

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS15110-MK-78A

Short Title: Caldwell County Bd. of Ed/Partisan Election. (Local)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION METHOD OF THE CALDWELL COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Chapter 1273 of the 1973 Session Laws reads as rewritten:

"**Sec. 4.** ~~All Beginning in 2022, all~~ candidates for membership on the Caldwell County Board of Education shall ~~file for a nonpartisan election with the Caldwell County Board of Elections a notice of such candidacy by noon on the last Monday in August prior to the General Election, and this election shall be held at the time of said General election.~~ be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Caldwell County Board of Education shall be nominated at the same time and manner as other county officers. Each candidate shall pay a filing fee of five dollars (\$5.00) and in addition shall certify in writing that he or she is a bona fide resident of Caldwell County and a qualified registered voter therein. Persons elected shall assume office on the first Monday of December following the General Election. The terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. The requirements set forth in this section, together with such requirements as are now or may be hereafter provided for by the North Carolina General Statutes, are inclusive and constitute the sole criteria for membership on the Caldwell County Board of Education."

SECTION 2. Section 5 of Chapter 1273 of the 1973 Session Laws reads as rewritten:

"**Sec. 5.** All persons registered and qualified to vote in Caldwell County in accordance with the General Election laws of North Carolina shall be eligible to vote in the ~~nonpartisan~~ partisan election for the members of the Caldwell County Board of Education."

SECTION 3. Section 6 of Chapter 1273 of the 1973 Session Laws reads as rewritten:

"**Sec. 6.** In the event of a vacancy for positions elected on a nonpartisan basis in 2018 or 2020 on the Caldwell County Board of Education by reason of death, resignation, or a member's failing to meet residency requirements as set forth above, or for other reasons, the remaining members of the Caldwell County Board of Education shall appoint a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election. Beginning in 2022, vacancies for positions elected on a partisan basis shall be filled by appointment by the remaining members of the Board in accordance with G.S. 115C-37.1."

SECTION 4. This act does not affect the terms of office of any member elected in 2018 or 2020 to the Caldwell County Board of Education. The members of the Caldwell County Board of Education elected in 2018 and 2020, or any member appointed to fill a vacancy for the



1 remainder of an unexpired term for a member elected in 2018 or 2020, shall serve until a
2 successor has been elected and qualified.

3 **SECTION 5.** Effective on the first Monday in December of 2022, G.S. 115C-37.1(d)
4 reads as rewritten:

5 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
6 Brunswick, Caldwell, Carteret, Cherokee, Clay, Cleveland, Dare, Davie, Graham, Guilford,
7 Harnett, Hyde, Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly,
8 Stokes, Surry, Vance, Washington, and Yancey."

9 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes law
10 and applies to elections conducted on or after that date.