

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 244

Short Title: Partisan Bd.ofEd. Elections McDowell/Mitchell. (Local)

Sponsors: Representatives Greene and Johnson (Primary Sponsors).

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

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 2, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PARTISAN ELECTIONS OF MEMBERS TO THE
MCDOWELL COUNTY BOARD OF EDUCATION AND TO THE MITCHELL
COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 322 of the 1987 Session Laws, as amended by
Chapter 107 of the 1995 Session Laws, reads as rewritten:

"Section 1. Notwithstanding the provisions of G.S. 115C-37, beginning with elections held in 2024, the McDowell County Board of Education shall be elected on a nonpartisan basis at the time set by G.S. 163-1 for the general election in 1996 and biennially thereafter. The names of the candidates shall be printed on the ballot without reference to any party affiliations. The nonpartisan plurality election method shall be used with the results determined as provided in G.S. 163-292. partisan basis as terms expire. Vacancies on the McDowell County Board of Education for positions elected on a nonpartisan basis in 2020 and 2022 shall be filled by appointment by the remaining members of the Board in accordance with the PLAN FOR MERGER OF MARION CITY BOARD OF EDUCATION AND MCDOWELL COUNTY BOARD OF EDUCATION and Section 3 of S.L. 2019-234. Beginning in 2024, vacancies on the McDowell County Board of Education for positions elected on a partisan basis shall be filled by appointment by the remaining members of the Board, in accordance with G.S. 115C-37.1, for the remainder of the unexpired term."

SECTION 1.(b) This act does not affect the terms of office of any member elected in 2020 or 2022 to the McDowell County Board of Education. The members of the McDowell County Board of Education elected in 2020 or 2022 or any member appointed to fill a vacancy for the remainder of an unexpired term for a member elected in 2020 or 2022 shall serve until a successor has been elected and qualified.

SECTION 2.(a) Chapter 55 of the 1987 Session Laws is repealed.

SECTION 2.(b) Notwithstanding the provisions of G.S. 115C-37, beginning with elections held in 2024, the Mitchell County Board of Education shall be elected on a partisan basis and biennially thereafter as terms expire. 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. All persons desiring to be candidates for membership on the Mitchell County Board of Education shall file notice of candidacy with the Mitchell County Board of Elections at the same time as candidates for other county offices. Members shall take office on the first Monday in December of the year of election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. This act



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1 does not affect the terms of office of any member elected in 2020 or 2022 to the Mitchell County
2 Board of Education. The members of the Mitchell County Board of Education elected in 2020 or
3 2022 or any member appointed to fill a vacancy for the remainder of an unexpired term for a
4 member elected in 2020 or 2022 shall serve until a successor has been elected and qualified. A
5 vacancy on the Mitchell County Board of Education for positions elected in 2020 or 2022 shall
6 be filled by a person appointed by the remaining members of the Board. Beginning in 2024,
7 vacancies on the Mitchell County Board of Education elected on a partisan basis shall be filled
8 by appointment by the remaining members of the Board, in accordance with G.S. 115C-37.1, for
9 the remainder of the unexpired term.

10 **SECTION 3.(a)** G.S. 115C-37.1(d) reads as rewritten:

11 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
12 Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, Guilford,
13 Harnett, Hyde, Iredell, Lee, Lincoln, Madison, McDowell, Mitchell, New Hanover, Onslow,
14 Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

15 **SECTION 3.(b)** This section becomes effective December 1, 2024.

16 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
17 law.