



# HOUSE BILL 66: Boards of Education Elections.

2023-2024 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	June 1, 2023
<b>Introduced by:</b>	Reps. Adams, Setzer	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	Fifth Edition		Staff Attorney

**OVERVIEW:** *House Bill 66 would do the following:*

- *Change the election method for the Catawba County Board of Education, Hickory City Board of Education, Newton-Conover City Board of Education, and the Polk County Board of Education from nonpartisan to partisan and alter the process for filling vacancies on these Boards, beginning in 2024.*
- *Provide that six of seven members of the Buncombe County Board of Education would be elected from pure electoral districts beginning in 2024, require the Buncombe County Board of Education to establish those electoral districts by February 1, 2024, and provide that the Buncombe County Board of Education would be elected using the nonpartisan primary and election method beginning in 2026.*

[As introduced, this bill was identical to S72, as introduced by Sen. Proctor, which is currently in Senate Redistricting and Elections.]

**CURRENT LAW: Catawba County Board of Education:** The Catawba County Board of Education consists of seven members elected for staggered four-year terms. Members are elected at-large by Catawba County qualified voters residing outside the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit boundaries. Elections are held in even-numbered years using the nonpartisan plurality method. G.S. 163-292. Elections are held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. G.S. 115C-37(d).

Vacancies are filled by the remaining Catawba County Board of Education members, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election. G.S. 115C-37(f).

**Hickory City Board of Education:** The Hickory City Board of Education consists of seven members elected for staggered four-year terms. One member is elected from each of the six wards by qualified voters of the ward. One member is elected at-large by qualified voters of the entire Hickory Administrative School Unit. Elections are held in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. Elections are held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. G.S. 115C-37(d).

Vacancies are filled by the remaining Hickory City Board of Education members. If the vacancy occurs during the first two years of the term, the appointee serves until the next election of Board members, at which time the remaining unexpired term will be filled by election. If the vacancy occurs during the last two years of the term, the appointee serves for the remainder of the unexpired term.

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**Newton-Conover City Board of Education:** The Newton-Conover City Board of Education consists of six members elected for staggered four-year terms. Three members are elected to represent the Newton district, and three members are elected to represent the Conover district. Elections are held in odd-numbered years using the nonpartisan plurality method. G.S. 163-292. Elections are held on the Tuesday after the first Monday in November. G.S. 163-279. Members take office on the first Monday in December following their election. G.S. 115C-37(d).

Vacancies are filled by the remaining Newton-Conover City Board of Education members.

**Polk County Board of Education:** The Polk County Board of Education consists of seven members. Members are elected from six residency districts: the Township of Cooper's Gap, the Township of Columbus, the Township of Green Creek, the Township of Saluda, the Township of Tryon, and the Township of White Oak. The Township of Tryon is a two-member district; all other districts are single-member. Members must reside in the district, but all members are elected at-large by the qualified voters of Polk County. The members are elected using the nonpartisan plurality method to serve staggered four-year terms. Elections are held in even-numbered years at the time of the general election for county officers.

Vacancies on the board are filled by the remaining members of the Polk County Board of Education with the appointees serving until the next election. At the next election, a new member is elected to fill the unexpired term.

**Buncombe County Board of Education:** The Buncombe County Board of Education consists of seven members. 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 in the district, but all members are elected at-large by the qualified voters residing in the Buncombe County School Administrative Unit. The members are elected using the nonpartisan plurality method to serve staggered four-year terms. Elections are held in even-numbered years at the time of the general election for county officers.

**BILL ANALYSIS and EFFECTIVE DATE:** The bill would do the following:

- Beginning in 2024, provide that members of the Catawba County Board of Education, the Hickory City Board of Education, the Newton-Conover City Board of Education, and the Polk County Board of Education would be elected on a partisan basis.
- Beginning in 2024, provide that members of the Hickory City Board of Education and the Newton-Conover City Board of Education would be elected in even-numbered years. Candidates would be nominated and elected at the same time and in the same manner as other county officers. To implement the change to even-numbered year elections, the terms of all current members on the Hickory City Board of Education and the Newton-Conover City Board of Education would be extended by one year. Elections for members on these Boards would next occur in 2024, rather than in 2023.
- Effective December 1, 2024, provide that vacancies for positions on the Catawba County Board of Education, the Hickory City Board of Education, the Newton-Conover City Board of Education, and the Polk County Board of Education elected on a partisan basis would be filled by the remaining Board members, provided the Board consults the relevant political party's local

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executive committee before filling a vacancy and appoints the local executive committee's nominee, if both of the following apply:

- The recommendation is made within 30 days after the seat becomes vacant.
  - The county executive committee restricts voting to committee members who represent precincts wholly or partly within the appropriate territory.
- Effective for the 2024 elections, provide that six of the seven members of the Buncombe County Board of Education are to be elected from six electoral districts, with the seventh member to be elected at-large. This change would require the Buncombe County Board of Education to establish electoral districts prior to February 1, 2024. If the Buncombe County Board of Education fails to establish the electoral districts by this date, the North Carolina General Assembly would be required to establish the electoral districts. In establishing or revising the districts, the Board must adhere to the following criteria:
    - Equal population.
    - Contiguity.
    - Compact districts.
    - No election or racial data used.
    - Current residency districts considered as communities of interest and only changed the minimum amount needed to conform to the foregoing criteria.
    - Municipal boundaries, residences of the current members, and communities of interest could be considered, if the Board so chose.
  - Effective for the 2026 elections, provide that the members of the Buncombe County Board of Education are to be elected using the nonpartisan primary and election method. Candidates would be nominated at the same time and manner as other county officers.