

NORTH CAROLINA
BOARD OF EDUCATION
ELECTION LAW

GENERAL LAWS AND BACKGROUND

(Created in 2005 and updated with legislative and other changes up through January 2015)

INTRODUCTION

This is an attempt to compile all the provisions pertaining to the election of North Carolina Boards of Education in one source. This remains an ongoing project and any persons with concerns or better knowledge of the information contained herein are requested to contact General Counsel of the State Board of Elections who retains and maintains the original manuscript of this document..

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Statewide Law As To School Board Elections

The following laws apply to every board of education in the state unless a local act passed by the General Assembly implements a different policy for a particular board or there is a merger plan. Session Law-1991, Chapter 767 validated prior school mergers and clarified that mergers were to be considered as acts of the General Assembly and that any conflict with the school board elections provisions in a merger plan and Chapter 115C of the General Assembly will be resolved with the merger plan provisions prevailing over the General Statutes. Local acts and merger plans are covered in the next section. There are currently fifteen (15) municipal school districts in North Carolina, with twelve of them being elected and the remaining three appointed. **Do not assume these general laws apply to a school board without checking for exceptions listed under local provisions section.**

Early School Board Election Law

Prior to 1923, county school boards were appointed by the North Carolina General Assembly. However, there were many local bills that had set up numerous special school districts throughout the state, the effect of which was that most municipalities sought and were given the right to have their own school districts.

In 1923, Session Law -1923, Chapter 136 created G.S. §115-38 which set up a hybrid type method of school board elections. Starting in 1924 and every two years thereafter, at the time of county primaries, each political party would by a vote in the primary nominate persons to fill school board seats. The county board of elections would send the names to the Supt. of Public Instruction, who would then send the names to the Chairman of the Education Committee of the N.C. House. The Chairman would present the county nominations to the General Assembly who would then appointment from the nominees. Vacancies were filled by the county executive committee of political party of the vacating member until the next session of the General Assembly when a replacement would be appointed by the General Assembly.

Session Law -1927, Chapter 131, authorized the creation of additional school districts and was the source of the creation of many additional city school systems. Session Law-1931, Chapter 42, limited the number of board members on these new school districts to seven.

In 1955, Session Law-1955, Chapter 1372 replaced GS § 115-38 with a new GS §115-19 which continued the situation of nominees selected by the voters of the county being submitted to the General Assembly for selection on the county board of elections. However, direct election of school boards started to become more common by virtue of

many local acts that authorized direct elections over the nominee/appointment method set out in the General Statutes.

Session Law 1967-Chapter 972 finally made direct election of school boards the general method of election effective July 1, 1969. This act allowed school boards to be elected either on a partisan basis or a non-partisan basis under the provisions of Chapter 163 at the time of the county primary in May. This law also required staggered terms and allowed vacancies to be filled by the remaining board members until the next time for school board elections at which time any unexpired term would be placed on the ballot. It is important to note that Session Law 1967-Chapter 972 did not supersede any prior local act as the election of school boards where those acts had already allowed direct election by voters. As always, a local act as to the election of a school board supersedes the provisions of the General Statutes. Session Law-1969, Chapter 1301 was an transition act clarified how the staggered term provisions mandated by the 1967 changes would be handled in the 1970 and 1972 election and thereafter.

By 1975, GS §115-18 had been amended to create, in the General Statutes, a mandate of a five member school board, voted on at large for four year staggered terms, but subject to local acts that may differ the requirements as to certain school boards.

Chapter 115C

Effective July 1, 1981, Session Law-1981, Chapter 423 repealed the previous Chapter 115 and replaced it with the current Chapter 115C.

Then a few days later, that Session Law was amended by Session Law-1981, Chapter 763, Sections 4 and 14, that added G.S. 115C-37.1 that pertained to school board vacancies in counties that elected school boards on a partisan basis and listed the counties that the new session law applied to.

CURRENT PROVISIONS OF CHAPTER 115C

District Boundaries and Redistricting

If a local school administrative unit is divided into electoral districts, those districts shall from time to time be revised by the board. The districts shall only be revised for the purpose of (1) accounting for territory annexed to or excluded from the school administrative unit, and (2) correcting population imbalances shown by a new federal census or caused by exclusions or annexations. **N.C. Gen. Stat. § 115C-37(i).**

The following are school boards that are subject to possible redistricting as per Chapter 115C: Alexander, Anson, Beaufort, Bladen, Caswell, Charlotte-Mecklenburg, Cumberland, Duplin, Durham, Chowan, Edgecombe, Forysth, Franklin, Granville, Guilford , Harnett, Hickory City, Iredell, Lenoir, Madison, Martin, Montgomery, Nash,

Newton-Conover City, Pamlico, Pitt, Robeson, Rockingham, Union, Vance, Wake, and Wilson.

Method of Selecting Members and Partisan Elections

N.C. Gen. Stat. § 115C-35(a) mandates that board of education members are elected at the time of the primary in even years. However, there are eight (8) Boards of Education that are elected in odd-number years as a result of local acts that override this general provision. **N.C. Gen. Stat. § 115C-35(a)** also mandates that board members are not elected by party, and therefore their names appear on the ballot in a non-partisan fashion without reference to any party affiliation. However as of January 2015, there are seventeen (17) partisan school board elections as authorized by local acts that override this general rule as to non-partisan school board elections. Those partisan school board elections are: Alleghany County, Anson County, Bladen County, Brunswick County, Duplin County, Forsyth County-Winston Salem, Graham County, Guilford County (effective 2016), Greene County, Harnett County, Jones County, Lee County, Lenoir County, New Hanover County, Swain County, Vance County, and Washington County Schools.

Filling Vacancies

Board of Education Members Elected on Non-Partisan Basis

Vacancies are filled by the remaining members of the board of education. A person is selected to serve until the next election of board of education members, at which time the remaining unexpired term of the office in which the vacancy occurs is filled by election. **N.C. Gen. Stat. § 115C-37(f)**.

Board of Education Members Elected by Party

If a public or local act has been passed by the General Assembly establishing that board of education members in a particular county shall be elected by party then vacancies are filled by appointment of the person, board or commission specified by the local act. Except, if the local act states that the vacancy shall be filled by a party executive committee then the vacancy shall instead be filled by the remaining members of the board. If the vacating member was elected as the nominee, then the board shall consult with the county executive committee of that party and appoint the person recommended by that party executive committee, if the executive committee makes a recommendation within 30 days of the vacancy. If the vacating member was elected by a limited district, then the party executive committee shall restrict voting for a replacement to committee members who represent precincts in the vacating member's electoral

district. N.C. Gen. Stat. § 115C-37.1 as amended by Session Law-1981, Chapter 763, Section 4.

Length of Terms and Staggered Terms

Board members serve four year terms. New members are qualified and begin their term by taking the oath of office at a board meeting in December of the year elected. The terms of office are staggered so as nearly equal to one half as possible expire every two years. N.C. Gen. Stat. § 115C-37(a). However, local acts may vary this general arrangement from county to county.

Number of Board Members

A local board of education consists of five members. N.C. Gen. Stat. § 115C-35(a). This can be modified by act of the General Assembly, and at least one county board of education, Alexander County, has been delegated the authority to decrease or increase the number of its members at the time of any redistricting.

Mergers

There have been numerous mergers of multiple school systems within counties since 1991 as a result of G.S. 115C-68.1 and 115C-68.2 being enacted in that year. Prior to 1991, G.S. 115C-67 was in effect which provided for mergers of city and county school systems where both schools systems involved mutually agreed to the merger with the approval of the State Board of Elections. Approval of that merger by voter referendum was optional under G.S. 115C-67. Effective in 1991, G.S. 115C-68.1 allowed the county commissioners of a county to force a merger of school systems within a county without a voter referendum. Also effective in 1991, G.S. 115C-68.2 allows a city school district to dissolve itself, thus forcing the assumption of its system and students within the existing county school system. Such dissolution is not subject to approval in a voter referendum. These two 1991 statutes broke up the logjam in school district mergers at that time that had been held up by the failure of one school board to consent.

Session Law- 1991, Chapter 767, which created G.S. 115C-68.3, also included a remedial Section 1 which listed 15 prior school board mergers and ratified them as valid and binding with the stated intent to prevent pending and future legal challenges to the mergers. This was done in response to a pending court decision at that time. G.S. 115C-68.3 mandated that all plans of merger under the provisions of Chapter 115C were superior to general provisions of Chapter 115C and prior local acts. Thus it is very important that merger plans be checked by election officials to see if they contain provisions as to school board elections that are different from the general provisions of GS 115C and any previous local act. Copies of merger plans are included whenever possible under the county headings in the supplemental notebooks containing the Session Laws as to school board elections.

The preceding laws apply to every board of education in the state unless a local act passed by the General Assembly implements a different policy for a particular board. Local acts are covered in the next section. **Do not assume these general laws apply to a school board without checking for exceptions listed under the following local provisions section.**

The Current Statutes:

The following are excerpts from N.C. Gen. Stat. §§ 115C 35-37 and a listing of statutes from N.C. Gen. Stat. Chapter 163, both of which control school all board elections in the absence of a local act establishing a different election method or procedure.

§ 115C-35. How constituted.

(a) The county board of education in each county shall consist of five members elected by the voters of the county at large for terms of four years: Provided, that where there are multiple local school administrative units located within the county, and unless the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, only those voters who reside within the county school administrative unit boundary lines shall be eligible to vote for members of the county board of education. Where the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, the voters residing within that city school administrative unit shall be eligible to vote for members of the county board of education.

The terms of office of the members of boards of education of all school administrative units in this State, who serve on June 25, 1975, shall continue until members are elected and qualified as provided in this section unless modified by local legislation.

(b) No person residing in a local school administrative unit shall be eligible for election to the board of education of that local school administrative unit unless such person resides within the boundary lines of that local school administrative unit. (1955, c. 1372, art. 5, s. 1; 1967, c. 972, s. 1; 1969, c. 1301, s. 2; 1975, c. 855, ss. 1-3; 1981, c. 423, s. 1.)

§ 115C-36. Designation of board.

All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed upon local boards of education. Said boards of education shall have general control and supervision of all matters pertaining to the public schools in their respective administrative units and they shall enforce the school law in their respective units. (1955, c. 1372, art. 5, s. 18; 1957, c. 262; 1963, c. 425; 1965, c. 1185, s. 1; 1969, c. 517, s. 2; 1981, c. 423, s. 1.)

§ 115C-37. Election of board members.

(a) Method of Election. – The county boards of education shall be elected on a nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote such ballots. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the General Statutes then governing primary elections.

The terms of office of the members shall be staggered so as nearly equal to one half as possible shall expire every two years.

(b) County Board of Elections to Provide for Elections. – The county board of elections under the direction of the State Board of Elections, shall make all necessary provisions for elections of county boards of education as are herein provided for. The county board of elections of each county shall file with the State Board of Elections a statement specifying the size and method of election of members of its county board of education.

(c) City Board of Education. – The board of education for any city administrative unit shall be appointed or elected as now provided by law. If no provision is now made by the law for the filling of vacancies in the membership of any city board of education, such vacancy may be filled by the governing body of the city or town embraced by said administrative unit. In the event that any such vacancy is not filled in this manner within 30 days, the State Board of Education may fill such vacancy.

(d) Members to Qualify. – Each county board of education shall hold a meeting in December following the election. At that meeting, newly elected members of the board of education shall qualify by taking the oath of office prescribed in Article VI, Sec. 7 of the Constitution.

This subsection shall not have the effect of repealing any local or special acts relating to boards of education of any particular counties whose membership to said boards is chosen by a vote of the people.

(e) Vacancies in Nominations for Membership on County Boards. – If any candidate nominated on a partisan basis shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election, such vacancy caused thereby may be filled by the actions of the county executive committee of the political party of such candidate.

(f) Vacancies in Office. – All vacancies in the membership of the boards of education whose members are elected pursuant to the provisions of subsection (a) of this section by death, resignation, or other causes shall be filled by appointment by the remaining members of the board, of 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.

(g) Eligibility for Board Membership; Holding Other Offices. – Any person possessing the qualifications for election to public office set forth in Article VI, Sec. 6 of the Constitution of North Carolina shall be eligible to serve as a member of a local board of education: Provided, however, that any person elected or appointed to a local board of education, and also employed by that board of education, shall resign his employment before taking office as a member of that board of education.

Membership on a board of education is hereby declared to be an office that, with the exceptions provided above, may be held concurrently with any appointive office, pursuant to Article VI, Sec. 9 of the Constitution, but any person holding an elective office shall not be eligible to serve as a member of a local board of education.

(h) **Death or Disqualification of Candidate in Nonpartisan Election.** – If a candidate dies or becomes disqualified after the filing period has closed and before the election, and the ballots have not been printed, the county board of elections shall immediately reopen the filing period for five days so that additional candidates may file for election. If the ballots have been printed at the time the board of elections receives notice of the death or disqualification, the board shall reopen the filing period for three days if the board determines it will have time to reprint the ballots before the election.

In the event the board of elections determines that there is not time enough to reopen the filing period for three days and to reprint the ballots, then the ballots shall not be reprinted and the name of the deceased or disqualified candidate shall remain on the ballot. Votes cast for such candidate shall not be considered and the candidates receiving the highest number of votes equal to the number of positions to be filled shall be elected.

(i) The local board of education shall revise electoral district boundaries from time to time as provided by this subsection. If district boundaries are set by local act or court order and the act or order does not provide a method for revising them, the local board of education shall revise them only for the purpose of (i) accounting for territory annexed to or excluded from the school administrative unit, and (ii) correcting population imbalances among the districts shown by a new federal census or caused by exclusions or annexations. After the General Assembly has ratified an act establishing district boundaries, the local board of education shall not revise them again until a new federal census of population is taken or territory is annexed to or excluded from the school administrative unit, whichever event first occurs. After the local board of education has revised district boundaries in conformity with this act, the local board of education shall not revise them again until a new federal census of population is taken or territory is annexed to or excluded from the school administrative unit, whichever event occurs first, except that the board may make an earlier revision of district boundaries it has drawn if it must do so to comply with a court order or to gain approval of a district-revision plan by the U.S. Justice Department under Section 5 of the Voting Rights Act. In establishing district boundaries, the local board of education shall use data derived from the most recent federal census. (1955, c. 1372, art. 5, ss. 2-8; 1967, c. 972, ss. 2-6; 1969, c. 1301, s. 2; 1971, c. 704, s. 6; 1973, c. 1446, s. 1; 1977, c. 662; 1981, c. 423, s. 1; 1985, c. 404; c. 405, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 975, s. 10; 1991, c. 400, s. 1.)

§ 115C-37.1. Vacancies in offices of county boards elected on partisan basis in certain counties.

(a) All vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act, except that if the act specifies that appointment shall be made by a party executive committee, then the appointment shall be made instead by the remaining members of the board.

(b) If the vacating member was elected as the nominee of a political party, then the person, board, or commission required to fill the vacancy shall consult with the

county executive committee of that party and appoint the person recommended by that party executive committee, if the party executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(c) Whenever only the qualified voters of less than the entire county were eligible to vote for the member whose seat is vacant (either because the county administrative unit was less than countywide or only residents of certain areas of the administrative unit could vote in the general election for a district seat), the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territory of the vacating school board member.

(d) **(Effective December 1, 2010)** This section shall apply only in the following counties: Alleghany, Brunswick, Graham, New Hanover, Vance, and Washington. (1981, c. 763, ss. 4, 14; c. 830; 1983, c. 493, s. 1; 1987 (Reg. Sess., 1988), c. 974, s. 5; 1989, c. 497, s. 3; 2009-277, ss. 1, 2.)

The preceding statutes apply to every board of education in the state unless a local act passed by the General Assembly, a merger plan, or a court order implements a different policy for a particular board. Local acts are covered in the next section. **Do not assume these general statutes apply to a school board without checking for exceptions listed under local provisions section set out below.**

School Board Local Acts

The following is a summary of the local acts or merger plans impacting each North Carolina school system. In the absence of local law or merger provisions to the contrary, the general provisions of the law in the preceding section will control. As an example, if there is no mention of filling vacancies under a local section, then the general law in Chapter 115C will control. The actual local acts and mergers are contained in the notebooks following this summary.

Most of the school administrative units in North Carolina operate under local acts, court orders, or merger plans that may vary from N.C. Gen. Stat. §§ 115C 35-37 in some respect. Please contact the Don Wright, General Counsel at the State Board of Elections at (919) 715-5333 or don.wright@ncsbe.gov , if you have information that corrects or supplements the information contained herein. Such input is appreciated and needed to make this listing as accurate as possible.

Alamance-Burlington

The Alamance-Burlington School System was created as one countywide, comprehensive school district through a merger of the former Alamance County and Burlington City

public school systems. The systems were merged July 1, 1996. On July 1, 1996, the seven members of the Interim Alamance-Burlington Board of Education became members of the seven-member Alamance-Burlington Board of Education. The terms of office for three board members were extended until December 1, 1998. The terms of office for four board members were extended until December 1, 2000. Thereafter, the term of office for newly elected board members shall be four years.

Members of the board of education shall be elected for staggered terms of four years on a non-partisan basis. Elections will be held during the November general elections on even-numbered years. Terms of office for newly elected board members will begin on December 1, of the year in which they are elected.

Vacancies

The merger plan calls for vacancies to be filled as per GS 115C-37(f). The source of the above information is the Merger Plan of 1996.

Alexander

Method of Selecting Members

Board members must be elected by the following limited voting methods. Board members are elected from electoral districts by the qualified voters in the district. District number 1 consists of Wittenburg township and is entitled to two members. District number 2 consists of Taylorsville township and is entitled to two members. District number 3 consists of Ellendale, and Little River townships and is entitled to one member. District number 4 consists of Sharpes 1, Sharpes 2, Millers, Sugar Loaf, and Gwaltney's townships and shall be entitled to two members. Session Laws – 1969, Ch. 774 Sec. 2.

The local board of education shall revise electoral district boundaries from time to time. If district boundaries are set by local act or court order and the act or order does not provide a method for revising them, the local board of education shall revise them for the purpose of (i) accounting for territory annexed to or excluded from the school administrative unit, and (ii) correcting population imbalances among the districts shown by a new federal census or caused by exclusions or annexations. In establishing district boundaries, the local board of education shall use data derived from the most recent federal census. Any new districting plan so adopted may include a change in the number of members of the board of education, may terminate the terms of all the members of the board at the next time any terms expire, so that all the members may be elected at once under the new districting plan, and may provide for the length and staggering of the terms of the members to be elected at the next election. Any action taken under this act is effective only if approved by vote of two-thirds of the members of the board of education

in office at the time of the vote. Session Laws – 1991, Chapter 253; Session Laws – 1991, Ch. 695 Sec. 1.

Length of Terms and Staggered Terms

Members are elected to staggered 4 year terms in November of even numbered years. No board member may serve more than two terms in succession. Filing fee is \$10 as set by the local act. Session Laws - 1969, Chapter 774.

Number of Board Members

The board currently has seven members, but the board may set a different number when it draws new districts from time to time. Session Laws – 1991, Chapter 253. Number of members increased from 6 to 7 by Alexander County Board of Education action in 1991.

Alleghany (Partisan)

Method of Selecting Members

Five board members are elected at large by political party to four year staggered terms in the same manner as county offices are elected in even numbered years. In 2006 and every four years after three seats are up for election. In 2008 and every four years after two seats are up for election Session Laws–1975, Ch. 417.

Otherwise the general provisions of Chapter 163, G.S. 115C-37 and G.S. 115C-37.1 control.

Anson(Partisan)

Method of Selecting Members

Seven board members are elected from seven electoral districts by the qualified voters in the district and two members are elected at large. Board members are elected by party. For the at large members, each voter in the county is entitled to vote for one candidate, and the top two vote getters shall be the members elected at-large. The primary and general election shall be held as any other partisan county election, with members taking office in December. The election of all members shall be subject to the substantial plurality requirements of N.C.G.S. § 163-111(a)(2). Session Laws – 1995, Ch. 174, Sec. 1.

Members from districts 2, 4 and 5 and the two at large districts were elected in 1998 and then every four years thereafter. Members from districts 1, 3, 6 and 7 were elected in 1996 and then every four years thereafter.

Session Laws – 1995, Ch. 174, Sec. 3.

Filling Vacancies

When a vacancy occurs on a district seat, the person appointed to fill that vacancy must be a resident of that district. Session Laws – 1995, Ch. 174, Sec. 4.

Cautionary Note. In 1981 the North Carolina General Assembly passed a law stating that “all vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act”. N.C. Gen. Stat. § 115C-37.1(a). This stated policy is an exception to the rule that vacancies are filled by the remaining members of the board of education. N.C. Gen. Stat. § 115C-37.1 goes on to list the counties that are covered by the section. Anson County is not listed despite the fact that the Anson County Board of Education members are elected on a partisan basis.

The failure of Anson County to be listed under the provisions of N.C. Gen. Stat. § 115C-37.1, would appear to cause any vacancies to be filled by the remaining members of the board under the provisions of N.C. Gen. Stat. § 115C-37(f) that normally would apply to non-partisan elections. This position is supported by two advisory opinions authored by Special Deputy Attorney General Tom Ziko of the N.C. Attorney General’s office that dealt with the same issue as it pertained to Brunswick and Greene counties.

Number of Board Members

The board consists of nine members serve four year staggered terms. Session Laws – 1969, Ch. 377 and Session Laws – 1995, Ch. 174.

Special Note

It appears that any change in the election of school board members will be subject to approval and consent of parties in the two federal litigations, NAACP v. Anson County Board of Education, Western District of N.C., C-C-89-203-P, and United States v. Anson County Board of Education, , Western District of N.C., 3-93-CV-00210 (1994).

Ashe

Method of Selecting Members

Members are elected at large on a nonpartisan plurality basis at the time of the general election for four year staggered terms. Candidates must file notices of candidacy

not earlier than noon on the first Monday in June and not later than noon on the first Friday in July. Session Laws – 1995, Ch. 128.

Otherwise the general provisions of G. S. Chapters 115C and 163 control.

Asheboro City (Odd Year Elections)

(Election conducted by Randolph County Board of Elections)

Method of Selecting Members

Members are elected at large in odd years at the same time and in the same manner as the Asheboro municipal election. There is currently some question as to whether this is being done. Four members were elected in November 1973, and then every six years thereafter. Three members were elected in November 1975, and then every six years thereafter. Four members were elected in November 1977, and then every six years thereafter. Session Laws – 1973, Ch. 310.

Filling Vacancies

Any vacancy shall be filled by the remaining board members until the unexpired term can be placed on the ballot of the next regular odd-year election. Session Laws – 1985, Ch. 81 that modified an earlier provision in Session Laws – 1973, Ch. 310. that gave the appointee the full unexpired term.

Number of Board Members

The board consists of eleven members serving six year staggered terms. Session Laws – 1973, Ch. 310.

Asheville City (Appointed not Elected)

Method of Selecting Members and Filling Vacancies

Five members are appointed by the city council for staggered four year terms on a nonpartisan basis for terms starting in April. Session Laws-1985, Chapter 20, Session Laws-1947, Ch. 225, and Session Laws -1953, Ch. 745. Unless other provisions are made, vacancies may be filled by the governing body of the City of Asheville. If vacancies are not filled within 30 days, the State Board of Education may fill the vacancy.

Avery

Method of Selecting Members

Members are elected at large in May of even years, at the same time as the regular primary for county officers. Candidates must file notice of candidacy at the same time as candidates for county office. Session Laws – 1995, Ch. 71 Sec. 1.

Vacancies

Are filled by appointment of remaining members for the remainder of the unexpired term. Session Laws-1973, Ch. 146, Sec. 3.

Length of Terms and Staggered Terms

A board member's four year term of office begin on the first Monday in July of the year of the member's election, except if that date is the Fourth of July, then the term starts on the second Monday of July. Session Laws – 1995, Ch. 71, Sec. 2.

Beaufort

Method of Selecting Members

Session Laws – 1993, Ch. 55 merged the Washington City Schools and the Beaufort County Schools. Non-partisan plurality elections are held at the time of the general election for county offices for four year terms. Members are elected from nine districts, only by the voters in each of those districts. Terms are staggered according to even/odd districts with even districts being elected in 2006 and every four years thereafter, and odd districts being elected in 2004 and every four years thereafter. Session Laws – 1993, Ch. 55, Sec. 5. Note that this merger act does not address the time of filing, but current practice, as per GS § 163-106, is that filing occurs at the same time as for other county offices.

Filling Vacancies

Vacancies filled by appointment by remaining members of the board as per GS 115C-37(f). The person appointed must be from the same district as the vacated member. Session Laws – 1993, Ch. 55, Sec. 5(i) and SL 2009-30 (effective May 2009.)

Number of Board Members

The board consists of nine members elected to four-year staggered terms that take office in December. Session Laws – 1993, Ch. 55, Sec. 5.

Bertie

Candidates must reside in one of five residency districts, however all county voters vote on all candidates. Board members from Districts 2, 3, and 4 were elected in 2006 and those from Districts 1 and 5 will be elected in 2008. They are elected for four year terms. Elections are non-partisan, held in even numbered years and members take office in December. Session Laws-1961, Ch. 764. Session Law 2006-171 (effective July 2006) clarified and reaffirmed the previous 1961 law.

S.L. 2007-272 (effective 7/27/07) makes it clear that the candidates are elected at the even-year General Election on a non-partisan plurality basis. Filing is at noon on the second Monday in June and ends at noon the first Friday in July. Vacancies are filled as per GS 115C-37(f).

Bladen(Partisan)

Method of Selecting Members

Members must be elected by the following limited voting methods. Six board members are elected from districts. The county is divided into three electoral districts with two members elected from each district. Three members are elected at large. In the at-large elections, each voter will be entitled to vote for one candidate, and the top three vote getters will be nominated and elected by a plurality of votes. The electoral districts for the Board of Education are the same as the electoral districts for the County Board of Commissioners. Board members are elected by party. See Session Laws – 1989, Ch. 29 which was generated by the court order in Harry v. Bladen County, Eastern District of N.C., 87-72-CIV-7, (1988).

Vacancies.

Cautionary Note There is no local act that deals with appointing vacancies and note below that Bladen County is not listed as a covered county in N.C. Gen. Stat. § 115C-37.1. In 1981 the North Carolina General Assembly passed a law stating that “all vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act”. N.C. Gen. Stat. § 115C-37.1(a). This stated policy is an exception to the rule that vacancies are filled by the remaining members of the board of education. N.C. Gen. Stat. § 115C-37.1 goes on to list the counties that are covered by the section. Bladen County is not listed despite the fact that Bladen County Board of Education members are elected on a partisan basis.

The failure of Bladen County to be listed under the provisions of N.C. Gen. Stat. § 115C-37.1, would appear to cause any vacancies to be filled by the remaining members of the board under the provisions of N.C. Gen. Stat. § 115C-37(f) that normally would apply to non-partisan elections. This position is supported by two advisory opinions authored by Special Deputy Attorney General Tom Ziko of the N.C. Attorney General's office that dealt with the same issue as it pertained to Brunswick and Greene counties.

Number of Board Members

The board consists of nine members. Session Laws – 1989, Ch. 29, Sec. 1.

Length of Terms and Staggered Terms

The terms are four years and are staggered. Session Laws – 1989, Ch. 29, Sec. 1.

Special Note

It appears that any change in the election of school board members may be subject to approval and consent of parties in a federal litigation, Harry v. Bladen County, Eastern District of N.C., 87-72-CIV-7, (1988). That case ordered a method of election for the Bladen County Commissioners. By April 21, 1988 resolution the Bladen County Board of Education stated that it will follow the same process of election as the county commissioners. Thus the election of the board of education is indirectly controlled by the method of election of county commissioners which still remains within the jurisdictional power of the U.S. District Court, Eastern District of North Carolina.

Brunswick (Partisan)

Method of Selecting Members

Five members are elected from five electoral districts by the qualified voters in each district. Districts are the same as those established for the Brunswick County Board of Commissioners. Board members are elected by party. Elections are held at the same time as for other county offices. Session Laws – 1981, Ch. 802, Sec. 6-9.

Members from Districts 1, 2, and 3 are elected in 1984 and every four years thereafter. Members from Districts 4 and 5 are elected in 1986 and every four years thereafter. Session Laws – 1981, Ch. 802, Sec. 7.

Vacancies.

Cautionary Note: There is no local act that deals with appointing vacancies and note below that Brunswick County is not listed as a covered county in N.C. Gen. Stat. § 115C-37.1. In 1981 the North Carolina General Assembly passed a law stating that “all vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act”. N.C. Gen. Stat. § 115C-37.1(a). This stated policy is an exception to the rule that vacancies are filled by the remaining members of the board of education. N.C. Gen. Stat. § 115C-37.1 goes on to list the counties that are covered by the section. Brunswick County is not listed despite the fact that Brunswick County Board of Education members are being elected on a partisan basis.

The failure of Brunswick County to be listed under the provisions of N.C. Gen. Stat. § 115C-37.1, would appear to cause any vacancies to be filled by the remaining members of the board under the provisions of N.C. Gen. Stat. § 115C-37(f) that normally would apply to non-partisan elections. This position was supported by an advisory opinion authored by Special Deputy Attorney General Tom Ziko of the N.C. Attorney General’s office dated April 13, 2004.

Number of Board Members

The board consists of five members elected for four year staggered term. Session Laws – 1981, Ch. 802, Sec. 5.

Buncombe

Method of Selecting Members

Members are elected from six distinct electoral districts by all the qualified voters in the county, and one member is elected from District 7 which is an at large seat covering the entire county by all the qualified voters in the county. The election is conducted under the nonpartisan plurality election method in each even year November general election. Members take office in December. The Board of Elections of Buncombe County must prepare a separate ballot for the election of board of education members containing the candidate’s name, the school district that the candidate desires to represent. The ballot may not mention the candidate’s political party.

Members must be residents of the district they represent. Candidates must file notice of candidacy not earlier than 12:00 noon on the first Friday in July, and not later than 12:00 noon on the first Friday in August in the year of the election. The notice must give the candidate’s name, address, place of residence and a statement that he desires to

be a candidate for membership on the Buncombe County Board of Education for the district in which he or she resides. Session Laws – 1995, Ch. 93, Sec. 4.

Filling Vacancies

Vacancies are filled by appointment of the remaining members for the unexpired term. If a vacancy is not filled by the Board of Education within 60 days of the vacancy, then the vacancy shall be filled by the Senior Resident Superior Court Judge of Buncombe County. The person appointed must be from the same district as the vacated member. Session Laws – 1995, Ch. 93, Sec. 4.

Number of Board Members

The board consists of seven members elected to staggered four year terms. Session Laws – 1977, Ch. 484, Sec. 1.

Burke (Odd Year Election)

There was a 1969 merger of the Burke County Schools and all the municipal school districts in Burke County. The Merger Plan of 1969 was superseded by Session Laws – 1981, Ch. 1 which currently controls the elections of the Burke County Board of Elections. **There is now recall of Burke County Board of Education members. Session Law 2011-157 effective January 1, 2012.**

Method of Selecting Members

One member to represent the whole county and two members from each of three electoral districts are elected by all the eligible voters in the county. The ballot shall list candidates and designate the specific election district or at large member's seat for which the candidates have filed. The candidates receiving the highest number of votes among candidates who filed for election from each respective election district is elected. The candidate receiving the highest number of votes among candidates who filed for the at large seat is elected. Elections are held in November of odd years and members take office in December. Session Laws – 1981, Ch. 1, Sec. 2.

A candidate must have been a resident of an election district for at least 30 days prior to the date of election in order to be eligible to run for a seat from that election district. Session Laws – 1981, Ch. 1 Sec. 2 (c).

All candidates must file a notice with the Burke County Board of Elections not before 12:00 noon on the Friday preceding the eighth Saturday and not later than 12:00 noon on the Friday preceding the fifth Saturday before the election day. Filing fee is \$10. Session Laws – 1981, Ch. 1, Sec. 2 (f).

Filling Vacancies

Vacancies are filled by the remaining members of the board of education. If the vacated seat was held by a member representing an electoral district, the person appointed to fill the vacancy must be a resident of that district. The appointed member's term expires on the date of the next election. At that time the seat is filled by election, and the newly elected member serves a four year term. However, if the member who vacated his seat had more than two years remaining in his term, at the next available election a member is elected to a two year term. If the latter case results in two members being elected from the same district in the same year, the candidate receiving the highest number of votes serves a four year term and the candidate receiving the second highest number of votes serves a two year term.

Length of Terms and Staggered Terms

Members serve four year terms. The term of one of the two members from each election district shall expire every two years, so the voters are never selecting two members from a single district in the same year. Session Laws – 1981, Ch. 1, Sec. 2.

Number of Board Members

The board consists of seven members. Session Laws – 1981, Ch. 1, Sec. 1.

Cabarrus

The Concord City Board of Education and the Cabarrus Board of Education merged effective July 1, 1983, but some provisions of that Merger Plan have been superseded by more recent local acts.

Method of Selecting Members

Elections of the seven members shall be by nonpartisan plurality election to be held at the time of the even year general election. The filing period for candidates is the same as for other county candidates. (S.L. 2009-430)

Filling Vacancies

When an election is held to fill a vacancy for the remainder of an unexpired term is held at the same time as an election for full terms on the board, the full term seats and unexpired term seat are placed on the same ballot without distinction. The candidates receiving the highest number of votes up to the number of full terms to be filled are elected to full terms. The candidates receiving the next highest numbers of votes equal to the number of unexpired terms to be filled are elected to the remainder of the unexpired terms. Session Laws – 1993, Ch.583, Sec. 3.1.

Length of Terms and Staggered Terms

The four year terms are staggered so that three members are elected at one election and four members are elected at the next election. Seats 1-4 are elected in 1996 and every four years thereafter. Seats 5-7 are elected in 1994 and every four years thereafter. Session Laws – 1989, Ch. 102, Sec 2.

Number of Board Members

The board consists of seven members. Session Laws – 1981, Ch. 1, Sec. 1. Also see Merger Plan.

Caldwell

Method of Selecting Members

In 1976 November general election and every four years thereafter four members are elected at large. In 1978 November general election and every four years thereafter three members are elected at large. Session Laws – 1973, Ch.1273, Sec. 3.

All candidates for the Caldwell County Board of Education must file a notice of candidacy with the Caldwell County Board of Elections during the period beginning at 12:00 noon on the second Monday in July and ending at 12:00 noon on the second Monday in August prior to the General Election. Session Laws – 1987 Ch. 37, Sec. 1. Each candidate shall pay a five dollar filing fee and certify in writing that he or she is a resident and a qualified registered voter of Caldwell County. Session Laws – 1973, Ch.1273, Sec. 4.

Number of Board Members

The board consists of seven members who are elected to four year staggered terms. Session Laws – 1973, Ch.1273, Sec. 1.

Camden

Method of Selecting Members

Five members are elected at large for staggered four year terms in a plurality election at even year November general elections. A separate ballot is used for the election of school board members. Session Law 2001-24.

Vacancies

Vacancies are filled by appointment of the remaining members for the unexpired term. The person appointed must be from the same district as the vacated member. Session Law 2001-24.

Number of Board Members

The board consists of five members. Session Law 2001-24.

Carteret

Method of Selecting Members

Board members are elected from six electoral districts by all the qualified voters in the county. Members are elected on a nonpartisan basis at the time of the primary in accordance with N.C. Gen. Stat. § 115C and 163 by districts with District 3 having two members. In 2000 and every four years thereafter, one member is elected from each of Districts 2, 3, and 4. In 2002 and every four years thereafter, one member is elected from each of Districts 1, 3, 5 and 6. Board members must reside in the district they represent. Board members are elected on a nonpartisan plurality basis in May, at the time of the primary election.

Session Laws – 1991, Ch. 774; Session Laws – 1997, Ch. 389, Sec. 5(c)(d).

