

2005 Report on Education Legislation – Local Bills

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

SESSION LAW 2005-107 HOUSE BILL 1055

AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 349 of the 1973 Session Laws is amended by adding a new section to read:

"Section 3.1. (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."

SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 22nd day of
June, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-309
SENATE BILL 289**

**AN ACT TO CHANGE THE ELECTION OF THE CHATHAM COUNTY BOARD
OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION.**

The General Assembly of North Carolina enacts:

SECTION 1. Section 3(c) of Chapter 80 of the 1995 Session Laws reads as rewritten:

"(c) The election shall be nonpartisan, and no primary election shall be held. The election shall be held at the same time as the ~~regular primary~~ general election for county officers, and except as provided in this section, the election shall be conducted in accordance with the applicable provisions of Chapter 163 of the General Statutes regulating general elections."

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

In the General Assembly read three times and ratified this the 24th day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-80
SENATE BILL 368**

AN ACT TO CHANGE THE MANNER OF ELECTION OF THE FRANKLIN
COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6(b) of Chapter 341 of the 1993 Session Laws reads as rewritten:

"(b) The members of the Permanent Board shall be elected for a term of four years in ~~partisan~~ nonpartisan elections held at the time of the ~~general election~~ regular primary for county offices, ~~in the same manner as elections for county officers, including primary elections if required, with the results determined under the election and runoff election method as provided under G.S. 163-293. The runoff election, if needed, shall be at the same time as the second primary is scheduled. The primary elections shall be held on the dates provided by law for county elections. The filing period shall be the same as for county officers elected on a partisan basis.~~ Duly elected members of the Permanent Board shall take office the first Monday of December immediately following their election and shall take the oath of office prescribed in Article VI, Section 7 of the Constitution. Upon the members of the Permanent Board being installed, the Permanent Board shall replace the Merged Board and shall assume all of the duties, powers, assets, and liabilities of the Merged Board as provided for in Section 5(d) of this act and the Merged Board shall cease to exist and the terms of office of the members of the Merged Board shall end."

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

In the General Assembly read three times and ratified this the 13th day of June, 2005.

s/ Charlie S. Dannelly
Deputy President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

