

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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**HOUSE BILL 689**  
**Committee Substitute Favorable 4/25/91**

Short Title: Madison County School Elections.

(Local)

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Sponsors:

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Referred to:

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April 11, 1991

A BILL TO BE ENTITLED

1 AN ACT TO REDISTRICT THE MADISON COUNTY BOARD OF EDUCATION,  
2 CHANGE THE MANNER OF ELECTION FROM PARTISAN TO  
3 NONPARTISAN, CHANGE THE TIME OF TAKING OFFICE FROM APRIL TO  
4 DECEMBER, AND PROVIDE FOR THE SEPARATE ELECTION OF THE  
5 CHAIRMAN, ALL SUBJECT TO A REFERENDUM.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The Board of Education of Madison County consists of four  
9 members and a chairman, all of whom have full voting powers.

10 Sec. 2. (a) For the purpose of electing the four members of the Board of  
11 Education, Madison County is divided into two districts. In 1994, each district shall  
12 elect two members. In 1994 in each district, the person receiving the highest number of  
13 votes is elected to a four-year term, and the person receiving the next highest number of  
14 votes is elected to a two-year term. In 1996 and biennially thereafter, one member is  
15 elected from each district for a four-year term.

16 (b) Candidates and members must be residents of the district from which they  
17 seek election and serve, and only the qualified voters of the district shall vote on the  
18 election of the two members apportioned to the district.

19 (c) District 1 consists of Township 3 Mars Hill, Township 4 Beech Glenn,  
20 Township 7 Ebbs Chapel, Township 10 Grapevine, and Township 11 Revere Rice  
21 Cove. District 2 consists of Township 1 Marshall, Township 2 Laurel, Township 5  
22 Walnut, Township 6 Hot Springs, Township 8 Spring Creek, and Township 9 Sandy  
23 Mush.

1 (d) Townships as described in this act are in accordance with the boundaries  
2 reported by the 1990 decennial Federal Census.

3 Sec. 3. The chairman of the Board of Education of Madison County shall be  
4 elected in 1994 and quadrennially thereafter for a four-year term at large by all the  
5 qualified voters of Madison County. In the case of a vacancy in the office of chairman,  
6 the remaining members of the Board shall appoint a person as chairman who resides in  
7 the same district that the chairman resided in at the time of his election. If the members  
8 do not make an appointment within 30 days of the occurrence of the vacancy, the  
9 responsibility of making the appointment shall be that of the Senior Resident Superior  
10 Court Judge for Madison County.

11 Sec. 4. Notwithstanding the provisions of G.S. 115C-37, the Madison County  
12 Board of Education shall be elected on a nonpartisan basis at the time of the primary  
13 election in 1994 and quadrennially thereafter. The names of the candidates shall be  
14 printed on the ballot without reference to any party affiliations. The nonpartisan  
15 election and runoff election method shall be used with the results determined as  
16 provided in G.S. 163-293, except that the runoff shall be held on the date provided by  
17 G.S. 163-111(e). Except as provided by this act, the election shall be conducted in  
18 accordance with the applicable provisions of Chapters 115C and 163 of the General  
19 Statutes.

20 Sec. 5. The terms of office of the members and chairman of the Madison  
21 County Board of Education commence on the first Monday in December of the year of  
22 their election.

23 Sec. 6. Except that their terms shall expire on the first Monday in December  
24 of 1994, this act does not affect the terms of office of current members of the Madison  
25 County Board of Education.

26 Sec. 7. The procedure for filling vacancies in membership on the Board of  
27 Education for seats elected in 1990 is not affected by this act. The remaining members  
28 of the Board shall fill a vacancy in the seat of a Board member elected in or after 1994  
29 by appointing a resident of the same district in which the predecessor resided.

30 Sec. 8. Chapter 1044, Session Laws of 1967, is repealed.

31 Sec. 9. Sections 1 through 8 of this act shall become effective only if  
32 approved by the qualified voters of Madison County in a referendum to be conducted by  
33 the Madison County Board of Elections on the date for the regular statewide general  
34 election in November of 1992. The question on the ballot shall be:

35 "[ ] FOR nonpartisan election of the Madison County Board of Education  
36 from two districts of two members each, separate election of the  
37 chairman by all the voters of the county, with those elected taking  
38 office in December of the year of their election.

39 [ ] AGAINST nonpartisan election of the Madison County Board of  
40 Education from two districts of two members each, separate election of  
41 the chairman by all the voters of the county, with those elected taking  
42 office in December of the year of their election."

43 Sec. 10. This act is effective upon ratification.