Length of Terms and Staggered Terms

Board members take office and begin their four year terms on July 1 of the year of election. Session Laws – 1997, Ch. 389, Sec. 5(d).

Number of Board Members

The board consists of seven members. Session Laws – 1997 Ch. 389 Sec. 5(a).

Caswell

Method of Selecting Members

Five members are elected from electoral districts only by voters in those districts and two members are elected at large by all the eligible voters in the county. The county is divided into five electoral districts for the purpose of board of education elections. Detailed district boundaries are outlined in Session Laws -1988, Ch. 1016, Sec. 3. In 1990, and every four years thereafter, one member is elected from each of Districts 1, 2 and 5. In 1992, and every four years thereafter, two members are elected at large and one member is elected from each of Districts 3 and 4. Session Laws – 1988, Ch. 1016, Sec.4. Board members are elected at the time of the primary on a nonpartisan basis using the election and runoff method. Session Laws – 1988, Ch.1016, Sec. 15.

Number of Board Members

The board consists of seven members who are elected to four year staggered terms. Session Laws – 1988, Ch.1016, Sec. 1.

Special Note

The change in the election of Caswell County school board members resulted from a federal litigation, NAACP v. Caswell County, Middle District of N.C., 86-676-G. 86-708-G (1989). That case resulted in a court order for the method of election of county school board members. However, nothing in the order states that the election still remains within the jurisdictional power of the U.S. District Court, Middle District of North Carolina. It does not appear that changes in the election method will be subject to court approval.

Catawba

Method of Selecting Members

Candidates for the Catawba County Board of Education are elected at large by the electors in Catawba County who reside outside the boundaries of the Hickory and Newton-Conover Administrative School Units. Session Laws – 1995, Ch. 132, Sec. 5. In 1986 and every four years thereafter four members are elected at the time of the

November general election. In 1988 and every four years thereafter three members are elected at the time of the November general election and take office in December. Session Laws – 1995, Ch. 132, Sec. 1.

All candidates must be qualified electors of Catawba County who reside outside the boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit. Session Laws – 1995, Ch. 132, Sec. 5. Candidates must file notice with the Catawba County Board of Elections not earlier than noon on the first Monday in June and not later than noon on the first Friday in July in the year of the election. The notice must state the candidate’s name, age and place of residence and be accompanied by a filing fee of ten dollars. Session Laws – 1995, Ch. 132, Sec. 3.

Cautionary Note - Filling Vacancies

In 1995, a Local Act applicable to Catawba County was passed stating that the election of Catawba County Board of Education members shall be “*elected*” in accordance with N.C.G.S. § 115C unless the act provides otherwise. It is unclear whether Catawba County Board of Education members are also to be *replaced* in the event of a vacancy in accordance with N.C.G.S. § 115C. The question is complicated further by the language of a 1969 Local Act applicable to Catawba County. That act states that board of education “vacancies are filled by the Board of Commissioners of Catawba County.” Session Laws – 1969, Ch. 874 Sec. 6. Thus, it is unclear whether vacancies are filled by the remaining members of the board or by the Board of Commissioners.

Number of Board Members

The board consists of seven members with four year staggered terms. Session Laws – 1985, Ch. 170, Sec. 1.

Chapel Hill-Carrboro (Odd Year Elections and Recall)

Method of Selecting Members

Members are elected in odd years, at the same time as the election of municipal officers for the Towns of Chapel Hill and Carrboro. They take office in December. In 1975 and every four years thereafter two members are elected. In 1977 and every four years thereafter three members are elected. In 1979 and every four years thereafter four members are elected. Session Laws – 1975, Ch. 43, Sec. 2.

Filling Vacancies

Vacancies occurring for any reason other than by expiration of the term are filled by appointment of the remaining members of the Board. If the member being replaced

was serving the last two years of a four-year term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December following the first regular school board election held more than 40 days after the vacancy occurs. At that election, a person is elected to the vacated seat, either to the remainder of the unexpired term or, if the term has expired, to a full term. Session Laws – 1975, Ch 43, Sec. 4.

Removing Members from the Board

Any board member may be removed through a recall election. **(Editor’s note, this is the only school system that is subject to recall)** Any registered voter of the Chapel Hill-Carrboro City School Administrative Unit may make and file with the Supervisor of Elections of the Board of Elections of Orange County an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal. The voter must then circulate a petition and obtain the signatures of at least 10% of the registered voters in the school administrative unit. If the petition is sufficient, a recall election is held and a majority of the votes cast is sufficient for removal. Session Laws – 1993, Ch. 660, Sec. 4-5.

Number of Board Members

The board consists of seven members with four year staggered terms. Session Laws – 1975, Ch 43, Sec. 2.

Charlotte-Mecklenburg (Odd Year Election)

See Mecklenburg heading.

Chatham

Method of Selecting Members

Members are elected from four electoral districts by all the qualified voters in the county. In 1996 and every four years thereafter, one member is elected from Districts 1 and 2. In 1998 and every four years thereafter one member is elected from District 3 and two members from District 4. Candidates must reside in the district which they seek to represent. The candidate in each district receiving the highest number of votes, equal to the number of positions to be filled, shall be declared elected. Because of lack of contrary provisions, it appears filing is at the same time as for other county offices. Session Laws – 1995, Ch. 80, Sec. 3.

Session Law 2011-181 mandates that starting in 2012 and after each federal census, the electoral district be redrawn based upon the census population data.

Elections are held at the same time as the general election for county officers. S.L. 2005-309. Effective August 24, 2005, this changed the time of election from the time of the primary to the time of the general election.

Number of Board Members

The board consists of five members. Session Laws – 1995, Ch. 80, Sec. 3.

Cherokee

Method of Selecting Members

Seven members are elected by all the qualified voters in the county in nonpartisan elections held in even year November general elections. Filings start the Friday preceding the sixth Saturday preceding the primary. Session Laws-1975, Ch. 502, Sec.2 and 8. Two members are elected from three districts and one member is voted on at large.

Filling Vacancies

Vacancies occurring for any reason other than by expiration of the term are filled by appointment of the remaining members of the Board, within 20 days after the vacancy occurs, for the remainder of the unexpired term. Session Laws-1975, Ch. 502, Sec.10.

Length of Terms and Staggered Terms

Board members have staggered four year terms Session Laws-1975, Ch. 502, Sec.5-7. Session Laws 2010-45.

Chowan-Edenton

Method of Selecting Members

SECTION 1. Section 1 of Chapter 974, Session Laws of 1973, as amended by Chapter 103 of the 1989 Session Laws, reads as rewritten:

"Section 1. The Edenton-Chowan Board of Education shall consist of seven members who shall serve for terms of four years each. In the general election to be held for county officers in 2014 and biennially thereafter, there shall be elected members of the Edenton-Chowan

Board of Education to take the place of the members whose terms next expire. They shall be elected in accordance with this act and Chapter 30, Session Laws of 1967, to the extent that that act does not conflict with this act, and said election shall be non-partisan."

SECTION 2. Section 1.5 of Chapter 974, Session Laws of 1973, as amended by Chapter 103 of the 1989 Session Laws, reads as rewritten:

"Sec. 1.5. In 2014 and each four years thereafter, one member shall be elected from seat 1 of District 3 for a four-year term. In 2016 and each four years thereafter, one member shall be elected from seat 1 of District 1, one member from seat 1 of District 2, and one member from seat 2 of District 3, for four-year terms. In 2018 and each four years thereafter, one member shall be elected from seat 2 of District 1, one member from seat 2 of District 2, and one member at-large, for four-year terms."

SECTION 3. Notwithstanding any other provision of law, in the 2014 election, one member shall be elected to fill seat 1 of District 2 on the Edenton-Chowan Board of Education to serve a term of two years. In 2016 and each four years thereafter, one member shall be elected to fill seat 1 of District 2 for a four-year term in accordance with Section 1.5 of Chapter 974, Session Laws of 1973, as amended by Chapter 103 of the 1989 Session Laws and as amended by this act. Session Law 2013-271 effective July 18th, 2013.

Candidates must file notice of candidacy during the period beginning at noon on the last Friday in June and ending at noon on the last Friday in July. Session Laws – 1989, Ch. 103, Sec.2.

Filling Vacancies

Cautionary Note – See detailed and lengthy guidelines for filling vacancies in Session Laws – 1989, Ch. 103 Sec. 2 amending Session Laws – 1973, Ch. 974 Sec. 1.7(a) (1)-(5) and (b)(1)-(5).

Length of Terms and Staggered Terms

Board members serve four year terms, prior to 2014, they were 6 year terms. Session Law 2013-271 effective July 18th, 2013. There are no term limits. Session Laws – 2002, Ch. 18, Sec. 1.

Number of Board Members

The board consists of seven members. Session Laws – 1973, Ch. 974, Sec.1.

Clay

Method of Selecting Members

Members are elected at large on a nonpartisan basis consistent with N.C.G.S. § 115C. Session Laws – 1991, Ch. 254, Sec. 1.

Filling Vacancies

Vacancies in membership of the Clay County Board of Education shall be filled by appointment made by the remaining members. Session Laws – 1991, Ch. 254, Sec. 3.

Number of Board Members

The board consists of five members. Session Laws – 1991, Ch. 254, Sec. 4.

Cleveland (Odd Year)

Important Note: The Cleveland County Schools, the Kings Mountain Schools, and the Shelby City Schools merged effective 2004 based upon a 2000 Merger Plan.

Method of Selecting Members

The Cleveland County Board of Education shall consist of nine (9) members elected at large by the voters of Cleveland County in nonpartisan, plurality elections. Board members shall serve four-year, staggered terms. In November 2007, six members are elected, with the five highest vote getters receiving four-year terms. The Sixth finisher will receive a two-year term. Starting in November 2011 and thereafter, five members will be elected for four-year terms. In 2009, and every four years thereafter, four members are elected. Elections shall be held in odd-numbered years, at the time of the November municipal elections.

Session Laws – 2004, Ch. 41, Sec. 6-7 and see 2000 Merger Plan. Session Laws – 2004, Ch. 41, Sec. 6-7 was modified by Session Law 2007-49 effective May 17th, 2007. The modification is set out above and provided more even balance of the election of the seats.

Length of Terms

Board members shall take the oath of office on the first Monday in December following their election or as soon thereafter as practicable.

Session Laws – 2004, Ch. 41, Sec. 1 and see 2000 Merger Plan.

Number of Board Members

The board consists of nine members. Session Laws – 2004, Ch. 41, Sec. 1.

Special Note:

The Cleveland County Commissioners approved a merger plan for the Shelby, Kings Mountain, and Cleveland County Schools in May, 2000. However, Kings Mountain opposed the merger and started litigation that held up the actual merger until January 2004. Because of this delay, the elections provisions in the merger plan needed to be adjusted, and S.L. 2004-41 was enacted to make the adjustments.

Clinton City

(Election conducted by the Sampson County Board of Elections)

Method of Selecting Members

Members are elected at large in nonpartisan plurality elections at the same time as the primary election for county officers. In 1990, and every four years thereafter, three members are elected. In 1992, and every four years thereafter, three members are elected. Board members are elected using the following limited voting method...At each election, all candidates for the three seats on the board are listed together on a single ballot, and each voter shall be instructed and allowed to vote for not more than one candidate. Session Laws – 1989, Ch. 886, Sec. 2-4.

Any individual qualified to vote in a Sampson County general election, and who is a registered resident of the Clinton City School Administrative Unit legally defined geographical area, is eligible to vote in all Clinton City School elections. Such residents are required to comply with all reasonable rules formulated by the Sampson County Board of Elections regarding proof of residency as a prerequisite to the right to vote. Session Laws – 1975, Ch. 317, Sec. 3.

Eligibility for board membership is limited only as provided in N.C.G.S. §115-25. Session Laws – 1975, Ch. 317, Sec. 3.

Filling Vacancies

A person appointed by the remaining members of the board to fill a vacancy may reside anywhere within the Clinton City School Administrative Unit. Session Laws – 1989, Ch. 886, Sec. 5.

Length of Terms and Staggered Terms

A board member's term begins at the first regular meeting in July following their election. Session Laws – 1989, Ch. 886, Sec. 6.

Number of Board Members

The board consists of six members. Session Laws – 1989, Ch. 886, Sec.1.

Special Note

It appears that any change in the election of school board members may be subject to approval and consent of parties in a federal litigation, Hall v. Kennedy, Eastern District of N.C., 88-117-CIV-3, (1989). It was as a result of this order that Session Laws – 1989, Ch. 886 was enacted. That case ordered a method of election for the Clinton County City School Board. Thus the election of the board of education is still within the jurisdictional power of the U.S. District Court, Eastern District of North Carolina.

Columbus

Method of Selecting Members

One member is elected from each of five electoral districts by all the qualified voters in the county, excluding those voters who reside in the Whiteville School Administrative Unit. In the election the, the candidate from each district receiving the highest number of votes is elected. Session Laws – 1973, Ch. 836, Sec. 4.

Candidates must be qualified voters residing in the electoral district they seek to represent. Session Laws – 1973, Ch. 836, Sec. 4.

Candidates for the Columbus County Board of Education must file notice of candidacy not earlier than noon on the twentieth Friday preceding the election and not later than noon on the fourteenth Monday preceding the election. The Columbus County Board of Elections must, at least 10 days but not more than 30 days prior to the opening of filing, publish notice of the filing period and how many seats on the Board of Education are to be elected in the upcoming election. Session Laws – 1983, Ch. 234, Sec. 2.

Filling Vacancies

A person appointed by the remaining members of the board to fill a vacancy must reside in the electoral district where the vacancy occurred. Session Laws – 1973, Ch. 836, Sec. 4.

Craven

The Craven County and New Bern City Schools merged effective December 1, 1980.

Method of Selecting Members

Members are elected on a non-partisan basis from seven electoral districts by all the qualified voters in the county. In 1996, and every four years thereafter, one member is elected from each of Districts 1, 3, 5, and 7. In 1998, and every four years thereafter, one member is elected from each of Districts 2, 4, and 6. If when the filing period closes, there are more than two candidates in a district, there is a nonpartisan primary to narrow the field of candidates to two candidates per district. Only qualified voters residing in the district may vote in the nonpartisan primary for that district. If only one or two candidates file in a district, no primary shall be held. Session Laws – 1995, Ch. 67 Sec. 1-5.

Candidates must reside in the electoral district they seek to represent. Session Laws – 1995, Ch. 67 Sec. 1.

Filling Vacancies

Vacancies for positions elected on a nonpartisan basis are filled in accordance with the provisions of N.C.G.S. 115C-37(f).
Session Laws – 1995, Ch. 67, Sec. 8

Number of Board Members

The board consists of seven members and take office in December. Session Laws – 1995, Ch. 67.

Other Local Acts

Session Laws – 1967, Ch. 887.

Session Laws – 1975, Ch. 376.

Session Laws – 1983, Ch. 236.

Cumberland

Method of Selecting Members

In 1985, Session Law -1985, Ch. 494 merged the Fayetteville City and Cumberland County Schools. Elections are held on a non-partisan basis at the even year November general election. Six members are elected from six different electoral districts only by the qualified voters residing in each electoral district. Three members are elected at large by all the qualified voters in the county. In 1988, and every four years thereafter, one member is elected from each of Districts 1, 2, 3, 4, 5, and 6. In 1994, and every four

years thereafter, three members are elected at large. Session Laws – 1985, Ch. 494, Sec. 1. Filing is from noon on the first Friday in July to not later than noon on the first Friday in August. Session Laws-1991, Ch. 810.

Filling Vacancies

Vacancies are filled by the remaining members of the board. If a vacancy occurs in a seat elected by district vote, then such replacement shall be selected out of the district from which the vacancy occurred. If a vacancy occurs in a seat elected at large, then such replacement shall be selected without giving consideration to the district from which the at large member may have come. Session Laws – 1985, Ch. 494, Sec. 1.

Length of Terms and Staggered Terms

A board member’s four year staggered term begins in December following their election. Session Laws – 1985, Ch. 494.

Number of Board Members

The board consists of nine members. Session Laws – 1985, Ch. 494, Sec. 1.

Currituck

Method of Selecting Members

Five members are elected at the time of the General Election for staggered four year terms. Four members are elected from townships, but all the voters in the county vote for them, as well as for one at-large member. In 2004 and every four years thereafter members from the Moyock and fruitful Townships are elected. In 2006 and every four years thereafter members from the Crawford and Popular Branch Townships are elected. An at-large member is elected is also elected in 2006 and every four years thereafter. Session Laws-1963, Ch. 96.

Otherwise the general provisions of Chapter 163, and G.S. 115C-37 control.

Dare

Method of Selecting Members

Six members are elected from four electoral districts by all the qualified voters in the county and one member is elected at large by all the qualified voters in the county. In 2000, and every four years thereafter, four members shall be elected to the board as follows: the at large member and one member each from Districts 1, 2, and 4. In 2002, and every four years thereafter, four members shall be elected to the board as follows: one member each from districts 1, 2, and 3. Members are elected at the same time as party primaries for other county officers.

Session Laws – 1993, Ch. 654 Sec. 1(a); 3; 10-11.

The electoral districts are the same as those for the Dare County Board of Commissioners. If any questions arise concerning the district boundaries, such disputes shall be resolved by reference to the maps and descriptions prepared for the Board of Commissioners. Session Laws – 1993, Ch. 654 Sec. 1(b).

Members must reside in the electoral district they represent. The at-large member may reside anywhere in the county. Session Laws – 1993, Ch. 654 Sec. 1-2.

Length of Terms and Staggered Terms

A board member's term begins at the first regular board meeting in July following their election. Session Laws – 1993, Ch. 654 Sec. 12.

Number of Board Members

The board consists of seven members. Session Laws – 1993, Ch. 654 Sec. 1.

Davidson

Method of Selecting Members

Board members are elected on a nonpartisan basis in November of even years. The election is conducted in accordance with N.C.G.S. §115C and §163.

Candidates must file notice of candidacy not earlier than noon on the first Monday in June and not later than noon on the last Friday in July.

Session Laws – 1995, Ch. 300, Sec. 1.

