

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SENATE BILL 912
RATIFIED BILL

AN ACT TO ALIGN THE DISTRICTS OF THE WATAUGA COUNTY BOARD OF EDUCATION WITH THE DISTRICTS OF THE WATAUGA COUNTY BOARD OF COMMISSIONERS, TO ESTABLISH FOUR-YEAR TERMS FOR ALL MEMBERS OF THE WATAUGA COUNTY BOARD OF EDUCATION, AND TO PROVIDE THAT ANY ALTERATION TO THE STRUCTURE OF THE WATAUGA COUNTY BOARD OF COMMISSIONERS APPROVED IN A REFERENDUM SHALL TAKE EFFECT IN 2032.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 1254 of the 1967 Session Laws, as amended by Chapter 1260 of the 1969 Session Laws, reads as rewritten:

"Section 1. (a) ~~The present members of the Watauga County Board of Education of Watauga County shall be elected to serve staggered four-year terms and shall continue in office and shall hold their offices until the first Monday in December, 1970.~~ December in the year of the election. The terms of the predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except as otherwise provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes.

(b) The members of the Watauga County Board of Education shall be elected from five single-member electoral districts. Notwithstanding G.S. 115C-37(i), the electoral districts for members of the Watauga County Board of Education shall be the electoral districts as set out in S.L. 2023-147. One member shall be elected from each district, and the qualified voters of each district shall nominate candidates and elect members who reside in that district. Each candidate shall reside in the district in which the candidate seeks election."

SECTION 1.(b) Section 5 of Chapter 1254 of the 1967 Session Laws, as amended by Chapter 55 of the 1985 Session Laws, reads as rewritten:

"Section 5. (a) Except as provided in subsection (b) of this section, all vacancies occurring in the membership of the Watauga County Board of Education by death, resignation or other causes shall be filled by appointment of the remaining members of the Watauga County Board by appointment of some qualified citizen of Watauga County to of Education. The appointee shall serve for the remainder of the unexpired term. To be eligible to fill a vacancy, the appointee shall reside in the same district as the member being replaced.

(b) ~~All vacancies in four-year terms occurring in the membership of the Watauga County Board of Education by death, resignation or other causes during the period ending at noon on the fourteenth day before the close of time for filing notices of candidacy under G.S. 163-106(c) G.S. 163-106.2 for the next succeeding election for members of the Watauga County Board of Education, shall be filled by appointment of the remaining members of the Watauga County Board by appointment of some qualified citizen of Watauga County to of Education. The appointee shall serve until the next election of members of the Watauga County Board of Education, at which time the remaining unexpired term of the office shall be filled by election.~~



To be eligible to fill a vacancy, the appointee shall reside in the same district as the member being replaced. The election to fill the vacancy shall be conducted in a group along with the elections for the full terms. The nominees receiving the two highest numbers of votes shall be elected for four year terms, and the nominees receiving the next two highest numbers of votes shall be elected for two year terms. A primary election shall be held if more than eight candidates file, and if a primary is held, the eight candidates receiving the highest number of votes shall be the nominees. If two or more vacancies are being filled under this subsection, then the rules for determining the results and holding of the primary and the general election shall be mathematically adjusted by the Watauga County Board of Elections according to the mathematical principles of this subsection."

SECTION 1.(c) Section 2 and Section 3 of Chapter 1254 of the 1967 Session Laws, as amended by Chapter 1260 of the 1969 Session Laws, are repealed.

SECTION 1.(d) To implement staggering of terms for the members of the Watauga County Board of Education, the members shall be elected and serve as follows:

- (1) In 2026, and every four years thereafter, the members elected from Districts 1 and 4 shall each serve a four-year term.
- (2) In 2028, and every four years thereafter, the members elected from Districts 2, 3, and 5 shall each serve a four-year term.

SECTION 1.(e) Notwithstanding Chapter 1254 of the 1967 Session Laws, as amended by Chapter 1260 of the 1969 Session Laws, Chapter 55 of the 1985 Session Laws, and this section, for the general election to be held in Watauga County in November of 2024, the three candidates for the Watauga County Board of Education receiving the highest number of votes shall each be elected to a term of four years.

SECTION 1.(f) Subsections (a) through (d) of this section become effective the first Monday in December 2026, and elections in 2026 and thereafter shall be held accordingly. The remainder of this section is effective when it becomes law and applies to elections held on or after that date.

SECTION 2. If a majority of the voters of Watauga County vote for any referendum conducted under Part 4 of Article 4 of Chapter 153A of the General Statutes, notwithstanding G.S. 153A-62, the alteration approved in that referendum shall take effect the first Monday in December following the 2032 general election, with all elections conducted accordingly.

SECTION 3. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and, to this end, the provisions of this act are severable.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of June, 2024.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives