



# 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

<b>Committee:</b>	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	August 25, 2021
<b>Introduced by:</b>	Reps. Fisher, Turner, Ager	<b>Prepared by:</b>	Jonathan Zator* Committee Counsel
<b>Analysis of:</b>	Third 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 (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 Council fills the vacancy by appointment. (S.L. 1985-20).

Any person appointed to the Board must be a resident of the City of Asheville who is known to be in favor of public education and interested in the welfare of the schools. The Council is to make appointments with the sole objective of maintaining the efficiency of the schools and without any partisan prejudice or bias. (S.L. 1947-255).

**BILL ANALYSIS:** House Bill 400 would increase Board membership to seven members and provide for the election of the seven members beginning in 2022.

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:** The act would be effective when it becomes law and apply to elections conducted on or after that date.

\*Jessica Sammons, Staff Attorney, substantially contributed to this summary.

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