Davie

Method of Selecting Members

In 1968, and every two years thereafter, two members are elected to the board at the same time as the primary election for county officers (May). Session Laws – 1967, Ch. 1242 and Session Law 2010-42.

Length of Terms and Staggered Terms

A board member's term begins on the first Monday in July following their election. After 2012 members are elected for four year terms. Prior to and in 2012, they are elected for six year terms. Session Laws – 1995, Ch. 307 Sec. 1-2 and Session Law 2010-42.

Number of Board Members

The board consists of seven members. Session Laws – 1967, Ch. 1242, Sec. 1.

Duplin (Partisan)

Method of Selecting Members

Members are elected from six electoral districts by the qualified voters residing in each district. Members are elected on a partisan basis. In 1992, and every four years thereafter, one member is elected from each of Districts 1, 4, 5, and 6. In 1990, and every four years thereafter, one member is elected one from each of Districts 2, and 3.

Cautionary Note

In 1981 the North Carolina General Assembly passed a law stating that “all vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act”. N.C. Gen. Stat. § 115C-37.1(a). This stated policy is an exception to the rule that vacancies are filled by the remaining members of the board of education. N.C. Gen. Stat. § 115C-37.1 goes on to list the counties that are covered by the section. Duplin County is not listed despite the fact that Duplin County Board of Education members are elected on a partisan basis.

The failure of Duplin County to be listed under the provisions of N.C. Gen. Stat. § 115C-37.1, would appear to cause any vacancies to be filled by the remaining members of the board under the provisions of N.C. Gen. Stat. § 115C-37(f) that normally would apply to non-partisan elections. This position is supported by two advisory opinions authored by Special Deputy Attorney General Tom Ziko of the N.C. Attorney General's office that dealt with the same issue as it pertained to Brunswick and Greene counties

Number of Board Members

The board consists of six members. Session Laws – 1988, Ch. 966, Sec. 1.

Special Note

The local act, Chapter 966 of the 1987 Session Laws came about as a result of a court ordered procedure of school board elections as found in NAACP v. Duplin County, U.S. District Court, Eastern District of N.C., No. 88-5-CIV-7, order entered February 4, 1988. This order does not have an expiration date, and therefore, the election method may not be changed without going back to the federal court.

Durham

Method of Selecting Members

In 1992, under the provisions of GS 115C-68.1, the Durham City and Durham County Schools merged under a plan approved by the Durham County Commissioners. Board of Education members are elected on a non-partisan basis. One member is elected at-large, one from each of four (4) voting districts numbered one (1) through four (4), and one from each of two consolidated districts denominated Consolidated District A and Consolidated District B. Source, Durham School Board Policy from 1992 Merger Plan.

Length of Terms and Staggered Terms

Board members serve four year staggered terms that expire at the end of June. New members take office the first Monday in July. Terms are staggered with either 3 or 4 seats being up for election every two years. Board member terms for districts 1 through 4 expire June 30, 2006. Terms for At-large, Consolidated District A and Consolidated District B expire June 30, 2008. Source, Durham School Board Policy from 1992 Merger Plan.

Special Note

For several years prior to 2014, the Durham County School Board elections were run incorrectly in the style of a primary, where the winner had to receive a substantial plurality, or a runoff would be called. That was incorrect. Although run at the time of the primary, the election was a general election with the winners determined by simple plurality. This incorrect matter of election came to the attention of SBE General Counsel Don Wright, who consulted with the Durham County Attorney's Office, the UNC-School of Government, and longtime Legislative Special Counsel Gerry Cohen who all concurred with General Counsel's opinion that the election should be run as a general election with the winners determined by simple plurality. Counsel for the Durham

County School Board accepted the opinion, and the 2014 election was run correctly. See the School Board elections notebook for more details.

Number of Board Members

The board consists of seven members. Source, Durham School Board Policy from 1992 Merger Plan.

Vacancies

Vacancies on the Board shall be filled by the remaining members by appointing to the seat a resident from the voting district or consolidated district of the member being replaced, or at large if the seat is at large. The remaining members shall have 60 days to fill a vacancy. If the remaining members of the Board are unable to agree on a replacement within 60 days, the County Commissioners shall have 60 days to name a replacement. If the County Commissioners are unable to agree, the Clerk of Court shall be authorized to appoint a candidate to serve for the remainder of the unexpired term. Length of Term: If the vacancy occurs later than 60 days before the school board election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to June 30 immediately following the first school board election held more than 60 days after the vacancy occurs. At that election, a person shall be elected to the seat vacated for the remainder of the unexpired term. Source, Durham School Board Policy from 1992 Merger Plan.

Edenton-Chowan (see Chowan-Edenton)

Edgecombe

Method of Selecting Members

Edgecombe County and Tarboro City were merged in 1991 by Session Law 1991, Chapter 404. Session Law 1991, Chapter 809 set out matters as to elections of board members. Seven members are elected from seven electoral districts by the qualified voters in the district. Members are elected at the same time as party primaries for other county offices (May). In 1996, and every four years thereafter, one member is elected from each of Districts 2, 4, and 6. In 1998, and every four years thereafter, one member is elected from each of Districts 1, 3, 5, and 7. Winners must have a substantial plurality (40%). If not, a runoff between the top two candidates is required to be run as any other county second primary. Session Laws – 1991, Ch. 809, Sec. 1 and 5.

Members must reside in the electoral district they represent.
Session Laws – 1991, Ch. 809 Sec. 1.

Filling Vacancies

Any vacancy on the board is filled by appointment by the remaining members of the board. The person appointed to fill the vacancy must reside in the district in which the vacancy occurs. The person appointed serves the remainder of the unexpired term of the vacating member if... (1) the term of office expires the same year as the next election for members of the board of education, or (2) the vacancy occurs after the tenth day before the filing period ends under N.C.G.S. 163-106(c) preceding the next election. Otherwise, an election shall be held to fill the office for the remainder of the unexpired term, and the person appointed serves only until the person elected qualifies to take office. There are special provisions for filing if vacancy occurs after regular filing closes and prior to the regular election for school board seats.

If the vacancy occurs after the filing period opens, and an election is to be held that year to fill a vacancy, then filing opens at 12:00 noon on the next business day and closes seven days after it would have closed under N.C.G.S. 163-106.

The provisions of N.C.G.S. 115C-37(f) do not apply to the Edgecombe County Board of Education. Session Laws 1999, Ch.12, Sec. 2.

Length of Terms and Staggered Terms

A board member's term begins at the first regular meeting of the board in July following their election. Session Laws – 1991, Ch. 809 Sec. 4.

Number of Board Members

The board consists of seven members. Session Laws – 1991, Ch. 809 Sec. 1.

Elizabeth City-Pasquotank (see Pasquotank)

Elkin City

(Election conducted by the Surry County Board of Elections)

Method of Selecting Members

Elections are held every November General Election in even-numbered years on a non-partisan plurality basis. Members take office in December. Session Laws – 1973, Ch. 284, Sec. 3.

Three members are residents of the City of Elkin and are elected at large by the qualified voters of the Elkin School District. One member is elected by the qualified voters of the Elkin School District from the area within the Elkin School District to the east of Interstate Highway 77, outside the corporate limits of the City of Elkin. One

member is elected by the qualified voters of the Elkin School District from the area within the Elkin School District to the west of Interstate Highway 77, outside the corporate limits of the City of Elkin. Session Laws – 1973, Ch. 284 Sec. 2.

In 1976, and every four years thereafter, one at large member is elected and one member from the electoral district to the east of Interstate 77 is elected. In 1978, and every four years thereafter, two at large members are elected and one member is elected from the electoral district to the west of Interstate 77 is elected. Session Laws – 1973, Ch. 1258 Sec. 1.

Candidates must file on or before the fourteenth Monday preceding the date on which the general election shall be held. Session Laws – 1973, Ch. 1258 Sec. 1.

Filling Vacancies

Any vacancy shall be filled by a majority vote of the remaining members of the Board within thirty days after such vacancy. Those persons appointed by the board to fill a vacancy shall qualify within thirty days of notification. Session Laws – 1973, Ch. 1258 Sec. 1.

Number of Board Members

The board consists of five members elected to four year staggered terms. Session Laws – 1947, Ch. 455 Sec.3

Forsyth/ Winston-Salem (Partisan)

Section Law 2011-141 made the following changes effective July 1, 2011

SECTION 2.(a) Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991 Session Laws, and by S.L. 2009-72, reads as rewritten:

"(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County Board of Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time of the general election in each even-numbered year as terms expire. ~~The names of the candidates shall be printed on the ballot without reference to any party affiliations. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294, and the primary shall be held on the date provided by G.S. 163-1 for county partisan primaries.~~ Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes. ~~Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106(e). Candidates for~~

election to the Winston-Salem/Forsyth County Board of Education shall be nominated at the same time and in the same manner as other county officers. Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of filing notice of candidacy, certify in writing the exact location of that candidate's residence and that the candidate is a bona fide resident thereof."

SECTION 2.(b) Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws, and by S.L. 2009-72, reads as rewritten:

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine members. In the 2010 election, nine persons shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on the first Monday in December of 2014. In 2010:2014:

- (1) Two persons shall be elected from District 1. ~~The person receiving the highest number of votes is elected to a four year term, and the person receiving the next highest number of votes is elected to a two year term.~~
- (2) Four persons shall be elected from District 2. ~~The two persons receiving the two highest numbers of votes are elected to a four year term, and the two persons receiving the two next highest numbers of votes are elected to two year terms.~~
- (3) Three members shall be elected at large from all of Forsyth County. ~~The person receiving the highest number of votes is elected to a four year term, and the two persons receiving the two next highest numbers of votes are elected to two year terms.~~

Successors to those elected in ~~2010~~ 2014 shall serve four-year terms.

For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district seats, only residents of the district shall be eligible to be candidates and only qualified voters of the district shall be eligible to vote.

The districts as established for the purpose of this subparagraph are for the 2010 election those established under G.S. 115C-37(i), which are subject to change for the election in ~~2012:2014~~ after the return of the 2010 census."

SECTION 3. This act becomes effective July 1, 2011.

Method of Selecting Members

"(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County Board of Education shall be elected on a nonpartisan basis at the time of the general election in each even-numbered year as terms expire. The names of the candidates shall be printed on the ballot without reference to any party affiliations. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294, and the primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of

the General Statutes. Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106(c). (S.L. 2009-72)

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine members. In the 2010 election, nine persons shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms. In 2010:

- (1) Two persons shall be elected from District 1. The person receiving the highest number of votes is elected to a four-year term, and the person receiving the next highest number of votes is elected to a two-year term.
- (2) Four persons shall be elected from District 2. The two persons receiving the two highest numbers of votes are elected to a four-year term, and the two persons receiving the two next highest numbers of votes are elected to two-year terms.
- (3) Three members shall be elected at large from all of Forsyth County. The person receiving the highest number of votes is elected to a four-year term, and the two persons receiving the two next highest numbers of votes are elected to two-year terms.

Successors to those elected in 2010 shall serve four-year terms.

For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district seats, only residents of the district shall be eligible to be candidates and only qualified voters of the district shall be eligible to vote.

The districts as established for the purpose of this subparagraph are for the 2010 election those established under G.S. 115C-37(i), which are subject to change for the election in 2012 after the return of the 2010 census. (S.L. 2009-72)

Members must be resident of Forsyth County. No person shall serve as a member of the board while holding another elective office. Session Laws – 1961, Ch. 112, Sec. 3(b).

Filling Vacancies

All vacancies occurring during a term of office are filled by appointment by the remaining members of the School Board for the unexpired portion of the term. (Session Laws – 2013-249 effective July 9, 2013)

Franklin

Method of Selecting Members

In 1993 Session Law-1993, Ch. 341 merged the Franklin County and Franklinton City Schools. Five members are elected from electoral districts by the qualified voters in the district and two members are elected at large by all the qualified voters in Franklin

County. Elections are non-partisan and are held under the election and runoff method as provided under GS 163-293. Elections shall be held at the time of regular party primaries every even numbered year. Runoffs, if needed, will be held at the same time as second primaries would be held. Filing times will be the same as those filing for partisan county office. District 1 elects Seats 1 and 2. Only qualified voters residing in Louisburg may be candidates for Seat 1. Only qualified voters in Franklinton may be candidates for Seat 2. District 2 elects Seat 3, and any qualified voter in District 2 may be a candidate for Seat 3. District 3 elects Seats 4 and 5. Only qualified voters residing in Dunn or Cypress Creek may be candidates for Seat 4. Only qualified voters residing in Youngsville or Harris may be candidates for Seat 5. Seats 6 and 7 are elected at large and any qualified voter residing in Franklin County may be a candidate for Seat 6 or 7. .In 1994, and every four years thereafter, the odd-numbered seats are elected. In 1996, and every four years thereafter, the even-numbered seats are elected. Session Laws – 1993, Ch. 341 Sec. 6., and S.L. 2005-80 (effective June 2005) which converted the elections from partisan to non-partisan.

Members must reside in the district they represent. Session Laws – 1993, Ch. 341 Sec. 6 (h).

Any change in district configuration approved under N.C.G.S. § 115C-37(i) must also be approved by the Franklin County Board of Commissioners. Session Laws – 1993, Ch. 341 Sec. 6 (d).

Length of Terms and Staggered Terms

The terms are four years and are staggered and members take office first Monday in December *See* Session Laws – 1993, Ch. 341 Sec. 6 and S.L. 2005-80.

Number of Board Members

The board consists of seven members. Session Laws – 1993, Ch. 341 Sec. 6(a).

Gaston

Method of Selecting Members

Seven members are elected from six electoral districts by all the qualified voters in Gaston County and two members are elected at large by all the qualified voters in the county. Elections shall be held at the even year November general elections. Cherryville, Crowders Mountain, Dallas, Riverbend and Southpoint are each entitled to one member and Gastonia is entitled to two members. In 1980, and every four years thereafter, four members are elected (one from Cherryville, one from Crowders Mountain, one from Gastonia, and one at large). In 1982, and every four years thereafter, five members are

elected (one from Dallas, one from Gastonia, one from Riverbend, one from Southpoint, and one at large). Session Laws – 1977, Ch. 633, Sec.2-3.

Candidates must file with the board of elections not earlier than 12:00 noon on the Friday preceding the eighteenth Saturday before the election and not later than 12:00 noon on the Friday preceding the fourteenth Saturday before the election. Filing fee is \$15.

Session Laws – 1977, Ch. 633 Sec.4 and 5. Filing periods amended by Session Laws-1993, Chapter 73.

Absentee voting is permitted. Session Laws – 1977, Ch. 633 Sec.6.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board. The appointed person serves until the next election of members at which time the remaining unexpired term is filled by election. If the board does not appoint a replacement within 90 days after the vacancy occurs, the vacancy is filled by the board of commissioners. At large members may be replaced by any qualified voter in the county, district members must be replaced by a qualified voter who resides in the same district.

Session Laws – 1977, Ch. 633, Sec.7.

Number of Board Members

The board consists of nine members elected to staggered four years and members take office first Monday in December Session Laws – 1977, Ch. 633 Sec.2-3.

Gates

Method of Selecting Members

Five members are elected on a non-partisan basis from five electoral districts by all the qualified voters in the county. Members are elected at the time of the regular county primary. Members must reside in the district they represent, but are voted on by all the voters in the county. Session Laws – 1973, Ch. 1047, Sec. 1-2.

Length of Terms and Staggered Terms

The board consists of five members whose terms are four years and are not staggered and members take office first Monday in December *See* Session Laws – 1973, Ch. 1047.

Graham (Partisan)

Method of Selecting Members

Five members are elected at large by all the qualified voters in the county. Members are elected on a partisan basis, with nominees determined by primary, however there shall be no second primaries and the candidate with a plurality shall be the nominee. In 1980, and every four years thereafter, three members are elected. In 1982, and every four years thereafter, two members are elected.

Session Laws – 1979, Ch. 312, Sec. 1-4.

Length of Terms and Staggered Terms

The board consists of five members who serve four year staggered terms and take office the first Monday in December. Session Laws – 1979, Ch. 312.

Granville

Method of Selecting Members

Seven members are elected from seven electoral districts by the qualified voters in each district. Members are elected in even years at the time of primary elections for county offices. To be elected a candidate must receive a majority of the votes cast in the district. If no candidate receives a majority (50%) of the votes cast, the candidate receiving the second highest number of votes in the district may request a run-off to be held at the time of the second primary for county officers. In 1990, and every six years thereafter, one member is elected from each of Districts 1, 2, and 6. In 1992, and every six years thereafter, one member is elected from each of Districts 5 and 7. In 1994, and every six years thereafter, one member is elected from each of Districts 3 and 4.

Session Laws – 1989, Ch. 292, Sec. 1-8.

Filling Vacancies

The person appointed by the remaining members of the board to fill a vacancy must reside in the same district as the departing member.

Session Laws – 1989, Ch. 292 Sec. 9

Length of Terms and Staggered Terms

The board consists of seven members who serve six year staggered terms.

Session Laws – 1989, Ch. 292 Sec. 1.

Additional Note

The 1989 local act was a result of a February 17, 1989 consent decree in a federal case, U.S. v. Granville County Board of Education, Eastern District of NC, No. 87-353-CIV-5. This order does not have an expiration date, and therefore, the election method may not be changed without going back to the federal court.

Greene (Partisan)

Method of Selecting Members

Five members are elected at large by all the qualified voters in the county. Members are elected on a partisan basis. Beginning in 1972, members are elected to staggered four year terms so as nearly equal to one half as possible shall expire every two years. But there is no wording in the local act that actually staggers the terms by year, the years of the staggering has been implemented by local practice. Session Laws – 1971, Ch. 215, Sec. 1-2.

Cautionary Note

In 1981 the North Carolina General Assembly passed a law stating that “all vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act”. N.C. Gen. Stat. § 115C-37.1(a). This stated policy is an exception to the rule that vacancies are filled by the remaining members of the board of education. N.C. Gen. Stat. § 115C-37.1 goes on to list the counties that are covered by the section. Greene County is not listed despite the fact that Greene County Board of Education members are being elected on a partisan basis.

