



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

2021-2022 General Assembly

Committee:	House Local Government. If favorable, re-refer to Election Law and Campaign Finance Reform. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 5, 2021
Introduced by:	Reps. Lambeth, Zachary	Prepared by:	Kara McCraw Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: *HB 353 would provide for staggering of the terms for the Winston-Salem/Forsyth Board of Education and would make changes to the manner and timing of elections for the Wake County Board of Education, and authorize revisions to those districts following return of the 2020 census results.*

PART I: STAGGER WINSTON SALEM/FORSYTH COUNTY BOARD OF EDUCATION TERMS

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: HB 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: 2 members would be elected in 2022. The person receiving the highest number of votes would serve a 4 year term of office. The person receiving the next highest number of votes would serve a 2 year term of office.
- District 2: 4 members would be elected in 2022. The two persons receiving the first and second highest number of votes would serve a 4 year term of office. The two persons receiving the third and fourth highest number of votes would serve a 2 year term of office.
- At-large: 3 members would be elected in 2022. The two persons receiving the first and second highest number of votes would serve a 4 year term of office. The person receiving the third highest number of votes would serve a 2 year term of office.

In subsequent elections, all members would be elected to a 4 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.

The bill also makes a technical correction to an older session law to conform to new acts providing for nine members on the Board.

PART II : REVISE WAKE COUNTY BOARD OF EDUCATION ELECTIONS

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CURRENT LAW: The Wake County Board of Elections conducts elections subject to a court orders¹ entered in 2016 and 2017, following litigation challenging a prior act of the General Assembly, S.L. 2013-110, that created new districts for the Board. Under the court orders, the Wake County Board of Education has been elected from nine single-member districts created 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: HB 353 would create staggered terms of office for members of the Wake County Board of Education beginning in 2022, and would change the method of election and timing of election beginning in 2023 as follows:

- Following the return of the 2020 census, the Wake County Board of Education would revise districts to correct for population imbalances. Revised districts would be used for the 2022 elections.
- Members elected in 2020 to Districts 1, 2, 7, and 9 would have their two-year term of office extended to 2023.
- In 2023, members from Districts 3, 4, 5, 6, and 8 would be elected at the time of the general election for county officers using the nonpartisan plurality method to a three-year term of office expiring in 2025.
- Effective January 1, 2023, members of the Board would be elected using the nonpartisan election and runoff method in odd-numbered years. In 2023, members in Districts 1, 2, 7, and 9 would be elected to a four-year term of office, and every four years thereafter.
- In 2025, members in Districts 3, 4, 5, 6, and 8 would be elected to a four-year term of office in 2025, and every four years thereafter.

For terms beginning in 2020 from Districts 1, 2, 7, and 9, or in 2022 from Districts 3, 4, 5, 6, and 8, members would serve until a successor was elected and qualified.

EFFECTIVE DATE: Except as otherwise provided, HB 353 would become effective when it becomes law.

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.