



HOUSE BILL 1162: Catawba/Newton-Conover/Hickory Bd of Ed Elect.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 15, 2022
Introduced by:	Reps. Adams, Setzer	Prepared by:	Hillary Woodard
Analysis of:	PCS to Second Edition H1162-CSBK-18		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 1162 would do the following:*

- *Change the method of election of the Catawba County Board of Education from nonpartisan to partisan and alter the process for filling vacancies on the Board, beginning in 2024.*
- *Change the method of election of the Hickory City Board of Education and the Newton-Conover City Board of Education from nonpartisan to partisan and alter the process for filling vacancies on each of the Boards, beginning in 2023.*

Section 1 – Catawba County Board of Education:

CURRENT LAW: The Catawba County Board of Education consists of seven members elected for staggered four-year terms. Members are elected at-large by the qualified voters of Catawba County residing outside of the boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit.

Elections are conducted in even-numbered years using the nonpartisan plurality method. G.S. 163-292. The election is held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. G.S. 115C-37(d).

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. G.S. 115C-37(f).

BILL ANALYSIS: Section 1 of the PCS would provide that, beginning in 2024, the members of the Catawba County Board of Education would be elected on a partisan basis. Candidates would be nominated and elected at the same time and in the same manner as other county officers.

Vacancies for positions elected on a partisan basis in 2024 and thereafter would be filled by the remaining members of the Board, provided that the remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if both of the following apply:

- The recommendation is made within 30 days after the seat becomes vacant.
- The county executive committee restricted voting to committee members who represent precincts wholly or partly within the territory of the Catawba County Board of Education.

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Legislative Analysis
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EFFECTIVE DATE: Effective when it becomes law, and applies to elections held in 2024 and thereafter.

Section 2 – Hickory City Board of Education:

CURRENT LAW: The Hickory City Board of Education consists of seven members elected for staggered four-year terms. One member is elected from each of the six wards by the qualified voters of the ward. One member is elected at-large by the qualified voters of the entire Hickory Administrative School Unit.

Elections are conducted in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. The election is held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. G.S. 115C-37(d).

Vacancies are filled by the remaining members of the Hickory City Board of Education. If the vacancy occurs during the first two years of a term, the appointee serves until the next election of Board Members, at which time the remaining unexpired term will be filled by election. G.S. 115C-37(f). If the vacancy occurs during the last two years of the term, the appointee serves for the remainder of the unexpired term.

BILL ANALYSIS: Section 2 of the PCS would provide that, beginning in 2023, the members of the Hickory City Board of Education would be elected on a partisan basis. The election would be conducted using the process for a partisan municipal election under G.S. 163-291. Partisan municipal elections are held on Tuesday after the first Monday in November, with the first primary held on the second Tuesday after Labor Day, and the second primary, if required, held on the fourth Tuesday before the election. G.S. 163-279.

Vacancies for positions elected on a partisan basis in 2023 and thereafter would be filled by the remaining members of the Board, provided that the remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if both of the following apply:

- The recommendation is made within 30 days after the seat becomes vacant.
- The county executive committee restricted voting to committee members who represent precincts wholly or partly within the territory of the vacating member.

EFFECTIVE DATE: Effective when it becomes law, and applies to elections held in 2023 and thereafter.

Section 3 – Newton-Conover City Board of Education:

CURRENT LAW: The Newton-Conover City Board of Education consists of six members elected for staggered four-year terms. Three members are elected to represent the City of Newton, and three members are elected to represent the City of Conover.

Elections are conducted in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. The election is held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. G.S. 115C-37(d).

Vacancies are filled by the remaining members of the Newton-Conover City Board of Education.

BILL ANALYSIS: Section 3 of the PCS would provide that, beginning in 2023, the members of the Newton-Conover City Board of Education would be elected on a partisan basis. The election would be conducted using the process for a partisan municipal election under G.S. 163-291. Partisan municipal

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elections are held on Tuesday after the first Monday in November, with the first primary held on the second Tuesday after Labor Day, and the second primary, if required, held on the fourth Tuesday before the election. G.S. 163-279.

Vacancies for positions elected on a partisan basis in 2023 and thereafter would be filled by the remaining members of the Board, provided that the remaining members of the Board must consult with the county executive committee of the relevant political party before filling a vacancy and must appoint that executive committee's nominee, if both of the following apply:

- The recommendation is made within 30 days after the seat becomes vacant.
- The county executive committee restricted voting to committee members who represent precincts wholly or partly within the territory of the vacating member.

EFFECTIVE DATE: Effective when it becomes law, and applies to elections held in 2023 and thereafter.