



HOUSE BILL 353: Winston-Salem/Forsyth and Wake Bds. of Ed.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	August 18, 2021
Introduced by:	Reps. Lambeth, Zachary	Prepared by:	Jessica Sammons and Sarah Pilon
Analysis of:	PCS to Second Edition H353-CSCG-16		Staff Attorneys

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 353 would do the following:*

- *Create staggered terms of office for members of the Winston-Salem/Forsyth Board of Education.*
- *Provide for staggered terms for members of the Wake County Board of Education, beginning with the election in 2022.*
- *Provide for four-year staggered terms for members of the Wake County Board of Education, with elections held in odd-numbered years beginning in 2023.*

PART I: CREATE A STAGGERING OF THE TERMS OF MEMBERS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

CURRENT LAW: The Winston-Salem/Forsyth Board of Education is a nine-member board elected to four-year terms of office on a partisan basis in even-numbered years from a combination of electoral districts and at-large seats. Two members are elected from District 1, 4 members are elected from District 2, and 3 members are elected at-large. All members of the board are elected in the same election at the time of the general election of other county officers.

BILL ANALYSIS: House Bill 353 would create staggered terms of office for members of the Winston-Salem/Forsyth Board of Education, beginning with the 2022 election, as follows:

- District 1: Two members would be elected in 2022. The person receiving the highest number of votes would serve a four-year term of office. The person receiving the next highest number of votes would serve a two-year term of office.
- District 2: Four members would be elected in 2022. The two persons receiving the first and second highest number of votes would serve a four-year term of office. The two persons receiving the third and fourth highest number of votes would serve a two-year term of office.
- At-large: Three members would be elected in 2022. The two persons receiving the first and second highest number of votes would serve a four-year term of office. The person receiving the third highest number of votes would serve a two-year term of office.

In subsequent elections, all members would be elected to a four-year term of office. The act would not affect the terms of office for those elected or appointed to fill vacancies for terms beginning in 2018.

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Director



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PART II : WAKE COUNTY BOARD OF EDUCATION

CURRENT LAW: S.L. 2013-110 created new electoral districts for the Wake County Board of Education. Following subsequent litigation over those electoral districts, members of the Wake County Board of Education are currently elected in accordance with court orders¹ entered into in 2016 and 2017.

Under those court orders, the members of the Board are elected from nine single-member electoral districts created by the General Assembly in 2011. Members are elected by the nonpartisan plurality method for two-year terms of office at the time of the general election for county officers in even-numbered years.

BILL ANALYSIS: The PCS to House Bill 353 would create staggered terms for members of the Board, beginning with the election held in 2022.

Prior to the 2022 election, the Wake County Board of Education would be required to revise the electoral districts established in 2011 to correct for population imbalances.

In 2022, an election would be held for all nine members of the Board. The Wake County Board of Elections would certify the total vote count in each of those districts, with members elected in that election serving terms as follows:

- The members in the four districts receiving the four highest total vote counts would serve a three-year term.
- The members in the remaining five districts would serve a one-year term.

Effective beginning with the election held in 2023, members would be elected in odd-numbered years on the Tuesday after the first Monday in November. Members elected in 2023 and thereafter would serve four-year terms.

The PCS would not affect the terms of any member elected in 2020, or any member appointed to fill a vacancy for a member elected in 2020.

EFFECTIVE DATE: Except as otherwise provided, effective when it becomes law.

**Kara McCraw, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*

¹ *Raleigh Wake Citizens Association, et al., v. Wake County Board of Elections, et al.*, Court Order 5:15 CV 00156 D, Document 104, dated August 9, 2016, and *Raleigh Wake Citizens Association, et al., v. Wake County Board of Elections, et al.*, Consent Decree 5:15 CV 00156 D, Document 129, dated December 28, 2017.