation to be paid members of the board for expenses incurred  
51 in performance of their duties. To the extent that the method conflicts

1 with G.S. 115C-35, G.S. 115C-37, or with any local act concerning  
2 any of the units being merged and consolidated, the plan of merger and  
3 consolidation shall prevail.

4 ...."

5 **SECTION 4.** This act shall have the effect of repealing any provisions of local or  
6 special acts relating to the partisan election of a local board of education and any conflicting  
7 methods of filling vacancies in the membership of boards of education as required by  
8 G.S. 115C-37(f). This act shall not affect the filling of a vacancy on a local board of education  
9 that occurs for a seat elected prior to the effective date of this act.

10 **SECTION 5.** Any local act requiring a board of education election to be conducted  
11 in an odd-numbered year shall be held as a nonpartisan election beginning in 2023.

12 **SECTION 6.** This act becomes effective with respect to elections held on or after  
13 January 1, 2022.