

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 912

Short Title: Elections Changes for Watauga Ed & County Bds. (Local)

Sponsors: Senator Hise (Primary Sponsor).

Referred to: Rules and Operations of the Senate

June 11, 2024

A BILL TO BE ENTITLED

AN ACT TO ALIGN THE DISTRICTS OF THE WATAUGA COUNTY BOARD OF EDUCATION WITH THE DISTRICTS OF THE WATAUGA COUNTY BOARD OF COMMISSIONERS, TO ESTABLISH FOUR-YEAR TERMS FOR ALL MEMBERS OF THE WATAUGA BOARD OF EDUCATION, AND TO PROHIBIT THE WATAUGA COUNTY BOARD OF COMMISSIONERS FROM CHANGING ITS METHOD OF ELECTION OR REDRAWING ITS COUNTY COMMISSIONER DISTRICTS UNTIL AFTER THE RETURN OF THE NEXT FEDERAL DECENNIAL CENSUS.

The General Assembly of North Carolina enacts:

PART I. WATAUGA COUNTY BOARD OF EDUCATION CHANGES

SECTION 1.(a) Chapter 1254 of the 1967 Session Laws, as amended by Chapter 1260 of the 1969 Session Laws and Chapter 55 of the 1985 Session Laws, reads as rewritten:

"Section 1. ~~The present members of the Board of Education of Watauga County shall continue in office and shall hold their offices until the first Monday in December, 1970.~~ The Watauga County Board of Education shall be composed of five Board members who shall serve staggered four-year terms beginning the first Monday in December following their election. The Board members shall be elected from five single-member electoral districts using the nonpartisan primary and election method provided in G.S. 163-294. One Board member shall be elected from each district, and the qualified voters of each district shall elect the Board member for that district. Only qualified voters residing in that district may vote for the Board member from that district, and each candidate for a district seat shall reside in the district in which the candidate seeks election. Notwithstanding G.S. 115C-37(i), the electoral districts shall be the same electoral districts as those for the Watauga County Board of Commissioners.

"Sec. 2. ~~At the general election to be held in Watauga County in 1970, the five members of the Watauga County Board of Education shall be elected. The two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years, and the three (3) candidates receiving the next highest number of votes shall be elected for a term of two (2) years. At the general election in 1972, and biennially thereafter, three members of the Board of Education shall be elected, and the two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years, and the candidate receiving the next highest number of votes shall be elected for a term of two (2) years.~~ To implement staggering of terms for members of the Watauga County Board of Education, the Board members shall be elected and serve as follows:

(1) In 2026, and every four years thereafter, the members elected from Districts 1 and 4 shall each serve a four-year term.



(2) In 2028, and every four years thereafter, the members elected from Districts 2, 3, and 5 shall each serve a four-year term.

"Sec. 3. Each candidate for the office of member of the County Board of Education shall file his or her candidacy, without reference to any political party affiliation, with the ~~Chairman~~ Chair of the County Board of Elections within the time now provided for the filing of candidates for any other county office. ~~If no more than 10 candidates file for membership on said Board of Education, no primary election will be necessary, and the County Board of Elections shall certify such candidates as the nominees to be voted upon at the general election. If more than 10 candidates file, a separate ballot shall be provided by the County Board of Elections and a primary election held with respect thereto at the same time fixed by law for the biennial primary elections. Such primary elections for the selection of the nominees for the Board of Education shall be nonpartisan and no political party affiliation shall be used by any candidate and no political party affiliation shall be shown on said primary ballot. The 10 candidates receiving the highest number of votes in such primary election shall be the nominees to be voted on at the general election. The general election shall be nonpartisan and there shall be a separate ballot provided by the County Board of Elections with the names of the nominees printed thereon with appropriate instructions printed thereon for use in the election of members of the Board of Education at the general election, and no political party affiliation shall be shown on said ballot. In the elections held in 1972 and biennially thereafter, a primary election shall not be necessary if no more than six candidates file for membership on the Board of Education, and in the event more than six candidates file for membership, the six candidates receiving the highest number of votes in such primary election shall be the nominees to be voted on at the general election.~~

"Section 5. (a) Except as provided in subsection (b) of this section, all vacancies occurring in the membership of the Watauga County Board of Education by death, resignation or other causes shall be filled by the Board by appointment of ~~some qualified citizen of Watauga County~~ an individual qualified to hold that elective office to serve for the remainder of the unexpired term.

(b) All vacancies ~~in four-year terms~~ occurring in the membership of the Watauga County Board of Education by death, resignation or other causes during the period ending at noon on the fourteenth day before the close of time for filing notices of candidacy under G.S. 163-106(c) for the next succeeding election for members of the Board of Education, shall be filled by the remaining members of the Board by appointment of ~~some qualified citizen of Watauga County~~ an individual qualified to hold that elective office to serve until the next election of members of the Board of Education, at which time the remaining unexpired term of the office shall be filled by election. The election to fill the vacancy shall be conducted ~~in a group~~ along with the elections for the full terms. ~~The nominees receiving the two highest numbers of votes shall be elected for four-year terms, and the nominees receiving the next two highest numbers of votes shall be elected for two-year terms. A primary election shall be held if more than eight candidates file, and if a primary is held, the eight candidates receiving the highest number of votes shall be the nominees. If two or more vacancies are being filled under this subsection, then the rules for determining the results and holding of the primary and the general election shall be mathematically adjusted by the Watauga County Board of Elections according to the mathematical principles of this subsection.~~

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SECTION 1.(b) Notwithstanding Chapter 1254 of the 1967 Session Laws, as amended by Chapter 1260 of the 1969 Session Laws, Chapter 55 of the 1985 Session Laws, and Section 1 of this act, for the general election to be held in Watauga County in November of 2024, the three candidates for the Board of Education of Watauga County receiving the highest number of votes shall be elected each to a term of four years.

PART II. WATAUGA COUNTY BOARD OF COMMISSIONERS CHANGES

1 **SECTION 2.** Notwithstanding Section 1 of S.L. 2023-147 or any other provision of
2 law to the contrary, the Watauga County Board of Commissioners shall not change its method of
3 election or redraw its county commissioner districts until after the return of the next federal
4 decennial census.

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6 **PART III. EFFECTIVE DATE**

7 **SECTION 3.** Subsection (a) of Section 1 of this act becomes effective January 1,
8 2025, and applies to elections held on or after that date. Except as otherwise provided, this act is
9 effective when it becomes law.