

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 118
Committee Substitute Favorable 3/2/21
Senate State and Local Government Committee Substitute Adopted 10/6/21

Short Title: Buncombe School Bd. Election.

(Local)

Sponsors:

Referred to:

February 23, 2021

A BILL TO BE ENTITLED
AN ACT 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. Section 4 of Chapter 532 of the Session Laws of 1975, as amended by
Chapter 178 of the Session Laws of 1981 and Chapter 93 of the Session Laws of 1995, reads as
rewritten:

"**Sec. 4.** The members representing the various districts on the Buncombe County Board of
Education shall be residents of ~~these said those~~ districts and shall file with the County Board of
Elections of Buncombe County a notice of candidacy no earlier than 12:00 noon on the first
Friday in July, and not later than 12:00 noon on the first Friday in August in the year of the
election which shall give the candidate's name, address, place of residence and a statement that
he or she desires to be a candidate for membership on the ~~said~~ Buncombe County Board of
Education for the district in which he or she resides. ~~The election of said members of said board
of education shall be by nonpartisan election.~~ The Board of Elections of Buncombe County shall
prepare a separate ballot for the election of ~~said~~ members which shall, among other things,
contain the name of the candidate, the school district that he or she desires to represent and shall
not contain any reference to party affiliation in any manner or form. The candidates for
membership on the Buncombe County Board of Education representing districts shall be voted
on by the eligible voters residing in that district. The candidate representing the Buncombe
County School Administrative Unit at large shall be voted on at large by the eligible voters
resident residing in the Buncombe County School Administrative Unit, and the Unit. The Board
of Elections of Buncombe County shall canvass and judicially determine the results of ~~said the~~
election and declare the members so elected. All persons ~~so~~ elected shall serve until their
successors are elected and ~~qualified, and any qualified.~~ Any vacancy occurring on the Buncombe
County Board of Education by death, resignation or by change of residency from the district from
which any ~~such~~ person was elected, or otherwise shall be filled by the appointment by the
remaining members of the Board for the unexpired term, but the person appointed to fill such
vacancy must be from the same district as the person whose death, resignation or removal created
the vacancy on the ~~said~~ Buncombe County Board of Education, provided that if the vacancy has
not been filled within 60 days of its occurrence, and the term has not yet expired, then the vacancy
shall be filled by the Senior Resident Superior Court Judge of Buncombe County for the
remainder of the unexpired term, but the person appointed to fill such vacancy must be from the



1 same district as the person whose death, resignation, or removal created the vacancy on the said
2 Buncombe County Board of Education."

3 **SECTION 2.** In establishing or revising electoral districts, the Buncombe County
4 Board of Education shall comply with all of the following:

- 5 (1) Equal Population. The most recent federal decennial census data shall be used
6 as the sole basis of population for the establishment of districts. The number
7 of persons in each district shall be within plus or minus five percent (5%) of
8 the ideal district population, as determined under the most recent federal
9 decennial census.
- 10 (2) Contiguity. No point contiguity shall be permitted in any district, which shall
11 be compromised of contiguous territory. Contiguity by water is sufficient.
- 12 (3) Racial Data. Data identifying the race of individuals or voters shall not be used
13 in the construction or consideration of districts, and the districts should
14 comply with the Voting Rights Act, as applicable.
- 15 (4) Compactness. Reasonable efforts to draw districts that are compact shall be
16 made.
- 17 (5) Municipal Boundaries. Municipal boundaries may be considered when
18 drawing districts.
- 19 (6) Election Data. Partisan considerations and election results data shall not be
20 used in the drawing of districts.
- 21 (7) Member Residence. The residence of current members of the Board of
22 Education may be considered in the formation of districts.
- 23 (8) Community Consideration. So long as a plan complies with the foregoing
24 criteria, local knowledge of the character of communities and connections
25 between communities may be considered in the formation of districts.

26 **SECTION 3.** The Buncombe County Board of Education shall establish the
27 boundaries of the electoral districts required by this act on or before January 1, 2023, and revise
28 the districts thereafter in accordance with G.S. 115C-37(i) and this act.

29 **SECTION 4.** Except as otherwise provided, this act is effective with elections
30 conducted on or after January 1, 2024.