



HOUSE BILL 400: Asheville City Sch. Bd. Elections.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2021-2022 General Assembly

Committee:	House Local Government. If favorable, re-fer to Rules, Calendar, and Operations of the House	Date:	May 5, 2021
Introduced by:	Reps. Fisher, Turner, Ager	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: House Bill 400 would provide for the election of members of the Asheville City Board of Education, rather than appointment by the Asheville City Council, and would increase the membership on the Board from five members to seven members.

CURRENT LAW: The Asheville City Board of Education (Board) consists of five members. Members are appointed by the Asheville City Council in March of the odd-numbered years, and serve staggered four-year terms. Members take office the first day in April following the appointment. In the event of a vacancy in office, the Asheville City Council fills the vacancy by appointment.

To be considered for appointment to the Board, an individual must be a resident of the City of Asheville, be known to be in favor of public education, be interested in the welfare of the schools, and be appointed with the understanding of maintaining the efficiency of the schools without any partisan prejudice or bias.

BILL ANALYSIS: House Bill 400 would do the following, beginning in 2022:

- Increase the membership of the Board to seven members.
- Provide for the election of the seven Board members.

Members of the Board would be elected using the nonpartisan primary and election method and would serve staggered four-year terms. 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, and would take office at the first Board meeting in December following their election. At that meeting, the chair would be elected to serve a two-year term. Vacancies occurring on the Board would be filled by appointment by the remaining members of the Board until the next election of members of the Board, where an election is held to fill the remaining unexpired term of the office.

To implement this change, an election would be held in 2022 for the members of the Board as follows:

- The four candidates receiving the highest number of votes would serve a four-year term. In 2026, and every four years thereafter, four seats would be up for election.
- The three candidates receiving the next highest number of votes would serve a two-year term. In 2024, and every four years thereafter, three seats would be up for election.

The terms of the current members of the Board would expire once the members elected in the 2022 election qualify and take office.

EFFECTIVE DATE: Effective when it becomes law, and applies to elections conducted on or after that date.

Staff Attorney Jessica Sammons substantially contributed to this bill summary.

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