



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

HOUSE BILL 400: Modify Asheville/Buncombe Sch. Bd. Elect.

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	October 4, 2021
Introduced by:	Reps. Fisher, Turner, Ager	Prepared by:	Erika Churchill
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: House Bill 400 would do both of the following:

- 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, fully effective in 2024.
- Provide that six of seven members of the Buncombe County Board of Education would be elected from pure election districts, effective in 2022.

ASHEVILLE CITY BOARD OF EDUCATION

CURRENT LAW: The Asheville City Board of Education 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, the Asheville City Council fills the vacancy by appointment.

To be considered for appointment to the Asheville City Board of Education, an individual must be a resident of the City of Asheville, known to be in favor of public education, interested in the welfare of the schools, and 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:

- Provide for the election of the seven Asheville City Board of Education members, fully effective in 2024.
- Increase the membership of the Asheville City Board of Education to seven members, effective in 2022.

Members of the Asheville City Board of Education would be elected at-large, 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 would be filled by appointment by the remaining members of the Asheville City Board of Education until the next election of members of the board, where an election would be 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 Asheville City Board of Education as follows:

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House Bill 400

Page 2

- Four members would be elected in 2022, with the seats of two of the members appointed in 2019 expiring upon the qualification of the members elected to the Asheville City Board of Education in 2022.
- Three members would be elected in 2024, with the seats of three of the members appointed in 2021 expiring upon the qualification of the members elected to the Asheville City Board of Education in 2024.

BUNCOMBE COUNTY BOARD OF EDUCATION

CURRENT LAW: The Buncombe County Board of Education consists of seven members who serve staggered four-year terms. For purposes of electing members of the board, the Buncombe County School Administrative Unit consists of all of Buncombe County outside of and excluding the City of Asheville School Administrative Unit and is divided into seven districts based upon school attendance zones. Members must reside the district, but all members are elected at-large in the Buncombe County School Administrative Unit. Members are elected using the nonpartisan plurality method.

BILL ANALYSIS: House Bill 400 would provide for six of the seven members to be elected by election district, with the seventh member to be elected at-large, effective with the 2022 elections. This change would require the Buncombe County School Administrative Unit to establish election districts prior to the opening of the filing period for the 2022 elections.

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