The failure of Greene County to be listed under the provisions of N.C. Gen. Stat. § 115C-37.1, would appear to cause any vacancies to be filled by the remaining members of the board under the provisions of N.C. Gen. Stat. § 115C-37(f) that normally would apply to non-partisan elections. This position was supported by an advisory opinion authored Special Deputy Attorney General Tom Ziko of the N.C. Attorney General’s office dated May 21, 1998.

Number of Board Members

The board consists of five members. Session Laws – 1971, Ch. 215 Sec. 1.

Guilford (partisan starting in 2016)

Method of Selecting Members

Session Law 2013-361 makes major changes

In 2014, members elected to Districts 2, 4, 6, 8, and at large shall be elected to a two year term. The Districts used for the 2014 elections shall be those Districts established in 2011 by the Guilford County Board of Education. Session Law 2013-361.

In 2016, members for Districts 2, 4, 6, 8, and the at-large member will be elected for two-year terms. In 2018 and every four years thereafter, members for Districts 2, 4, 6, 8, and the at-large member will be elected for four-year terms. In 2016 and every four years thereafter, members for Districts 1, 3, 5, and 7, will be elected for four-year terms. Session Law 2013-361.

Members shall be nominated and elected at the same time of the regular primary and General Election for other partisan county offices. Only voters in a District shall elect members from that District, but all county voters shall elect an at-large member. Session Law 2013-361.

Previously Session Law-1991, Ch. 78 authorized the merger of the Guilford County, Greensboro City, and High Point City Schools subject to a referendum which was conducted and the Guilford County voters approved the merger as set out in the law. Two members were elected at large by all the qualified voters in the county and the remaining nine members were elected from nine different districts only by the voters of each of those districts. Elections were conducted under the nonpartisan primary method and the results are determined in accordance with N.C.G.S. 163-294. The primary was held on the regular primary day for the even year primary, and the election was held at the time of the even year November general election. In 1994 and every four years thereafter seats in Districts 2, 4, 6, 8, and one at-large were elected. In 1996, and every four years thereafter, seats in Districts, 1, 3, 5, 7, 9, and one at large were elected.

Session Laws – 1991, Ch. 78

Absentee voting is permitted. Session Laws – 1977, Ch. 296 Sec. 4.

Filling Vacancies

Effective first Monday in December 2016, vacancies are filled as per GS 115C-37.1(d). Prior to December 2016, all vacancies are filled by appointment by the remaining members of the board for the remainder of the term. Vacancies from districts must be filled by qualified persons from that district. Session Laws – 1991, Ch. 78, Sec. 6.

Number of Board Members

Effective first Monday in December, 2016 the board will consist of nine members elected on a partisan basis. Eight members will be from Districts and one member will be at-large. Session Law 2013-361

Note: S.L. 1997-191 requires elected board members and spouses to disclose real estate interests in Guilford County. Violation is a misdemeanor.

Halifax

Method of Selecting Members

Seven members are elected at large by all the qualified voters in the county at the time of the primary for county officers. In the election, candidates equal to the number of positions to be filled, who receive the highest number of votes, are elected. In 1974, and every four years thereafter, three members are elected. In 1976, and every four years thereafter, four members are elected. Session Laws – 1971, Ch. 530, Sec. 1-3.

Length of Terms and Staggered Terms

The members' terms begin in July following the election.
Session Laws – 1991, Ch. 97.

Number of Board Members

The board consists of seven members with four year staggered terms. Session Laws – 1971, Ch. 530, Sec. 1.

Harnett (Partisan)

Method of Selecting Members

Five members are elected from five electoral districts. Members are elected on a partisan basis. Each political party nominates candidates for the board of education at the same time and in the same general manner as the nomination of county officers and election is held at the November general election. Starting in 1976 and every four years

thereafter, three seats are up for election. In 1978, and every four years thereafter, two seats are open for election. Session Laws – 1977, Ch. 296 Sec. 1 and 4.

Members must reside in the district they represent. Session Laws – 1977, Ch. 296 Sec. 4. Candidates must file notice with the county board of elections stating the candidate's name, address, and place of residence. Session Laws – 1977, Ch. 296 Sec. 4.

Filling Vacancies

All vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. When a vacancy occurs, the board must publish for four consecutive weeks in a newspaper of general circulation in the county a notice that a vacancy exists and that qualified voters of the county are invited to suggest and present the names of individuals who should be considered for appointment. Session Laws – 1977, Ch. 296, Sec. 5. Note that GS 115C-37.1 does not apply to Harnett County so it might be possible that the newly appointed member can be of a different political party of the person they replaced.

Number of Board Members

The board consists of five members elected to staggered four year terms and take office in December. Session Laws – 1977, Ch. 296 Sec. 4.

Note: An order of the Eastern District Federal Court entered in Porter v. Stewart, (No. 88-CV-950-BO) issued November 22, 1989, controls school board elections in this county. Any subsequent change in current elections as to this county board will need approval by this court.

Haywood

The Canton city system and the Haywood County Schools were consolidated in 1963 by virtue of Session Laws-1963, Ch. 126. The county has eight districts from which a member is elected from each district by all the voters of the county, plus a chairman is elected at large from the entire county (the chairman can vote only in case of a tie among members). The election occurs at even year November general elections. Filing fee is \$10 and filing starts the first Monday in July and ends at noon the third Friday in July. Session Laws-1963, Ch. 126, Session Laws-1979, Ch. 89 and S.L. 2009-29.

If at the close of filing there is no candidate filed for a district seat with one member up at that election, or less than two candidates filed for a district with two members up at that election, the Haywood County Board of Elections shall reopen filing for that district for a period beginning the next Monday at 12:00 noon and ending at noon on the third business day thereafter. SL 2012-24, effective June 12, 2012

Length of Terms and Staggered Terms

There are no term limits. Session Laws – 2002, Ch. 18 Sec. 1.

Number of Board Members

The board consists of nine members elected to staggered four year terms and take office in December. Session Laws – 1963, Ch. 126, Sec. 3.

Henderson

The Henderson County and Hendersonville City Schools merged effective July 1, 1993. Source of the information below is the Merger Plan of 1993.

Method of Selecting Members

Seven members are elected at the regular even numbered November general election in a non-partisan matter at large by all the qualified voters in the county. In the election, candidates equal to the number of positions to be filled, who receive the highest number of votes, are elected. The election is conducted using a separate ballot entitled “School Board” and such ballots are distributed to all voters without regard to political affiliation. In 1994, and every four years thereafter, three members are elected. In 1996, and every four years thereafter, four members are elected.

Filling Vacancies

All vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term of the member replaced.

Number of Board Members

The board consists of seven members serving four year staggered terms that take office in December.

Hertford

Method of Selecting Members

Members are elected at large in November of even numbered years at the same time as the general election for State and county officers using the nonpartisan plurality method. Candidates must file with the county board of elections between noon on the first Friday in July and noon on the first Friday in August preceding the election. Elections shall be conducted according to general State law for county school boards. Two members were elected in 2000 and every four years after, and three members are elected in 2002 and every four years thereafter.

Session Laws – 1997, Ch. 43.

Number of Board Members

The board consists of five members serving four year staggered terms that take office in December.

Hickory City

(Election conducted by the Catawba County Board of Elections)

Method of Selecting Members

Six members are elected from six electoral wards by the qualified voters of the ward and one member is elected at large by all the qualified voters of the Hickory Administrative School Unit. In 1971, and every four years thereafter, one member is elected from each of Wards 4 and 6 and one member is elected at large. In 1973, and every four years thereafter, one member is elected from each of Wards 1, 2, 3, and 5. Elections are held every even numbered November general election and members take office in December. Session Laws – 1979, Ch. 382, Sec 1, 3, 6, and 7.

In the event of a tie vote between two or more candidates, the tied candidates are entitled to a run-off election. If a run-off election is required, it shall be held three weeks after the first election. If there is a tie vote in the run-off election, the County Board of Elections determines the winner by lot.

Session Laws – 1979, Ch. 382.

Candidates must file by 5:00 p.m. on the ninth Friday preceding the election. Session Laws – 1979, Ch. 382 Sec. 2.

Filling Vacancies

All vacancies are filled by appointment by the remaining members of the board. If a vacancy occurs during the first two years of a term, the appointment is only until the next regular election for seats on the board, at which time the vacancy is filled by election for the remaining two years of the term. If a vacancy occurs during the last two years of a term, the appointment is for the remainder of the term.

Session Laws – 1971, Ch. 930 Sec. 10.

District Boundaries

The Board of Education in consultation with the County Board of Elections is authorized to change the boundaries of the electoral Wards by resolution, but no change may be made within three months prior to an election of members of the Board of

Education. Any change must be published by the Board of Elections once a week for two weeks in a newspaper of general circulation in the school unit. Session Laws – 1971, Ch. 930 Sec. 11.

Number of Board Members

The board consists of seven members. Session Laws – 1971, Ch. 930 Sec. 1.

Hoke

Method of Selecting Members

Five members are elected on a non-partisan basis at even year November general elections. A separate ballot entitled “School Board” is used and such ballots are distributed to all qualified voters desiring to vote without regard to the voter’s political affiliation. In 1974, and every four years thereafter, three members are elected. In 1976, and every four years thereafter, two members are elected. Session Laws – 1973, Ch. 707 Sec. 2-3.

Candidates must file notice not earlier than 12:00 noon on the first Monday in July (except if that day is a holiday, then not earlier than 12:00 noon on the next day) and not later than 12:00 noon on the first Monday in August of the election year. Session Laws 1999 – Ch. 18, Sec. 1.

Number of Board Members

The board consists of five members elected to four year staggered terms and take office the first Monday in December. Session Laws – 1973, Ch. 707 Sec. 1.

Hyde

Method of Selecting Members

Five members are elected at large by all the qualified voters in the county, on a nonpartisan basis, at the time of primary elections for county officers. However, one member shall be a resident of Ocracoke Island. In 1978, and every four years thereafter, three members are elected, one of which shall be the Ocracoke Island seat. In 1980, and every four years thereafter, two members are elected. Session Laws – 1977, Ch. 206, Sec. The member from Ocracoke is elected by all the qualified voters in the county. Session Laws -1973, Ch. 1166, Sec. 2.

Number of Board Members

The board consists of five members elected to four year staggered terms. Session Laws – 1977, Ch. 206 Sec. 1. S.L. 2007-272 (Sections 2 &3) calls for the newly elected school board members to take office at the first School Board meeting in July after the election.

Iredell

The merger plan is the legal source of the election procedure set out below.

Method of Selecting Members

The Iredell and Statesville City Schools merge effective July 1, 1991 by a plan of merger authorized under GS 115C-67 and ratified by Session Laws-1991, Ch. 767. Seven members are elected on a nonpartisan basis at the time of the party primary in even numbered years from each of seven electoral districts only by all the qualified voters in each district. Note the plan of merger continued the seven members in seven districts that had been in existence prior to the merger. But nowhere in the merger plan does it state that the members from the districts be voted on at large or only by resident voters of the district. The reality of the prior practice (authorized by Session Laws-1987, Ch. 775) and the fact that resident district voters, not at-large voters, has been used since 1992 (the first election after the merger) gives defacto support to this method of election. In 2004, and every four years thereafter, three members are elected. In 2006, and every four years thereafter, four members are elected. Previous term limits were repealed in 2002 by S.L. 2002-18. Session Laws-1987, Ch. 775 and Merger Plan.

Vacancies.

Are filled by board members by appointment from the vacating member’s district, and serve until the next election or the expiration of the term whichever comes first.

Number of Board Members

The board consists of seven members having staggered four-year terms who take office on July 1st.

Jackson

Method of Selecting Members

Members are elected on a non-partisan election and runoff basis (as per G.S. 163-293) from electoral districts by all the qualified voters in the county at the time of even year party primaries. Any runoff will be held on a date provided for by G.S. 163-111(e). Session Laws – 1961, Ch. 314; Session Laws -1991, Ch. 170.

Filling Vacancies

This area is very muddled by the existence of prior laws and irrelevant statutes. At this point, one would guess the general provisions of G.S. 1125C-37(f) would apply, but see below.

A 1973 law stated any vacancy is filled by appointment by the remaining members of the board. The board shall appoint the person nominated by the Executive Committee of the political party of which the former member was a member.

But Jackson County no longer elected its members on a partisan basis, so it appears that appointment of vacancies would be governed by G.S. § 115C-37(f).

Length of Terms and Staggered Terms

Members' four year staggered terms begin on July 1 in the year of the election. Session Laws – 1991, Ch. 170 Sec. 2.

Johnston

Method of Selecting Members

Election is on a non-partisan basis and held on even year November general elections. If the number of candidates who qualify to run for the board in any election year is at least three more than twice the number of seats being elected that year, a nonpartisan primary is held; otherwise there is no primary. The purpose of the primary, if one is required, is to reduce the number of candidates to twice the number of seats open. The candidates receiving the most votes in the primary, equal to twice the number of seats open, are nominated for the November general election. There is no second primary. Session Laws – 1997, Ch. 32.

Three members were elected in 1998 and every four years after and four members were elected in 2000 and every four-years after. Session Laws – 1997, Ch. 32, Sec. 3.

Filling Vacancies

Any vacancy is filled by appointment by the remaining members of the board, with the person appointed serving out the remainder of the unexpired term. Session Laws – 1997, Ch. 32 Sec. 4.

Number of Board Members

The board consists of seven members elected to four-year staggered terms. Session Laws -1997, Ch. 32 Sec. 2.

Jones (Partisan)

Method of Selecting Members

Board members are elected at-large, meaning that they are elected by all the eligible voters residing in a local school administrative unit. Board members are elected by party, during the partisan primary and election for county officers in even years. N.C. Session Laws – 1973, Ch. 349 Sec. 1-2.

Vacancies

(a) If a vacancy occurs on the board of education, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the superintendent shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported, fill the vacancy.

(b) If the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

(c) If a vacancy occurs on the board, and subsection (b) of this section requires that a person shall be elected to the seat vacated for the remainder of the unexpired term and the vacancy occurs:

- (1) Beginning on the tenth day before the filing period ends under G.S. 163-106(c), a nomination shall be made by the county executive committee of each political party, and the names of the nominees shall be printed on the general election ballots.
- (2) Prior to the tenth day before the filing period ends under G.S. 163-106(c), nominations shall be made by primary election as provided by Chapter 163 of the General Statutes.

(d) To be eligible for appointment to fill a vacancy, a person must be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party. The board of education or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation. S.L. 2005-107 amending N.C. Session Laws – 1973, Ch. 349

Length of Terms and Staggered Terms

Board members serve four year terms. Terms are staggered so as nearly equal to one half as possible expire every two years. There are no term limits. N.C. Session Laws – 1973, Ch. 349 Sec. 1.

Number of Board Members

The board consists of five members. N.C. Session Laws – 1973, Ch. 349 Sec. 1.

Kannapolis City Board of Education

(Election conducted by the Cabarrus County Board of Elections.)

Method of Selecting Members

Five members are elected from two electoral districts by all the qualified voters of the Kannapolis School Administrative Unit. Members are elected on a nonpartisan basis at the time of the primary for other county officers. There is no primary for the election of board members. The candidates from each residence area, equal to the number of positions to be filled from that area, who receive the highest number of votes, are declared elected. In 1978, and every four years thereafter, two members are elected from Residence Area 1 (which is that part of the system that is in Cabarrus County). In 1980, and every four years thereafter, three members are elected, two from Residence Area 1 and one from Residence Area 2 (which is that part of the system that is in Rowan County). Session Laws – 1977, Ch. 145 Sec. 1.

Members must reside in the residence area they represent, but all voters shall vote as to each district's candidates. Session Laws – 1977, Ch. 145 Sec. 1.

Filling Vacancies

Any vacancy is filled by appointment by the remaining members of the board, with the person appointed serving out the remainder of the unexpired term. The person must reside in the same district as the prior member he replaced. Session Laws – 1977, Ch. 145 Sec. 6.

Number of Board Members

The board consists of five members elected to four-year staggered terms and take office the first Monday in the month (June) after the election. Session Laws – 1977, Ch. 145 Sec. 1.

Lee

Method of Selecting Members

Starting in 2014, three members are elected at large. In 2016 four members shall be elected at large. Thereafter, every two years there will be an election for any expiring four year term. Members are elected at large on a partisan basis by all the qualified voters in the county for a four year term. House Bill 490, 2013 Session.

Length of Terms and Staggered Terms

Members take office at the first regular meeting in December in the year of the election. House Bill 490, 2013 Session.

Number of Board Members

The board consists of seven members. Session Laws – 1989, Ch. 307 Sec. 1.

Merger

The Lee County and Sanford City Schools were merged in 1973 with a Merger Plan.

Lenoir (Partisan)

The Lenoir County and Kinston City Schools merged effective July 1, 1992 with a plan of merger.

Method of Selecting Members

Members are elected on a partisan basis at the same time and in the same manner as primaries and elections for county officers. Five of the members are elected from residential districts and two members are elected at-large by all Lenoir County voters. In 1992, and every four years thereafter, four members are elected. In 1994, and every four years thereafter, three members are elected. At the general election all candidates are listed together on the ballot, and each voter is entitled to vote for as many candidates as there are seats to be filled. Likewise, in each primary, all candidates seeking the party's

nominations are listed together on the ballot, and each voter is entitled to vote for as many candidates as there are places to be filled. Session Laws – 1989, Ch. 73 and the Merger Plan.

Vacancies

Vacancies are filled by the remaining members of the board of education and persons appointed must be from the same district and political party of the previous member holding that seat. The appointed person shall serve until the next election of the members of the board, at which time there shall be an election to fill the remainder of any unexpired term. If there is no unexpired term, the seat is subject to election in the regular matter. These provisions are from the Merger Plan.

Number of Board Members

The board consists of seven members elected to four-year staggered terms. Session Laws – 1989, Ch. 73, Sec. 1 and Merger Plan.

Additional Note

The 1989 local act was a result of a consent decree in a federal case, Holmes v. Lenoir County Board of Education, Eastern District of NC, No. 86-120-CIV-4. This order does not have an expiration date, and therefore, the election method may not be changed without going back to the federal court. The Merger Plan was also subject to this order.

