



HOUSE BILL 293: Onslow/Pender Bd. Ed. Partisan/Swain Clarify.

2017-2018 General Assembly

Committee:	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	Date:	March 29, 2017
Introduced by:	Reps. Cleveland, Shepard, Millis, Clampitt	Prepared by:	Giles Perry
Analysis of:	PCS to First Edition H293-CSBK-9		Jessica Sammons Committee Co-Counsel

OVERVIEW: *The proposed committee substitute (PCS) for House Bill 293 would change the election method of the Board of Education in Onslow and Pender Counties from nonpartisan to partisan, and would alter the date members take office and the process for filling vacancies on the Board of Education in Onslow, Pender, and Swain Counties.*

The PCS would amend the election method from nonpartisan to partisan, alter the date members take office, and modify the process of filling vacancies on the Board of Education in Pender County.

CURRENT LAW: The following chart sets out the current law governing the Board of Education for Onslow, Pender, and Swain Counties:

County	Number of Members; Term of Office	Districts vs. At-large Members	Method of Election	Date of Election	Date New Members Take Office
Onslow	7 members; staggered 4-year terms	Elected from the county at-large	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July 1
Pender	5 members; staggered 4-year terms	Each elected county-wide from single-member districts	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	<i>Not specified in current law</i>
Swain	5 members; staggered 4-year terms	Each elected from the county at-large	Partisan	Primary & general election in even-numbered years	First Monday in April following general election

There are a few additional requirements governing these Boards of Education:

- **Residency Requirement:** In Pender County, a candidate for a Board of Education seat must be a resident of the district he or she seeks to represent.

Karen Cochran-Brown
Director



Legislative Analysis
Division
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House PCS 293

Page 2

- Filling Vacant Seats:
 - In Onslow and Pender Counties, vacancies are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.
 - In Swain County, vacancies are filled by the county executive committee of the relevant political party, with the appointee serving the remainder of the unexpired term.
- Organizational Meeting: In Swain County, members hold an organizational meeting on the first Monday in April in odd-numbered years to elect a chairman and any other officers the Board deems necessary.

BILL ANALYSIS: The PCS for House Bill 293 would make the following changes to the Board of Education for Onslow, Pender, and Swain Counties:

- Partisan Elections: In Onslow and Pender Counties, the method of election for the Board members would change from nonpartisan to partisan, beginning in 2018. Candidates would be nominated at the same time and manner as other county officers. Members would be elected at the general election in even-numbered years.
- Date New Members Take Office: In Onslow, Pender, and Swain Counties, newly-elected members would take office on the first Monday in December following the general election.
 - In Swain County, the members would elect a chair and any other officers the Board deems necessary on this date.
- Filling Vacant Seats: In Onslow, Pender, and Swain Counties, vacancies for positions elected on a partisan basis beginning in 2018 would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.
- House Bill 293 would not affect terms office or vacancy procedures for members of the Board elected in 2014 or 2016.

EFFECTIVE DATE: The act would be effective when it becomes law.