



# HOUSE BILL 42: Rowan-Salisbury Bd. of Ed. Election Method.

2017-2018 General Assembly

<b>Committee:</b>	House Elections and Ethics Law	<b>Date:</b>	March 16, 2017
<b>Introduced by:</b>	Rep. Warren	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H42-CSBK-7		Kara McCraw Jessica Sammons Committee Counsel

**OVERVIEW:** *House Bill 42 (proposed committee substitute) would provide for the partisan election of the Rowan-Salisbury Board of Education, subject to voter approval in a referendum in a county-wide election in either 2017 or 2018.*

**The PCS makes a technical correction to the beginning election year for partisan elections for Board members in Section 2.2.**

**CURRENT LAW:** The Rowan-Salisbury Board of Education consists of seven members elected for staggered four-year terms. Elections are conducted on a nonpartisan basis, and the results are determined by a plurality. Members take office on the first Monday in December following their election, at which time their predecessor's term expires. One member is elected from each of seven single-member residency districts. The Board member filling that seat must reside in the district. Elections for all seven seats are county-wide. The residency districts are as follows:

- **Seat 1** – The North Rowan High School attendance zone, except for that portion included in the district for Seat 6.
- **Seat 2** – The South Rowan High School attendance zone.
- **Seat 3** – The East Rowan High School attendance zone.
- **Seat 4** – The West Rowan High School attendance zone.
- **Seat 5** – The Salisbury High School attendance zone, except for that portion included in the district for Seat 6.
- **Seat 6** – All of East Spencer, East Ward II and West Ward III precincts; the portion of East Ward I between Main Street and I-85; the portion of South Ward precinct between Main Street and I-85 bordered on the south by the Southern Railroad line running from Harrison Street to I-85; the portion of West Ward I precinct north of a line consisting of Wilson Road, Taylor Street, Harrison Street, Fulton Street and Monroe Street; and the portion of Milford Hills precinct between the Southern Railroad line and Highway 70 (Statesville Boulevard) west of Jake Alexander Boulevard and within the Salisbury city limits.
- **Seat 7** – The Southeast Rowan High School attendance zone, except for that portion included in the district for Seat 6.

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.

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# House PCS 42

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**BILL ANALYSIS:** House Bill 42 (proposed committee substitute) would provide for a county-wide referendum to be conducted by the Rowan County Board of Elections. The referendum would determine whether a majority of the qualified voters of Rowan County approve of changing the election method of the members of the Rowan-Salisbury Board of Education from nonpartisan to partisan, beginning with the subsequent election for Board members.

If the referendum is approved, the following changes would become effective upon ratification:

- Sections of the 1987 merger agreement would be repealed and replaced with modernized language establishing the process for electing the Board.
- Beginning with the next scheduled election for Board members, as their terms of office expire, members would be elected on a partisan basis.
- For members elected on a partisan basis, vacancies 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. The appointee must reside in the residency district where the vacancy exists.

No term of office of any member elected prior to the start of partisan elections would be altered, and all current members would serve until the next election for members of the Board occurs and a successor has been elected and qualified.

**Part I** specifies that if a county-wide election occurs in 2017, the county must include the referendum on the ballot. If a county-wide election does occur in 2017 and the referendum is placed on the ballot during that election, Part II is repealed, effective December 31, 2017. If the referendum is approved, the change to partisan elections would begin with the primary and election to be held in 2018 for Board members for Seats 1, 2, 4, and 6, as their terms expire, and in 2020 for Board members for Seats 3, 5, and 7, as their terms expire.

**Part II** of the PCS specifies that if a county-wide election with the referendum on the ballot as required in Part I did not occur in 2017, the referendum must be placed on the ballot on the November 6, 2018 election. If the referendum is approved, the change to partisan elections would begin with the primary and election to be held in 2020 for members for Seats 3, 5, and 7, as their terms expire, and in 2022 for members for 1, 2, 4, and 6, as their terms expire.

**EFFECTIVE DATE:** Except as otherwise provided in this act, this act would become effective when it becomes law.

**BACKGROUND:** In 1987, the Rowan County and Salisbury City Schools were merged by a local merger agreement into the Rowan-Salisbury Schools. This merger created seven Rowan-Salisbury Board of Education member seats elected in a nonpartisan manner: five from high school attendance zones and two at-large. S.L. 1987-890 amended the merger plan and slightly modified those districts. This merger agreement, as amended, was then modified by a Consent Decree entered on April 29, 1994, which changed one at-large seat to a residency district in an effort to provide an opportunity for African American voters to elect a candidate. The Consent Decree was subsequently altered on November 13, 2003 and December 4, 2003, changing the remaining at-large seat to a residency district for a newly-built high school. The Consent Decree expired on January 1, 2007.