Lexington City Schools (Appointed)

Seven members, six are appointed by the Lexington City Council and one by the Davidson County Commissioners for three year terms. Session Laws-1973, Ch. 892.

Lincoln

Method of Selecting Members

The Lincolnton City Schools and the Lincoln County Schools were consolidated in 1973 by virtue of Session Laws -1973, Ch. 876.

Five members, each requiring to live within five electoral districts, are elected at large by all the qualified voters in the county and two members are elected at large by all the qualified voters in the county by non-partisan plurality. Electoral districts were clarified

in S.L. 2002-22. The election is held at even year November general elections. In 1976, and every four years thereafter, four members are elected. In 1978, and every four years thereafter, three members are elected. Filing fee is \$10.

Session Laws – 1973, Ch.876,Sec.2 and 5 and Session Laws-1985, Ch. 155.

Session Law 2011-181, effective June 18, 2011, mandates that the electoral district be redistricted based upon the population shown after each federal census.

If a member representing an electoral district ceases to reside in that district for any reason other than new boundaries, then the remaining members of the board may vote to declare a vacancy and fill the vacancy according to Chapter 115C.

Session Laws – 1973, Ch.876, Sec. 5.

Candidates must file notice during the period beginning at noon on the first Monday in June and ending at noon on the first Monday in July. If the first Monday in July is a holiday the period shall end the following day.

Session Laws – 1989, Ch. 304, Sec. 1.

Number of Board Members

The board consists of seven members elected to staggered four-year terms.

Session Laws – 1973, Ch. 892, Sec. 2.

Macon

Method of Selecting Members

Five members are elected from four electoral districts by all the qualified voters in the Macon County School Administrative Unit on a non-partisan basis at the time of the even year November general election. One member is elected from each of Districts 1, 2 and 3. Two members are elected from District 4. In 1978, and every four years thereafter, Members are elected on a nonpartisan basis without a primary. Members are elected at the same time as the general election for county officers. A separate ballot is provided by the county board of elections with the names of the candidates printed according to districts. Session Laws – 1977, Ch. 1148, Sec. 3-5.

Candidates must file notice no later than 80 days prior to the election.

Session Laws – 1977, Ch. 1148 Sec. 3.

Filling Vacancies

All vacancies must be filled by the remaining members of the board within 10 days of such vacancy for the remainder of the unexpired term or if the vacancy occurs

more than 90 days before a general election other than the one to which the successor was scheduled to be elected, the appointment will only be until said election, when a member will be elected to fill the unexpired term. If the remaining members cannot agree within 10 days the vacancy is filled within 10 days thereafter by the Governor. Session Laws – 1977, Ch. 1148, Sec. 7 and Session Laws-1981, Ch. 29.

Number of Board Members

The board consists of five members elected to staggered four-year terms. Session Laws – 1977, Ch. 1148 Sec. 2. They take office in December.

Madison

Method of Selecting Members

The four members are elected from two electoral districts by all the qualified voters in the district. The chairman is elected at large by all the qualified voters in the county. In 1994, and every four years thereafter, the chairman is elected. In 1996, and every four years thereafter, one member is elected from each of Districts 1 and 2. In 1998, and every four years thereafter, one member is elected from each of Districts 1 and 2. Members are elected according to the nonpartisan election and runoff method at the time of the primary for county officers (May). Only those voters residing in each district may vote for candidates running those districts. Session Laws - 1991, Ch. 249, Sec. 1 and 3.

Filling Vacancies

If the chairman's seat becomes vacant, the vacancy is filled by appointment by the remaining members of the board. If the members do not make an appointment within 30 days of such vacancy, the appointment is made by the Senior Resident Superior Court Judge for Madison County. Session Laws - 1991, Ch. 249 Sec. 3. If a member's seat becomes vacant, the vacancy is filled by the remaining board members appointing a resident of the same district in which the predecessor resided. Session Laws - 1991, Ch. 249, Sec. 7.

Length of Terms and Staggered Terms

The four year staggered terms of office of the members and chairman begin on the first Monday in July of the year of their election, except if that date is the Fourth of July, then the terms commence on the second Monday in July. Session Laws – 1995, Ch. 38 Sec. 1.

Number of Board Members

The board consists of four members and a chairman. Session Laws - 1991, Ch. 249 Sec. 1.

Martin

Method of Selecting Members

Seven members are elected from each of seven electoral districts by all the qualified voters in each district. Elections are conducted on a nonpartisan plurality basis at the time of the general election for county officers. In 1988, and every four years thereafter, one member is elected from each of Districts 3, 5, and 7. In 1990, and every four years thereafter, one member is elected from each of Districts 1, 2, 4, and 6. The Martin County Board of Elections prepares a separate ballot for the election of board of education members.

Session Laws – 1987, Ch. 549 Sec. 1.1 and 2; Session Laws -1995, Ch. 77 Sec. 1.

Candidates must file notice not earlier than noon on the first Monday in June and not later than noon on the last Friday in July.

Session Laws – 1995, Ch. 77 Sec. 1.

Filling Vacancies

Any vacancy is filled as required by state law.

Session Laws – 1987, Ch. 549 Sec. 5.

Number of Board Members

The board consists of seven members.

McDowell

Method of Selecting Members

The McDowell County and Marion City Schools merged on July 1, 1969 with a Merger Plan. The Merger Plan set out that nine members are elected by district to four-year staggered terms on a nonpartisan plurality basis. All voters in the county vote for the

candidates in the following residency districts. Four of those members must come from the area served by the former Marion City School District, and the remaining five members come from the area formerly in the old McDowell County School District. Session Laws-1987, Ch. 322 moved the time of the elections to even year May party primaries with an election and runoff method of election. Session Laws -1995, Ch. 107 reset the elections at the time of the general election for county officers and made them plurality elections as per G.S. 163-292.

Vacancies

Are filled by the remainder of the board for the unexpired term. Merger Plan, Section 7.

Mecklenburg(Odd Year Election)

Method of Selecting Members

Nine members are elected in odd years. In 1995, and every four years thereafter, three members are elected at large by all the qualified voters of Mecklenburg County the Tuesday after the first Monday in November. Six electoral districts are created (The districts are the same as those for the Mecklenburg County Board of Commissioners). In 1997, and every four years thereafter, one member is elected from each of six electoral districts by all the qualified voters of the district. Together, the three at large and six district members form the nine member board. Session Laws – 1993, Ch. 167 Sec. 1-2 and 6.

Filling Vacancies

If a vacancy occurs on the board, the board appoints someone to serve the remainder of the unexpired term. If any vacancy occurs in a district seat, only a qualified voter of the district may be appointed. Session Laws – 1993, Ch. 167 Sec. 5.

Mitchell

Five members are elected at large with all voters in the county voting on them. The election is held on a non-partisan basis at the time of the general election for county offices. Members serve four-year staggered terms. With two seats up for election one

year and three the next. Candidates file no earlier than noon on the first Monday in June and no later than noon on the last Friday in July. Session Laws-1987, Chapter 55.

Montgomery

Method of Selecting Members

Seven members are elected from seven electoral districts only by the qualified voters in each district except that districts 3 and 4 are combined for voting purposes. A voter must reside in a district to be eligible to be a candidate. Elections shall be non-partisan plurality. Terms are staggered four-year terms. In 1994 and every four years thereafter four members are elected. In 1996 and every four years thereafter three members are elected. District maps shall be subject to redistricting after each federal census and the Montgomery County Board of Elections shall be provided with a current district map by the attorney for the county school board. See Session Laws 1991, Chapter 400 and the subsequent December 16, 1991 resolution of the Montgomery County Board of Education authorized by the local act. Session Laws-1991, Ch.400, Sec. 2.

Moore

Method of Selecting Members

Five members are elected from five electoral districts by all the qualified voters in the county and three members are elected at large. Members are elected using the nonpartisan primary and election method. In 1998, and every four years thereafter, one member is elected from District 3 and three members are elected at large. In 2000, and every four years thereafter, one member is elected from each of Districts 1, 2, 4, and 5. Session Laws – 1997, Ch. 389 Sec. 1.

Number of Board Members

The board consists of eight members elected to four year staggered terms, and they take office in December. Session Laws -1967, Ch. 882, Session Laws-1977, Ch. 442 and Session Laws – 1997, Ch. 389 Sec. 1.

Mooresville City Schools (Odd Year Election)

(Elections conducted by the Iredell County Board of Elections)

Elections are conducted on a nonpartisan plurality basis at the time of the general election for Town of Mooresville officials.

Number of Board Members

The board consists of five members elected to four-year staggered terms and take office in December. There are term limits. Session Laws-1905, Chapter 556.

Mount Airy City Schools

(Election conducted by the Surry County Board of Elections)

Method of Selecting Members

Six members are elected from four electoral districts by all the qualified voters in the school district and one member is elected at large. The election is a nonpartisan plurality as per G.S. 163-292. In 1996, and every four years thereafter, one member is elected from Districts A, B, C and D and in 1998, and every four years thereafter, three members are elected one at large and one from Districts A and B. Session Laws-1995, Ch.672.

Filling Vacancies

Vacancies are filled by the remaining board members for the remainder of the unexpired term. Session Laws-1995, Ch.672.

Number of Board Members

The board consists of six members with staggered four-year terms and take office in December. Session Laws-1995, Ch.672.

Nash-Rocky Mount

Session Law -1991, Chapter 391 merged the Nash County and Rocky Mount City schools (including that part of the Rocky Mount Schools located in Edgecombe County) effective July 1, 1992.

Method of Selecting Members

Eleven members are elected to four year terms on a non-partisan basis every two years, with seats numbered 2, 4, 6, 8, and 9 elected in 1994 and every four years thereafter. Seats 1, 3, 5, 7, 10, and 11 are elected in 1996 and every four years thereafter. The election is held as per the terms of G.S. 163-293 (election and runoff method of election).

Filing is from noon of the first Friday in July until noon of the first Friday in August. The election is held at the November General Election, and if a runoff is needed, it is held the first Tuesday in December. The elected candidates take office the second Monday in December, but candidates that are elected in a runoff take office the first Monday in January. Session Law -1991, Chapter 391, Sections 11-14. Session Law 2006-87 provided the January date of taking office

Candidates must be residents of the districts from which they seek election, and only those voters in each district shall vote for the candidates running from that district. Session Law -1991, Chapter 391, Sections 11-14.

Filling Vacancies

Vacancies are filled under the GS 115C-37(f), but persons appointed must reside in the same district from which the member they are succeeding was from. Session Law -1991, Chapter 391, Sections 11-14.

New Hanover (Partisan)

Method of Selecting Members

Members are elected on a partisan basis. At the time of the primary for other county officers, each party nominates a number of candidates equal to the number of available seats on the board. The candidates receiving the highest number of votes, equal to the number of available seats, are declared nominees of their respective parties and placed on the ballot for the general election. There is no second primary. In 1978, and every four years thereafter, three members are elected. In 1980, and every four years thereafter, four members are elected. Session Laws – 1963, Ch. 391 Sec. 2.

Filling Vacancies

Session Laws – 1963, Ch. 391 Sec. 3, the local act controlling the New Hanover Board of Elections states that vacancies on the board shall be filled by the county executive committee of the political party of the vacating member. However, N.C. Gen. Stat. § 115C-37.1 states that if the local act states that the vacancy shall be filled by a party executive committee then the vacancy shall instead be filled by the remaining members of the board. Thus, vacancies on the New Hanover County Board of Education must be filled by the remaining members of the board rather than the political parties as per G.S. 115C-37.1.

Length of Terms and Staggered Terms

The members' terms of office begin on the first Monday in December following their election. Session Laws – 1977, Ch. 37 Sec. 1.

Number of Board Members

The board consists of seven members. Session Laws – 1977, Ch. 449 Sec. 1.

Newton-Conover City Schools (Odd Year)

(Elections conducted by the Catawba County Board of Elections)

Method of Selecting Members

Six members are elected at large four –year terms staggered on a non-partisan school system district wide basis during odd year November election and take office in December. The election shall be held under the same rules as pertains to the election of municipal officials in Newton. Three representatives come from Newton and three from Conover. Two seats from Newton and one seat from Conover will be elected in 2005, and two seats from Conover, and one from Newton will be elected in 2007. Note that the local acts creating this system called for four members to be elected from Newton and two from Conover. However, the three and three division when into effect in 2001 when the system's districts were redistricted to ensure as equal as number of voters in each of the districts. This change was not a result of an local act. Note than this school district lines are not coterminous with the current boundaries of the towns of Newton and Conover. Session Laws-1935, Chapter 200, Session Laws-1951, Chapter 512, and Session Laws-1961, Chapter 716.

Northampton

Method of Selecting Members

Seven members are elected at large on a non-partisan basis at the time of the primary election for county officers.
Session Laws – 1971, Ch. 759, Sec. 2.

Length of Terms and Staggered Terms

The board consists of seven members elected to four-year staggered terms whose terms of office begin in July following their election.
Session Laws – 1993, Ch. 110 Sec. 1.

Onslow

Method of Selecting Members

Members are elected at large by all the qualified voters in the county. Members are elected on a nonpartisan (effective 1996) plurality basis at the time of the primary elections for county officers. .Session Laws – 1993, Ch. 583 Sec. 1.

Filling Vacancies

Filled according to G.S. 115C-37(f). Session Laws – 1993, Ch. 583 Sec. 1.

Length of Terms and Staggered Terms

The board consists of seven members elected to four year staggered terms that begin on July 1 of the year of their election. Session Laws – 1993, Ch. 583 Sec. 1.

Orange

Method of Selecting Members

Members are selected using the election and runoff election method. Members are elected at the time of the primary for county officers. If a runoff election is required, the runoff election is held at the time for the second primary as provided in GS 163-111(e). In 1980, and every four years thereafter, three members are elected. In 1982, and every four years thereafter, four members are elected. Absentee ballots are permitted. Session Laws – 1977, Ch. 603 Sec. 1 and 2; Session Laws – 1981, Ch. 1214 Sec. 2.

Length of Terms and Staggered Terms

The members' terms begin on the first Monday in July. If a runoff election is required, the members elected through the runoff take office on the first Monday of the month following their election. Session Laws – 1981, Ch. 911 Sec. 8; Session Laws – 1981, Ch. 1214 Sec. 2.

Pamlico

Method of Selecting Members

Five members are elected from five electoral districts by the qualified voters in the district, and two members are elected at large by all the qualified voters in the county. In 1990, and every four years thereafter, one member is elected from each of Districts 3 and 4, and two members are elected at large. In 1992, and every four years thereafter, one member is elected from each of Districts 1, 2, and 5. Cautionary Note: the election cycle of the District 3 member is currently off the 1990 cycle. The School Board has been aware of this, and legislative correction was made in S.L. 2005- 305, Section 6(b) which reads: SECTION 6.(b) The elections for the District 3 seat on the Pamlico County Board of Education since January 1, 1996, are validated, notwithstanding the irregularity in the

term of office for which the member was elected in 1996 and the fact that subsequent elections were held in 2000 and 2004 rather than in 1998 and 2002, and any and all actions of the District 3 member since January 1, 1996, are ratified and confirmed notwithstanding the irregularity in the manner of election.
Session Laws – 1988, Ch. 939 Sec. 1, 2 and 4 and S.L. 2005- 305, Section 6(b).

Number of Board Members

The board consists of seven members elected to four year staggered terms.
Session Laws – 1988, Ch. 939 Sec. 1.

Pasquotank-Elizabeth City

Method of Selecting Members

A major rewrite of the method of school board elections in Pasquotank County occurred when Session Law 2005-305, Sections 9 (a) through (c), was passed and became effective August, 2005. The purpose of the rewrite was to change the local act so as to reflect the current practice of the electing school board members. For instance the prior 1967 act, 1967 Session Laws, Ch. 29, was designed to deal with partisan elections, yet the elections had been run on a non-partisan basis as long as local officials had remembered. S.L. 2005-305, Section 9 (c) reaffirms and ratifies the election and actions of prior boards of education regardless of any irregularity in the way the election was conducted as opposed to what was required under the prior local act.

Starting as of 2006, three board members shall be elected who are residents within the Elizabeth City Township (aka “inside seat”), three members are elected from all the other townships other than the Elizabeth City Township (aka “outside seat”), and one member is elected at-large from the county with no residency requirement. Candidates file for office at the same time as other county offices, and they must file for a specific type of seat either “inside”, “outside”, or at –large. The elections are non-partisan plurality and are held at the same time as the general election for county offices. There are no primaries, all candidates filing for each type of seat shall be placed on the general election ballot. The candidates receiving the highest number of votes will fill the available open seats in the descending order of their vote totals until all available open seats are filled.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. Vacancies must be filled within 60 days of such vacancy. Session Laws – 1977, Ch. 8, Sec. 1. and confirmed by S.L. 2005 -305, Section 9(b).

Length of Terms and Staggered Terms

The board consists of seven members who serve four year staggered terms. Two “inside” seats and two “outside” seats will be elected in 2006 and every four years thereafter. One “inside” and one “outside” seat, and the at-large seat will be elected in 2008 and every four years thereafter. Members take office the first Monday in December. Session Laws – 1977, Ch. 8, Sec.1 and S.L. 2005 -305, Section 9(b).

Pender

Method of Selecting Members

Five members are elected from five electoral districts by all the qualified voters in the county. Members are elected on a nonpartisan basis at the time of the primary election for county officers. In 1976, and every four years thereafter, one member is elected from each of Districts 3 and 5. In 1978, and every four years thereafter, one member is elected from each of Districts 1, 2 and 4. Session Laws – 1973, Ch. 976.

Length of Terms and Staggered Terms

The members’ terms of office begin on July 1 of the year of their election. Session Laws -1989, Ch. 1008.

Number of Board Members

The board consists of five members elected to four year staggered terms. Session Laws – 1973, Ch. 976.

