



HOUSE BILL 324: Partisan Bd. of Ed. Elections

This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.

2015-2016 General Assembly

Committee:	House Elections	Date:	April 14, 2015
Introduced by:	Reps. Cleveland, Lambeth, Conrad, Shepard	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition H324-CSTC-15		Committee Counsel

SUMMARY: House Bill 324 would require that all local board of education elections be conducted as partisan elections, and that all vacancies in elected local boards of education be filled based on the recommendation of the county executive committee of the party from which the vacating member was elected as a nominee.

The PCS would make technical and conforming changes.

CURRENT LAW: G.S. 115C-37 provides the general law for elections of local boards of education. That statute requires that county boards of education be elected on a nonpartisan basis at the time of the primary election in even-numbered years and biennially thereafter. City boards of education may be appointed or elected as provided by law.

Vacancies in the membership of a local board of education are filled by appointment by the remaining members of the board until the next election of members of the board, where an election is held to fill the remaining unexpired term of the office.

G.S. 115C-37.1 provides for filling of vacancies for certain local boards of education that, by local act, are elected in a partisan manner. That statute requires the remaining members of the board of education to consult on the vacancy appointment with the county executive committee of the party the vacating member was elected as a nominee of, and if the county executive committee makes a recommendation within 30 days of the vacancy, to appoint the individual recommended by the committee.

BILL ANALYSIS: The PCS for House Bill 324 would require the following:

- All county and all elected city boards of education would be elected on a partisan basis.
- All vacancies for elected boards of education would be filled by appointment by the remaining members of the board following consultation on the vacancy appointment with the county executive committee of the party from which the vacating member was elected as a nominee. If the county executive committee made a recommendation within 30 days of the vacancy, the remaining board members would appoint the individual recommended by the committee.
- All local acts or merger plans for local boards of education that establish a nonpartisan method of election or alternate method of appointment for vacancies would be superseded. HB 324 would have the effect of repealing any local or special acts to the contrary.
- Conforming changes would be made in other statutes.

EFFECTIVE DATE: HB 324 would become effective January 1, 2016, and apply to elections held on or after that date. For elections required by local act to be held in odd-numbered years, the requirements of the bill would apply to elections held in 2017.

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