

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 116
Committee Substitute Favorable 3/4/25
PROPOSED SENATE COMMITTEE SUBSTITUTE H116-PCS30447-CHe-18

Short Title: Local Bd. of Ed. Election Changes.

(Local)

Sponsors:

Referred to:

February 17, 2025

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE COLUMBUS COUNTY
BOARD OF EDUCATION, THE GASTON COUNTY BOARD OF EDUCATION, AND
THE JOHNSTON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding G.S. 115C-35, the Columbus County Board of Education shall consist of five members elected to serve staggered four-year terms. Five members shall be elected from residency districts. One member shall be elected from each residency district by the qualified voters of the entire county, excluding the area encompassing the Whiteville City School Administrative Unit. No person shall be eligible to file for or be elected to the Columbus County Board of Education unless the person is a qualified voter and resident of the residency district in which the person seeks to be elected.

SECTION 1.(b) Notwithstanding G.S. 115C-37, members of the Columbus County Board of Education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Columbus County Board of Education shall be nominated at the same time and in the same manner as other county officers. Members shall take office on the first Monday in December following their election. Members shall serve until their successors are elected and qualified.

SECTION 1.(c) All vacancies in the membership of the Columbus County Board of Education by death, resignation, or other causes shall be filled in accordance with G.S. 115C-37.1.

SECTION 1.(d) This section does not affect the terms of office of any person elected in 2024 to the Columbus County Board of Education. Any vacancy on the Columbus County Board of Education for a member elected in 2024 shall be filled by appointment by the remaining members of the Columbus County Board of Education to serve the remainder of the unexpired term. When a vacancy occurs in a seat elected from a residency district, the successor shall be selected from the residency district of the vacating member. Each member of the Columbus County Board of Education elected in 2024, or any member appointed to fill a vacancy for a member elected in 2024, shall serve until a successor has been elected and qualified.

SECTION 1.(e) All laws and clauses of laws in conflict with this section are hereby repealed, including the following:

- (1) Chapter 717 of the 1953 Session Laws.
- (2) Section 1 of Chapter 114 of the 1961 Session Laws.
- (3) Chapter 327 of the 1961 Session Laws.
- (4) Chapter 754 of the 1961 Session Laws.



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- (5) Chapter 295 of the 1963 Session Laws.
- (6) Section 1 of Chapter 1053 of the 1969 Session Laws.
- (7) Section 3 of Chapter 192 of the 1981 Session Laws.
- (8) Section 2 of Chapter 234 of the 1983 Session Laws.

SECTION 2.(a) Section 2 of Chapter 633 of the 1977 Session Laws reads as rewritten:

"Sec. 2. Composition of board of education.

(a) Notwithstanding ~~Section 115-18 of the General Statutes of North Carolina, G.S. 115C-35,~~ the board of education shall consist of nine ~~members.~~ members elected to staggered four-year terms. Two members shall be elected ~~by the duly qualified voters of Gaston County without regard to residence in any particular township and seven from the county at-large and seven~~ members shall be elected ~~by the duly qualified voters of Gaston County from the following townships:~~from residency districts. For the seven residency district seats, ~~no person shall be eligible to file for or be elected to the board of education unless the person is a qualified voter and resident of the residency district in which the candidate seeks to be elected. All members of the board of education shall be elected by the duly qualified voters of Gaston County.~~

(b) The residency districts for the board of education and the number of members from each residency district are as follows:

- (1) Cherryville Township shall be entitled to one member.
- (2) Crowders Mountain Township shall be entitled to one member.
- (3) Dallas Township shall be entitled to one member.
- (4) Gastonia Township shall be entitled to two members.
- (5) Riverbend Township shall be entitled to one member.
- (6) Southpoint Township shall be entitled to one member."

SECTION 2.(b) Section 3 of Chapter 633 of the 1977 Session Laws reads as rewritten:

~~"Sec. 3. Elections. Notwithstanding Section 115-19 of the General Statutes of North Carolina, at the general election to be held in the year 1978, there shall be elected by the duly qualified voters of Gaston County three members of the board of education, with one member from Cherryville Township, one member from Crowders Mountain Township and one member at large. The term for these three members shall commence on the first Monday in December 1978, and expire at the end of two years thereafter, or on the first Monday in December 1980.~~

~~At the general election to be held in the year 1980, there shall be elected by the duly qualified voters of Gaston County six members of the board of education, with one member from Cherryville Township, one member from Crowders Mountain Township, one member from Gastonia Township, one member from Riverbend Township, one member from Southpoint Township and one member at large. Those members elected from Cherryville Township, Crowders Mountain Township, Gastonia Township and the member elected at large shall compose one class, whose term of office shall commence on the first Monday in December 1980, and expire at the end of four years thereafter, or on the first Monday in December 1984. The term of office for those members elected from Riverbend Township and Southpoint Township shall commence on the First Monday in December 1980, and expire at the end of two years thereafter, or on the first Monday in December 1982.~~