Perquimans

Method of Selecting Members

Six members are elected on a nonpartisan basis at the time of the primary for county officers. Three members are elected every two years for a four-year staggered term. In each election, all eligible candidates are listed on a single ballot, but each voter is allowed to vote for only one candidate. Session Law – 1993, Ch. 21. The three candidates receiving the most votes are elected. The above procedure was set in place and all previous local acts as to the Perquimans Board of Education Elections were repealed by Session Laws – 1993, Ch. 626 Sec. 1 and 2.

Filling Vacancies

Vacancies are filled by appointment of the remaining board members and are for the remainder of the unexpired term. When filling vacancies by appointment the remaining board members should attempt to assure that the board remains representative of all citizens of the county. Vacancies are filled without regard to the township residency of the vacating member or the person being appointed. Session Laws – 1993, Ch. 626 Sec. 5 and 6.

Length of Terms and Staggered Terms

The board consists of six members with four year staggered terms that begin on July 1 of the year of their election. Session Laws – 1993, Ch. 626 Sec. 1.

Person

Method of Selecting Members

Members are elected on a nonpartisan plurality basis and take office at the same time as the general election for county officers. Candidates must file between noon on the first Monday in August preceding the election, and noon on the last Friday of August, unless general state law provides otherwise. Session Laws – 1997, Ch. 87.

Number of Board Members

The board consists of five members. Session Laws – 1997, Ch. 87.

Length of Terms and Staggered Terms

The members' four-year terms are not staggered. Session Laws – 1997, Ch. 87.

Special Note

The 1997 changes were the result of a consent decree in a federal lawsuit, Webster v. Person County, Middle District of North Carolina, No. 1:91CV554. There is no expiration date on this consent decree, so any changes in the election method can not be made without taking the matter back to the federal court.

Pitt

The Pitt County and city schools within Pitt County were mandated to merger by Session Laws-1986, Chapter 796. However, the terms and conditions of the election of the merged system were set by Session Laws – 1987, Ch. 193. Session Law 2011-174 made changes effective 2014, but before that law went into effect it was repealed by Session Law 2013-318 which now controls the election of the Pitt County Board of Education.

Method of Selecting Members

Beginning with the 2014 elections, the election will be held in November General Election. In 2014, election the following seats will be elected, using current Board of Election District lines, to serve a 2 year term: seat 1A to complete an unexpired term, Districts 1 and 2 combined, Districts 3 and 6 combined, and Districts 4 and 5 combined.

Effective for the 2016 election, the number of members shall be reduced from 12 to 9 members and new District boundary lines will be used. Only voters in those districts can vote for candidates from that district. The elections are non-partisan plurality. Nine members will be elected in 2016. The four elected members with the highest vote totals will serve a two year term. These seats will then be re-elected in 2018, 2022, and every four years thereafter. The five elected members with the lowest vote totals will serve an initial term of four years and will be re-elected in 2020, 2024, and every four years thereafter. IT IS CORRECT THAT THE CANDIDATES THAT GET THE GREATER NUMBER OF VOTES WIN THE SHORTER INITIAL TERMS.

Vacancies

Are filled as per G.S. 115C-37(f), but persons appointed must be from the same district as the departing member. Session Laws – 1987, Ch. 193 Sec. 6.

Length of Terms and Staggered Terms

Effective December 2018, and every election thereafter, members will be elected to four year terms.

Polk

Method of Selecting Members

In June of 1988, the Polk County and Tryon Schools merged into a seven member board by a plan authorized under G.S. 115C-67. Members are elected at the time of the general election by all the qualified voters in the county. Members holding seats 1 and 5 must be residents within the boundaries of the prior Tryon School Administrative Unit

(Tryon Township). The other five members must reside in one of the five remaining townships and each of those townships have one designated seat. Members file and run for township seats. In 1990, and every four years thereafter, the terms of seats 1, 2, 3 and 4 are subject to election. In 1992, and every four years thereafter, the terms of seats 5, 6 and 7 are subject to election.

Filling Vacancies

Are filled by appointment of remaining members until the next election for school board members at which time any unexpired term shall be filled by election.

Number of Board Members

The board consists of seven members with staggered four-year terms who take office in December.

The source of the above information is the April 22, 1988 merger plan.

Randolph

Method of Selecting Members

Members are elected at large by all the qualified voters in the county. Members are elected in a nonpartisan election at the same time as the general election for other county officers. In 1968, and every four years thereafter, four members are elected. In 1970, and every four years thereafter, three members are elected. A separate ballot entitled "School Board" is used for the election. Candidates file at the same time as candidates for county office.

Session Laws – 1967, Ch. 739; Session Laws – 1985, Ch. 121.

Vacancies

Are filled by appointment by remaining members for the remainder of the unexpired term. Session Laws – 1967, Ch. 739 Sec. 6.

Number of Board Members

The board consists of seven members elected to four-year staggered terms. Session Laws – 1967, Ch. 739 Sec. 1.

Richmond

Method of Selecting Members

Members are elected at large by all the qualified voters in the county. In each election all candidates are listed together on a single ballot and each voter may vote for as many candidates as there are seats being filled. The election is held at the time of the primaries for county offices. The candidates receiving the highest number of votes, equal in number of the seats needing to be filled shall be elected, and there are no run-offs. In 1990, and every four years thereafter, four members are elected. In 1992, and every four years thereafter, three members are elected. Session Laws – 1989, Ch. 88.

Number of Board Members

The board consists of seven members elected to four-year staggered terms. Session Laws – 1989, Ch. 88 Sec. 1.

Note: The 1989 Session Law was enacted as a result of the December 9, 1988 order of the Middle District Federal Court in NAACP v. Richmond County Board of Education, (No. C-87-483-R and No. C-87-434-R). One would assume any subsequent change in current elections as to this county board will need approval by this court.

Roanoke Rapids Graded School District

(Elections run by Halifax County Board of Elections)

Method of Selecting Members

Members are elected for staggered terms in non-partisan elections, with three members elected for six-year terms every two years during odd years at the same time that Roanoke Rapids city elections are held. Members take office in December. Effective July 10, 2013 by Session Law 2013-257, the chairperson serves until the successor is elected.

Filling Vacancies

Vacancies filled by Board of Education whose appointments serve the remainder of the unexpired term.

Number of Board Members

The board consists of nine members elected to six year staggered terms and take office in December. Sources are Session Laws -1927, Chapter 131, Session Laws-1931, Chapter 42, Recent changes including moving the election to odd year made by Session Law 2006-87.

Robeson

Method of Selecting Members

All city school districts within Robeson County and the Robeson County Schools were merged in 1987 by operation of S.L. -1987, Ch. 605. Eight members of the eleven member board were elected in 1994 and every four years thereafter from eight electoral districts only by the qualified voters in each district using the nonpartisan plurality method at the time of the regular primary for county offices. Session Laws – 1991, Ch. 14, Sec. 4, provided that no later than October 1, 1991, the Board divide Robeson County up into 8 districts. The Section further provided for the Board to adopt a districting plan in which the Board of Education shall provide for members to be elected from four of the districts in 1992 and quadrennially thereafter for four-year terms, and shall provide for members to be elected from the other four of the districts in 1994 and quadrennially thereafter for four-year terms. In the plan adopted by the Board, the Board provided for members in Districts 1,4,5 & 7 to be elected in 1992 and quadrennially thereafter for four-year terms and members in Districts 2,3,6 & 8 to be elected in 1994 and quadrennially thereafter for four-year terms.

Three members are elected at large in 1992 and every four years thereafter on a nonpartisan basis by all the qualified voters in the county. The election for those at large seats is conducted using limited voting, where each voter may vote for only one candidate and the top three vote getters are elected. Session Laws – 1991, Ch. 614.

Filling Vacancies

In the case of a district seat, the remaining members of the board must appoint someone residing in that district to fill the vacancy. (Note that it does not state how long the appointed member serves, so one assumes the provisions of G.S. 115C-37(f) would control). Session Laws – 1991, Ch. 614 Sec. 3.

Number of Board Members

The board consists of eleven members elected to four-year staggered terms. Session Laws – 1991, Ch. 614 Sec. 1.

Rockingham

Method of Selecting Members

S.L. 2005-307 made a major change in the method of election and the number of board members. Under the previous law, the school board had consisted of eight (8) districts

with one person from each district. The Rockingham County Consolidated Board of Education method of election was the nonpartisan election and runoff method as provided by G.S. 163-293. The terms of the eight (8) members were for four years and staggered.

S.L. 2005-307 allows for 13 school board members from December of 2006 to December of 2008 consisting of the eight current board members whose terms would expire in 2006 or 2008. Five at large board members would be elected in 2006 and every four years thereafter. The newly elected 5 and the 8 current members would make up this 13 member board .

Starting in 2008 , six board members one each from six new school board districts would be election and with the five at large members elected in 2008 would form the permanent eleven (11) member board that replaces the 13 member transition board that ends in 2008.

Their election is held on the Tuesday after the first Monday in November in even numbered years. The election is held on a non-partisan plurality basis. Only voters in the district may vote on district-based candidates running in that district. All county voters may vote for the at large candidates. Filing begins the first Friday in July and ends the first Friday in August as per G.S. 163-291(2). Members elected shall take office on the first Monday in December following their election, or as soon thereafter as practical. Session Laws-1989, Chapter 685, Session Laws-1993, Chapter 15, and S.L. 2005-307.

Vacancies

In the event of a vacancy, the remaining unexpired term shall be filled by appointment by the Rockingham County Commissioners from nominees from the same district as the vacating member submitted by the school board. Except that at large vacancies do not have to be replaced by persons from the same district. The person appointed serves out the unexpired term. S.L. 2005-307.

Merger

The Eden City Schools, Reidsville City, Western Rockingham City and the Rockingham County School Systems merged in 1992. It was this merger plan that changed the method of elections for school boards from non-partisan plurality to non-partisan run-off election. S.L. 2005-307 converts the election method back to non-partisan plurality and added the element of at large members while reducing the number of district members.

Rowan-Salisbury

Method of Selecting Members

Session Laws – 1988, Ch. 890 merged the Salisbury City Schools with the Rowan County Schools. Seven members are elected from seven electoral districts by all the qualified voters in the county. Members are elected using the nonpartisan plurality method. In 1990, and every four years thereafter, one member is elected from each of Districts 1, 2, and 4 and 6. In 1992, and every four years thereafter, one member is elected from each of Districts 3 and 5 and 7. Candidates must file notice between noon on the sixteenth Friday and noon on the twelfth Friday preceding the general election. Session Laws – 1988, Ch. 890. Creation of District 6 and 7 members were as a result of 1994 and 2003 orders in NAACP v. Rowan-Salisbury County Board of Education, (No. 4:91 CV 00293).

Filling Vacancies

A vacancy in an at large seat is filled by the appointment of a person who resides in the same attendance zone as that of the vacating member. Vacancies of board members from districts are filled as per G.S. 115C-37(f), but the person appointed to fill the term of the at large member shall fill the full unexpired term and must be from the same attendance zone as that of the vacating at large member. Session Laws – 1988, Ch. 890, Sec. 2(D).

Number of Board Members

The board consists of seven members elected to four-year staggered terms and take office in December. Session Laws – 1988, Ch. 890, Sec. 2 (B).

Note: As a result of the April 29, 1994 order of the Middle District Federal Court in NAACP v. Rowan-Salisbury County Board of Education, (No. 4:91 CV 00293) the court assumed and continues jurisdiction over the school board elections. Any subsequent change in current elections as to this county board will need approval by this court.

Rutherford

Method of Selecting Members

There are seven members, one being at large and six members being elected from three electoral districts by all the qualified voters in the county. Members are elected on a nonpartisan basis at the time of the general election for county officers. The at large member, who can reside anywhere in the county, will be initially elected in 2008 and reelected every four years thereafter. In 1974, and every four years there after, one member is elected from each district. In 1976, and every four years thereafter, one member is elected from each district. A separate ballot is used for school board elections. On or before August 10 of each election year, the board must deliver a map and description of the district boundaries to the county board of elections in order for the map

to be posted on the courthouse door. Session Laws – 1983, Ch. 95. Session Law 2006-92 made the following change effective July 2006. Candidates file in the same time period provided for soil and water conservation directors and pay a filing fee of \$5. Session Law 2006-101 added the provisions about the seventh at large member.

Filling Vacancies

Vacancies are filled by appointment by majority vote of the remaining members of the board for the remainder of the unexpired term. If the board is unable to fill the vacancy within 60 days of the vacancy, the Clerk of Superior Court of Rutherford County fills the vacancy. A person appointed to fill a vacancy must reside in the district he is appointed to represent. Session Laws – 1983, Ch. 95 Sec. 6.

Number of Board Members

The board consists of six members elected to four-year staggered terms and take office in December. Session Laws – 1973, Ch. 359 Sec. 2.

Sampson

Method of Selecting Members

Members are elected at large by all the qualified voters in the county. In 1992, and every four years thereafter, three members are elected. In 1994, and every four years thereafter, four members are elected. A single ballot shall list all candidates for the available three seats in each election, but each voter may vote for one candidate only. The number of candidates equal to the number of seats to be filled receiving the most votes are elected. There are no runoffs. Election is at the time of the primaries. Session Laws – 1989, Ch. 971.

Vacancies

Vacancies are filled by appointment by majority vote of the remaining members of the board for the remainder of the unexpired term. Session Laws – 1989, Ch. 971, Sec.5.

Number of Board Members

The board consists of seven members elected to four-year staggered terms. Session Laws – 1989, Ch. 971 Sec. 1.

Note: The 1989 Session Law was enacted as a result of the July, 10, 1989 order of the Eastern District Federal Court in U.S. v. Sampson County, (No. 88-121-CIV-3). One would assume any subsequent change in current elections as to this county board will need approval by this court.

Scotland

Method of Selecting Members

Five members of the eight member board must be residents of the Stewartsville Township and the remaining three members must be residents of any of the remaining three townships in Scotland County by all the qualified voters in the county. In 1978, and every four years thereafter, two members are elected from Stewartsville and two members are elected from any of the other three townships in Scotland County. In 1980, and every four years thereafter, three members are elected from Stewartsville and one member is elected from any of the other three townships in Scotland County. In the primary, the number of candidates equal to the number of seats to be filled who receive the most votes are nominated. Candidates for the Stewartsville and at large seats are ranked separately. The same system applies in the general election. A primary is not held if the number of candidates is twice or fewer the number of seats to be filled. (Note: the procedure is very complex and one should refer directly to Session Laws – 1973, Ch. 306 to be exact). A separate ballot is used for school board elections.
Session Laws – 1973, Ch. 306

Candidates must file notice not later than noon on the Monday preceding the tenth Tuesday before the primary election. Filing fee is \$10.
Session Laws – 1973, Ch. 306

Filling Vacancies

Any vacancy is filled by appointment by the remaining members of the board for the remainder of the unexpired term. If the vacant seat was held by a resident of Stewartsville, the successor must also be a resident of Stewartsville. If the vacant seat was held by a resident of one of the other three townships, then the successor must also be a resident of one of the other three townships.
Session Laws – 1973, Ch. 306 Sec. 1(i).

Number of Board Members

The board consists of eight members having staggered four-year terms. Session Laws – 1973, Ch. 306 Sec. 1. Prior requirement that no members may serve more than four successive four-year terms was repealed.

Stanly

The Stanly County and Albemarle City Schools merged by an agreement dated September 30, 1996. The source of the information below is the 1996 Merger Plan. Session Law 2013-361, effective July 1, 2014 made major changes

Method of Selecting Members

Previously, nine members were elected on a non-partisan basis at even numbered year general elections for four year terms at the time of the party primaries. Seven were from districts and two were at-large. Effective for the 2014 elections, five members are elected from single-member residency districts but are voted on by all county voters. Two members are elected at large from the county. In the 2014 election and every four years thereafter, one member from District 1 and one at-large member will be elected for a four-year term. In 2016 and every four years thereafter, one member will be elected from Districts, 2, 3, 4, and 5 and one member at-large. Members from districts 1 through 5 were elected in 2000 and four years thereafter. Members from Districts 6, 7, and the two at-large seats were elected in 2002 and every four years thereafter. The candidates running for the two at-large seats shall be listed together on the ballot and the two candidates receiving the highest number of votes are elected.

A filing period of the first Monday in July to noon on the fourth Friday in July was established by Session Law 2011-175 is effective for the 2012 and future elections.

Filling Vacancies

Session Law 2013-361 does not appear to have affected vacancies, so the prior provisions found in the merger plan are set out below.

Vacancies filled by Board of Education appointments to serve until the next even year general election at which time, the unexpired term, if any, is subject to be filled by election for the remainder of the unexpired term. Vacancies occurring 60 days or less within the next general election for board members shall not be subject to special election and shall be for the remainder of the unexpired term. Cautionary note: There is nothing in the merger plan that requires the board appointments to be from the same district as the replaced member.

Number of Board Members

Effective in 2014, the board consists of seven members having staggered four-year terms.

Stokes

Method of Selecting Members

Three members of the five member board are elected on a nonpartisan plurality basis (per G.S. 163-292) at the time of the general election in even years. Candidates must file notice not earlier than noon on the first Monday in June and not later than noon on the last Friday in July. Session Laws – 1995, Ch. 66.

Length of Terms and Staggered Terms

In each election two members are elected to four year terms and one member is elected to a two year term, so there are always three seats open every two years. Session Laws – 1995, Ch. 66 Sec. 2.

Number of Board Members

The board consists of five members four of which have staggered four-year terms with the low finisher other member in each election having a two year term. Session Laws – 1995, Ch. 66 Sec. 2.

Surry

Method of Selecting Members

Five members are elected from five districts by all the voters of the county. Elections are non-partisan and are held at the time of the party primaries in even numbered years. Cautionary note: The above information was taken from the website of the Surry County Board of Education. However, it is clear that a local act authorizing the district elections must have been enacted. My research has been unable to locate this act, and the current legal counsel to the Surry County Board of education, Mr. Fredrick G. Johnson, states by letter dated June 27, 2005, that he is unaware of any other local acts affecting the Surry County Board of Elections other than Session Laws – 1991, Ch. 308, Sec. 1. set out below.

Length of Terms and Staggered Terms

Members' terms begin in July following their election. Session Laws – 1991, Ch. 308, Sec. 1.

