



# HOUSE BILL 687: Clarify Vacancy Filling Partisan Bd. of Ed.

2023-2024 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 2, 2023
<b>Introduced by:</b>	Rep. Hardister	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 687 would modify the process for filling vacancies on local boards of education that elect members on a partisan basis to provide that if the county executive committee of the political party of the vacating member recommends a qualified voter to fill the seat within 30 days of the vacancy, that individual would be sworn in at the next regular meeting of the local board of education.*

**CURRENT LAW:** G.S. 115C-37(a) provides for local boards of education to be elected on a nonpartisan basis, creating a default rule for the election of members of local boards of education. However, local acts for some local boards of education provide for partisan elections of these boards.

G.S. 115C-37.1 provides the process for filling vacancies on certain partisan boards of education. For local boards of education subject to this statute, a vacancy is filled by the remaining members of the Board. However, the remaining members of the Board must consult with the county executive committee of the political party of the vacating member before filling the vacancy and must appoint that executive committee's nominee if the following occurs:

- The recommendation is made by the executive committee within 30 days of the seat becoming vacant.
- If the vacating member was elected by the qualified voters of less than the entire county, voting is restricted to executive committee members who represent precincts within the territory of the vacating member.

**BILL ANALYSIS:** The bill would modify the process for filling vacancies on local boards of education that elect members on a partisan basis. If the county executive committee of the political party of the vacating member recommends a qualified voter to fill the seat within 30 days of the vacancy, the individual recommended would be sworn in at the next regular meeting of the local board of education.

If the county executive committee fails to make such a recommendation, the vacancy would be filled by a vote of the remaining members of the local board of education. If the number of vacancies on the local board of education is greater than the number of members needed to obtain a quorum, the clerk of superior court would fill the vacancies upon the request of any remaining member of the local board of education or upon the petition of any five qualified voters of the local board of education.

If the vacancy is not filled within 60 days of the seat becoming vacant, the superintendent would report the vacancy to the clerk of superior court of the county, who would be required to fill the vacancy within 10 days of such report.

**EFFECTIVE DATE:** October 1, 2023, and applies to vacancies occurring on or after that date.

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