~~At the general election to be held in the year 1982, there shall be elected by the duly qualified voters of Gaston County five members of the board of education, with one member from Dallas Township, one member from Gastonia Township, one member from Riverbend Township, one member from Southpoint Township and one member at large. These five members shall compose another class, whose terms of office shall commence on the first Monday in December 1982, and expire at the end of four years thereafter, or on the first Monday in December 1986.~~

~~Upon the expiration of the term of office of each class of members of the board of education (the term class shall exclude the members elected for a term of two years) their successors shall~~

~~be elected to hold office for four years and until their successors are elected and qualified.~~ Notwithstanding G.S. 115C-37, members of the board of education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the board of education shall be nominated at the same time and in the same manner as other county officers. Members shall take office on the first Monday in December following the election. Members shall serve until their successors are elected and qualified.

The election of members of the board of education shall be held, conducted and supervised by the board of elections; and except as herein provided, the general election laws and regulations for the nomination and election of county officers, which are set forth in ~~Chapter~~ Chapters 115C and 163 of the General Statutes of North Carolina, as amended, ~~Carolina~~ shall apply and govern as to the holding of any election for members of the board of education."

SECTION 2.(c) Section 4 of Chapter 633 of the 1977 Session Laws, as amended by Chapter 331 of the 1979 Session Laws and Chapter 73 of the 1993 Session Laws, is repealed.

SECTION 2.(d) Section 7 of Chapter 633 of the 1977 Session Laws reads as rewritten:

"**Sec. 7. Vacancy.** ~~Notwithstanding Section 115-24 of the General Statutes of North Carolina, all~~ All vacancies in the membership of the board of education by death, resignation, or other causes shall be filled by the remaining members of the board of education by the appointment of a person to serve until the next election of members of such board at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election. In the event that the replacement is not selected by the board of education within a period of 90 days after the vacancy occurs, such vacancy shall be filled by the board of commissioners. When one who has been elected at large vacates his office, the successor may be selected without regard to the location of his residence in the county. When one who has been elected from a township vacates his office, the successor shall be selected from that same township in accordance with G.S. 115C-37.1."

SECTION 2.(e) This section does not affect the term of any member elected in 2024 to the Gaston County Board of Education. Any vacancy on the Gaston County Board of Education for a member elected in 2024 shall be filled by appointment by the remaining members of the Gaston County Board of Education to serve the remainder of the unexpired term. When a vacancy occurs in a seat elected from a residency district, the successor shall be selected from the residency district of the vacating member. Each member of the Gaston County Board of Education elected in 2024, or any member appointed to fill a vacancy for a member elected in 2024, shall serve until a successor has been elected and qualified.

SECTION 3.(a) Section 1 of S.L. 1997-32 reads as rewritten:

"Section 1. ~~Beginning with the 1998 election, the~~ The Johnston County Board of Education shall be elected in ~~nonpartisan~~ partisan elections held in even-numbered years as provided in this act. Members shall be nominated at the same time and manner as other county officers."

SECTION 3.(b) Section 3 of S.L. 1997-32, as amended by S.L. 2023-147, is repealed.

SECTION 3.(c) Section 4 of S.L. 1997-32, as amended by S.L. 2023-143, reads as rewritten:

"Section 4. If a vacancy occurs on the Johnston County Board of Education, the ~~remaining members of the Johnston County Board of Education shall appoint a person to fill that seat. The person appointed to fill the vacancy shall serve the remainder of the unexpired term of the office.~~ vacancy shall be filled in accordance with G.S. 115C-37.1. Any person appointed to fill a vacancy shall be a resident of the single-member residency district in which the vacancy occurs."

SECTION 3.(d) This section does not affect the terms of office of any person elected in 2024 to the Johnston County Board of Education. Any vacancy on the Johnston County Board of Education for a member elected in 2024 shall be filled by appointment of the remaining

1 members of the Johnston County Board of Education to serve the remainder of the unexpired
2 term. When a vacancy occurs in a seat elected from a residency district, the successor shall be
3 elected from the residency district of the vacating member. Each member of the Johnston County
4 Board of Education elected in 2024, or any member appointed to fill a vacancy for a member
5 elected in 2024, shall serve until a successor has been elected and qualified.

6 **SECTION 4.** G.S. 115C-37.1(d) reads as rewritten:

7 "(d) This section shall apply only to the Hickory City Board of Education and the
8 Newton-Conover City Board of Education and in the following counties: Alexander, Alleghany,
9 Ashe, Beaufort, Brunswick, Burke, Cabarrus, Caldwell, Carteret, Catawba, Cherokee, Clay,
10 Columbus, Craven, Dare, Davie, Forsyth, Gaston, Graham, Harnett, Henderson, Hyde, Iredell,
11 Johnston, Lee, Lincoln, Madison, McDowell, Mitchell, New Hanover, Onslow, Pamlico, Pender,
12 Polk, Rowan, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

13 **SECTION 5.** This act becomes effective the first Monday in December 2026, and
14 elections in 2026 and thereafter shall be conducted accordingly.