Number of Board Members

The board consists of five members with staggered four-year terms.

Swain (Partisan)

Method of Selecting Members

The Swain County Board of Education is made up of five members elected on a partisan basis for four-year terms. Elections are held biannually with two members elected at one biennium and three at another. The primary and general elections shall be held at the same time as the elections for county officers. If the number of candidates of a political party filing notice of candidacy is less or equal to the number of offices to be filled, then such candidates shall be declared the nominees for such political party and no primary election will be held for such candidates or party, and such nominees' names shall appear on the general election ballot. Session Laws 1967 - Chapter 1174

Length of Terms and Staggered Terms

Elections are held biannually with two members elected at one biennium and three at another for four-year terms. . Session Laws 1967 - Chapter 1174

Number of Board Members

The board consists of five members with staggered four-year terms. Board members who are elected must qualify by taking office on or before the first Monday in December next succeeding their election. Session Laws 1967 - Chapter 1174

Thomasville City Schools (Appointed)

Five members are appointed by the City Council of Thomasville.

Transylvania

Method of Selecting Members

Members are elected on a nonpartisan plurality basis in accordance with G.S. 163-292 and with the laws governing elections for county officers. The election is on the date of the even year November general election. Candidates must file notice not earlier than

noon on the first Monday in June, and not later than noon on the last Friday in June. Session Laws – 1993, Ch. 102 Sec. 1 and Session Laws – 1995, Ch. 76.

Filling Vacancies

The board appoints a person to fill the vacancy serves until the next election for members of the board of education at which time a person is elected to fill the unexpired term. However, if a vacancy occurs after the opening of the filing period for the general election in the middle of the four year term, the appointment is for the unexpired term. Session Laws – 1993, Ch. 102 Sec. 2.

Number of Board Members

The board consists of five members with four-year staggered terms and take office in December. Session Laws – 1995, Ch. 76 Sec. 1.

Tyrrell

Method of Selecting Members

The board consists of five members elected to nonpartisan four-year staggered terms at the time of the regular party primaries for county officials. Candidates file at the time that other county candidates file. There are no residency districts, candidates may reside anywhere in the county and all county voters for the candidates. However, there is limited voting. A voter may vote for only one candidate for the board of education regardless of the number of seats for the board of education that might be open. The number of candidates receiving the highest number of votes, equal to the number of seats open for election take office.

In 1994, and every four years thereafter, three seats come open and are subject to election. In 1996, and every four years thereafter, two seats come open and are subject to election.

Note: The limited voting above was put in place as a result of the March, 1994 consent order of the Eastern District Federal Court in Rowson v. Tyrell County Board of Commissioners et al., (No. 93-33-CIV-2-D). One would assume any subsequent change in current elections as to this county board will need approval by this court.

Union

Method of Selecting Members

Members are elected on a nonpartisan plurality basis (G.S. 163-292) at the same time and in accordance with general laws governing election of county officers at even

year November general elections. Three members of the Board shall be elected at-large and six members shall be elected from districts. Candidates for district seats and persons elected to district seats must reside within the district. Filing starts at noon on the last Friday in June and ends at noon on the last Friday in July.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board. The person appointed to fill the vacancy serves until the next election at which time a person is elected to fill the unexpired term.

Number of Board Members

The board consists of nine members elected to four-year staggered terms. Newly elected members shall qualify by taking the oath of office on the first Monday in December 1992, and biennially thereafter as prescribed by G.S. 115C-37(d).

Source: Merger Plan of Union County and Monroe Schools authorized under G.S. 115C-68.3 and Session Laws-1991, Ch. 767.

Vance (Partisan)

Method of Selecting Members

Seven members are elected from seven electoral districts by the qualified voters only of each district. Members are elected on a partisan basis. In 1990, and every four years thereafter, one member is elected from each of Districts 1, 2, 6, and 7. In 1992, and every four years thereafter, one member is elected from each of Districts 3, 4, and 5. Members are elected at the time of the primary using a separate ballot provided by the county board of elections. Filing fee is \$10, and filing opens at noon on the Friday preceding the sixth Saturday before the primary. Session Laws – 1967, Ch. 262; Session Laws – 1989, Ch. 95

Vacancies

Are filled according to G.S. 115C-37.1.

Number of Board Members

The board consists of seven members elected to four-year staggered terms who take office in December. Session Laws – 1989, Ch. 95 Sec. 1.

Wake (Odd Year Election Switches to Even-Numbered Years in 2016)

Method of Selecting Members

Nine members are elected from nine electoral districts only by the qualified voters in each district. Members are elected by the nonpartisan election and runoff method. In 1981, and every four years thereafter, one member is elected from each of Districts 1, 2, 7, and 9. In 1983, and every four years thereafter, one member is elected from each of Districts 3, 4, 5, 6 and 8. Nonpartisan election and runoff method (as set out in GS 163-293) is used with the election being held four weeks before the Tuesday after the first Monday in November, and any needed runoff occurring on the Tuesday after the first Monday in November. Session Laws – 1981, Ch. 742.

Candidates must file as per standards set out in GS 163-294.2, not earlier than noon on the first Friday in July until noon on the first Friday in August. Session Laws – 1981, Ch. 742, Sec.3

(Effective January 1, 2016) Section 7 of Chapter 717, Session Laws of 1975, as amended by Sections 2 and 3 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter 742 of the 1981 Session Laws, reads as rewritten:

"Sec. 7. (a) In 1981, and biennially thereafter, Beginning in 2016, nine members of the Wake County Board of Education shall be elected by the nonpartisan election and runoff-plurality election method in accordance with G.S. 163-279(a)(4), G.S. 163-293, G.S. 163-292 and G.S. 163-294.2. and G.S. 163-294.2, except that only Only persons who are registered to vote in the district shall be permitted to file a notice of candidacy for election in that district. Notwithstanding G.S. 163-294.2(c) and G.S. 163-106, candidates seeking office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the second Monday in June and no later than 12:00 noon on the first Friday in July (except if that is the 4th day of July then at 12:00 noon on the next business day) preceding the election. Such election shall be governed by the provisions of Chapter 163 of the General Statutes. Statutes and shall be held to coincide with the general election for county officers in even-numbered years.

(b) Beginning in 2016, and quadrennially thereafter, seven members of the board shall be elected from numbered single-member districts to serve a term of four years. Session Law 2013-110, passed June 13, 2013.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. The appointed member must reside in the same district as the member causing such vacancy. Session Laws – 1975, Ch. 717 Sec. 9. Note that Wake County is listed (as of June 2005) in GS 115C-37.1 that deals with filling school board vacancies. That statute only applies to school boards that are elected on a partisan basis, so Wake County's inclusion in that statute appears to be an oversight.

Number of Board Members

The board consists of nine members elected to four-year staggered terms who take office in December. Session Laws – 1981, Ch. 742.

Warren

Warren County Board of Education elections were authorized by Chapter 335 of the 1937 Session Laws. The most recent practice of the school board elections in Warren County did not reflect the 1937 law because of the many changes made since then in general school board election law. Session Law 2007-50 , effective May 17, 2007 clarified and updated the school board election law in Warren County.

Method of Selecting Members

Five members are elected from the townships as follows: One member from Warrenton Township, one member from River, Roanoke, and Six Pound Townships, one member from Nutbush, Smith Creek, and Hawtree Townships, one member from Sandy Creek, Shocco, and Fork Townships, and one member from Fishing Creek and Judkins Townships. All candidates must reside in the district they seek elect from to file and run for office. To continue in office representing a district, they must continue to reside in that district. Starting in 2012, members will take office 30 days after the certification of the results of the election.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. The person named as a replacement must be and continue to be a resident of the district he was appointed to represent.

Otherwise

The provisions of the General Statutes will control.

Washington(Partisan)

Method of Selecting Members

Five members are elected from four electoral districts. Two of the members must reside in the Plymouth Township (District 1); one member must reside in the Lees Mill Township (District 2); one member must reside in either the Skinnerville or the Scuppernong Township (District 3); and one member may reside anywhere in the county

(District 4 - At-Large). All members shall be nominated and elected by the voters of the county as a whole.

Session Laws – 1969, Ch. 282 Sec. 2-3 and 1971, Ch.521 (House Bill 1013).

Number of Board Members

The board consists of five members elected to four-year staggered terms who take office in December. Session Laws – 1969, Ch. 282 Sec. 2-3 and 1971, Ch.521

Watauga

Method of Selecting Members

Members are elected on a nonpartisan basis. In 1972, and every two years thereafter, three members are elected, and the two candidates receiving the highest number of votes are elected for a four year term, and the candidate receiving the next highest number of votes is elected for a two year term. A primary election is not necessary if no more than six candidates file for membership on the board, and in the event more than six candidates file, the six candidates receiving the highest number of votes in the primary are the nominees for the general election. A separate ballot is provided for the election of board of education members during the general election. Session Laws – 1969, Ch. 1260 Sec. 2.

Cautionary Note – The session laws do not clarify the method of electing board members and thus the state standards should be applied in Watauga County. *See* N.C. Gen. Stat. § 115C-35-37.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. Vacancies that occur during the period ending at noon on the fourteenth day before the close of time for filing notices of candidacy for the next election of members of the board, shall be filled by appointment by the remaining members of the board until the next election at which time the vacancy is filled by election. The election to fill the vacancy is conducted in a group along with the elections for the full terms. The nominees receiving the two highest numbers of votes are elected for four year terms, and the nominees receiving the next two highest numbers of votes are elected for two year terms. A primary is held if more than eight candidates file, and the top eight vote getters in the primary move on to the general election. Session Laws – 1985, Ch. 55 Sec. 1.

Length of Terms and Staggered Terms

Four members serve four year staggered terms and one member serves a two year term, so every two years three seats are open for election.
Session Law – 1969, Ch. 1260 Sec. 2.

Number of Board Members

The board consists of five members who take office in December. Session Laws – 1969, Ch. 1260 Sec. 2.

Wayne

Method of Selecting Members

The Goldsboro City and Wayne County Schools merged in 1991 and a plan of merger was approved pursuant to G.S. 115C-68.1 which replaced the previous provisions as to school board elections. In the plan adopted in 1991, the permanent board of education for the unified system shall be a seven member board of education. Six members shall be elected from districts only be voters from those districts which are established to elect county commissioners and the seventh member shall be elected at large. Each member elected from a district must reside in the district that the member represents. The members shall be elected on a non-partisan basis in the primary and general election of 1992 as provided by law. At the initial election in 1992, all members were elected with the at-large member and the members from Districts 2 and 3 elected for four-year terms. The members from Districts 1, 4, 5, and 6 were elected for two-year terms and their successors have been elected for four year terms since the general election of 1994.

Candidates for the permanent school board shall file for office, either at large or in his district of residence during the filing period for the general election in even numbered years. There shall be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office. If only one or two candidates file for a single office, no primary shall be held for that office and the candidate shall be declared nominated. In the primary, the two candidates for a single office receiving the highest number of votes shall be declared nominated. If two or more candidates receiving the highest number of votes each receives the same number of votes, the Board of Elections shall determine their relative ranking by lot and shall declare the nominees accordingly.

In the general election, the names of the candidates declared nominated without a primary, and those candidates nominated in the primary shall be placed on the ballot. The candidate for a single office receiving the highest number of votes shall be elected.

If two candidates receiving the highest number of votes each receives the same number of votes, the Board of Elections shall determine the winner by lot.

If a primary is required, it shall be held at the time of the partisan primary for the general election.

Length of Terms and Staggered Terms

The terms of office shall be for four years and shall be staggered.

Vacancies

SESSION LAW 2011-49 HOUSE BILL 17

AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES.

The General Assembly of North Carolina enacts:

~~Vacancies occurring on the interim Wayne County Board of Education, for any reason, shall be filled by the Wayne County Board of Commissioners.~~ Vacancies occurring on the permanent board of education shall be filled by the Wayne County Board of ~~Commissioners~~ Education. In the event that a seat becomes vacant that is filled by an individual who was elected from a district, the Wayne County ~~Commissioners~~ Board of Education shall fill that vacancy with an individual who resides in the district. Prior to filling any vacancy under this section, the Board of Education may seek recommendations from the Board of Commissioners. If so requested, the Board of Commissioners shall make recommendations within 30 days. The person appointed to fill a vacancy on the permanent board shall serve until the next general election at which the individual could file for the primary. If the vacancy is filled after the filing period for the next general election has passed, the member shall serve until a person can be elected at the next following general election. The person so elected in either case shall take office on the first Monday in December after the general election in which he was elected. If the filing period or the next general election has passed, the member shall serve until the second following general election when the vacancy shall be filled by election if applicable."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of April, 2011.

Number of Board Members

There are seven members on the board of education. Persons elected to the permanent board of education shall take office on the first Monday in December following the general elections.

Source of the above is the 1991 Merger Plan.

Weldon City Schools

(Election conducted by Halifax Board of Elections)

Method of Selecting Members

Members are elected at large by all the qualified voters in the county using the nonpartisan plurality method. In 1984, and every four years thereafter, three members are elected. In 1986, and every four years thereafter, four members are elected. Session Laws-1984, Ch. 984 Sec. 3.

Number of Board Members

The board consists of seven members to four-year staggered terms and take office in December. Session Laws-1984, Ch. 984 Sec. 3.

Whiteville City

(Election conducted by Columbus County Board of Elections)

Method of Selecting Members

Four members are elected from four electoral districts by the qualified voters in the district, and one member is elected at large by all the qualified voters in the Whiteville City Administrative School Unit. In 1996, and every four years thereafter, two members are elected. In 1998, and every four years thereafter, three members are elected, one of who is the member elected at large. Session Laws – 1977, Ch. 172 Sec. 7; Session Laws – 1995 Ch. 661 Sec. 2.

Candidates must file from noon on the second Monday of July which is not a holiday until noon on the second Monday in August. The Columbus County Board of Elections must, at least 10 days but not more than 30 days prior to the opening of the filing period, publish notice of the filing period and how many seats on the board of education are up for election.

Session Laws – 1983, Ch. 234 Sec. 2; Session Laws – 1995 Ch. 661 Sec. 3.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. Vacancies must be filled within 15 days of such vacancy. In the event of a tie vote for the filling of a vacancy, the resident superior court judge casts the deciding vote within 15 days. In the event that the board members do not appoint some person to fill the vacancy within 15 days after such vacancy occurs, the resident superior court judge appoints some person to fill the vacancy.

Session Laws – 1995, Ch. 661 Sec. 5.

Number of Board Members

The board consists of five members and take office in December. Session Laws – 1995, Ch. 661 Sec. 1.

Wilkes

The Wilkes County Board of Education and the North Wilkesboro Board of Education merged July 1, 1975. Session Laws – 1975, Ch. 761 was passed to implement the merger.

Method of Selecting Members

Members are elected at large in nonpartisan elections at the time of the primary. In 1980, and every four years thereafter, three members are elected. In 1982, and every four years thereafter, two members are elected.

Session Laws – 1975, Ch. 761 Sec.2(c) and 3.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board. The appointed person serves until the next election of board members at which time the remainder of the unexpired term is filled by election.

Session Laws – 1975, Ch. 761 Sec. 5.

Number of Board Members

The board consists of five members elected to four-year staggered terms who take office in June following their election in the May Primary. Session Laws – 1975, Ch. 761 Sec. 2(c) and Session Laws-1993, Ch. 14.

Wilson

Method of Selecting Members

Seven members are elected from seven electoral districts by only the qualified voters residing in each district. In 1988, and every four years thereafter, one member is elected from each of Districts 2, 4, and 6. In 1990, and every four years thereafter, one member is elected from each of Districts 1, 3, 5, and 7. Candidates must file notice during the period beginning at noon on the second Monday in July and ending at noon on the second Monday in August of the year of the election. Session Laws – 1987, Ch. 236 Sec. 1.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. The person appointed must reside in the district of the vacating member. Session Laws – 1987, Ch. 236 Sec. 1.

Length of Terms and Staggered Terms

The members' terms begin on the second Monday in January following their election. Session Laws – 1987, Ch. 236 Sec. 1.

Number of Board Members

The board consists of seven members elected to four-year staggered terms. Session Laws – 1987, Ch. 236 Sec. 1.

Note: The 1987 Session Law was enacted as a result of the September, 15, 1986 consent order of the Eastern District Federal Court in U.S. v. Wilson County Board of Education, (No. 86-889-CIV-5). One would assume any subsequent change in current elections as to this county board will need approval by this court.

WINSTON-SALEM- FORSYTH....See Forsyth County

Yadkin

Method of Selecting Members

Members are elected at large in nonpartisan elections at the time of the even year primary in May. A separate ballot titled “School Board” is used in the election. In 1996, and every four years thereafter, four members are elected. In 1998, and every four years thereafter, three members are elected. The candidates receiving the highest number of votes are elected. Session Laws – 1969, Ch. 406, Sec. 3 and Session Laws – 1993, Ch. 19, Sec. 1.

Filling Vacancies

Vacancies are filled by appointment by the remaining members of the board for the remainder of the unexpired term. Vacancies must be filled within 30 days. Vacancies not filled within 30 days are filled by the State Board of Education. Session Laws – 1969, Ch. 406 Sec. 3.

Length of Terms and Staggered Terms

Members serve four year staggered terms. The members’ terms begin on the first Monday in December following their election. Session Laws-1979-Ch. 490 and Session Laws – 1993, Ch. 19 Sec. 1.

Number of Board Members

The board consists of seven members selected to four-year staggered terms. Session Laws – 1969, Ch. 406 Sec. 1.

Yancey

Method of Selecting Members

Members are elected at large using the nonpartisan election and runoff election method as per GS 163-293, on the date of the even year May primary with the runoff being held on the date provided for in G.S.163-111(e). Session Laws – 1973, Ch. 203 Sec. 1; Session Laws – 1985, Ch. 135 Sec. 1.

Vacancies

Are by appointment of the remaining members and the persons appointed shall serve the remaining unexpired term. Session Laws – 1973, Ch. 203 Sec. 1

Number of Board Members

The board consists of five members elected to four-year staggered terms. Session Laws – 1973, Ch. 203 Sec. 1.

