

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 66
Committee Substitute Favorable 2/28/23
Committee Substitute #2 Favorable 3/7/23

Short Title: Catawba/Newton-Conover/Hickory Bd of Ed Elect.

(Local)

Sponsors:

Referred to:

February 8, 2023

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE MEMBERS OF THE
CATAWBA COUNTY BOARD OF EDUCATION, HICKORY CITY BOARD OF
EDUCATION, AND NEWTON-CONOVER CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 170 of the 1985 Session Laws, reads as rewritten:

"Section 1. The ~~Board of Education of Catawba County~~ Board of Education shall ~~continue to be constituted with~~ consist of seven members as its membership, and the present members of the ~~Board of Education of Catawba County shall continue to hold their offices for the terms of office now established and until the term of office of each member has expired as follows:~~

~~H.T. Campbell First Monday in December, 1970~~

~~Fred H. Lytton First Monday in December, 1970~~

~~Martin S. Keisler First Monday in December, 1972~~

~~Bruce Teague First Monday in December, 1972~~

~~John Hunsucker First Monday in December, 1972~~

~~and his successor has been elected and qualified as hereinafter set forth.~~ elected to staggered four-year terms."

SECTION 1.(b) Section 2 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 170 of the 1985 Session Laws and Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. ~~In the general election in 1986, there shall be elected four members of the Board of Education of Catawba County. In the general election in 1988, there shall be elected three members of the Board of Education of Catawba County. All members so elected shall hold their offices for four years, and serve until their successors are elected and qualified. Beginning in 1996, as vacancies occur in the membership of Seats on the Catawba County Board of Education of Catawba County by reason of expiration of terms of office, they shall be filled by nomination in the primaries and by election in the general elections according to the number of vacancies to be filled and according to the procedure set forth in this Act."~~

SECTION 1.(c) Section 3 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 382 of the 1979 Session Laws and Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 3. All persons desiring to be candidates for membership on ~~said the Catawba County~~ Board of Education shall file a notice of candidacy with the Board of Elections of Catawba County ~~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, which at the same time as candidates for other county offices. The notice shall state the name of each candidate, his age candidate's name, age, and place of residence, and which shall be accompanied by a filing fee of ten dollars (\$10.00)."~~

SECTION 1.(d) Section 4 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 4. Notwithstanding the provisions of G.S. 115C-37, the Catawba County Board of Education shall be elected on a ~~nonpartisan basis at the time set by G.S. 163-1 for the general election in each even-numbered year as terms expire. The election shall be conducted on a nonpartisan plurality basis, with the results determined in accordance with G.S. 163-292. The names of the candidates shall be printed on the ballot without reference to any party affiliations.~~ partisan basis. 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. Members of the Catawba County Board of Education of Catawba County shall take office and qualify on the First ~~first~~ Monday in December following their election."

SECTION 1.(e) Section 5 of Chapter 874 of the 1969 Session Laws, as amended by Chapter 132 of the 1995 Session Laws, reads as rewritten:

"Sec. 5. All candidates in any primary or general election held under this Act shall be qualified ~~electors-voters~~ of Catawba County who reside outside the boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit, and shall be voted upon at large by the ~~electors-voters~~ in Catawba County who reside outside the boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit."

SECTION 1.(f) Chapter 874 of the 1969 Session Laws is amended by adding a new section to read:

"Sec. 6.1. Vacancies on the Catawba County Board of Education shall be filled in accordance with G.S. 115C-37.1."

SECTION 1.(g) This act does not affect the term of office of any member elected in 2020 or 2022 to the Catawba County Board of Education. The members of the Catawba County Board of Education elected in 2020 and 2022, or any member appointed to fill a vacancy for the remainder of an unexpired term for a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified. Any vacancy on the Catawba County Board of Education for a member elected in 2020 and 2022 shall be filled by appointment by the remaining members of the Board.

SECTION 1.(h) This section is effective when it becomes law and applies to elections held in 2024 and thereafter.

SECTION 2.(a) Section 1 of Chapter 930 of the 1971 Session Laws reads as rewritten:

"Section 1. The Hickory City Board of Education of the Hickory Administrative School Unit shall ~~continue to consist of seven (7) members, and the present members of the Board of Education of the Hickory Administrative School Unit shall continue to hold their offices for the terms of office hereby established and until the term of office of each member has expired as follows:~~

Ward 1	William L. Cauble, Jr.	First Monday in Dec. 1973
Ward 2	C. R. Cagle	First Monday in Dec. 1973
Ward 3	Gene D. Smith	First Monday in Dec. 1973
Ward 4	Sam Dula	First Monday in Dec. 1971
Ward 5	Dr. W. E. Leonard	First Monday in Dec. 1973
Ward 6	Mrs. J. E. Barringer	First Monday in Dec. 1971
Member-		
at Large	Weldon S. Fanjoy	First Monday in Dec. 1971

1 ~~or until his successor has been elected and qualified as hereinafter provided and~~
2 ~~thereafter the term of office of each member of the Board shall be four years, elected to staggered~~
3 ~~four-year terms."~~

4 **SECTION 2.(b)** Section 3 of Chapter 930 of the 1971 Session Laws reads as
5 rewritten:

6 "Sec. 3. One ~~(4)~~ member of the Hickory City Board of Education shall be elected from each
7 ward by the qualified voters of the ward, and the member must be a resident of the ward. One ~~(4)~~
8 member of the Hickory City Board of Education shall be elected at large by the qualified voters
9 of the entire unit. ~~The election shall be nonpartisan and no primary election shall be held.~~
10 Members shall be elected on a partisan basis at the time of the general election in each
11 even-numbered year as terms expire. Candidates for election to the Hickory City Board of
12 Education shall be nominated at the same time and manner as county officers. Except as provided
13 by this act, the election shall be conducted in accordance with the applicable provisions of
14 Chapters 115C and 163 of the General Statutes. The election shall be held and conducted by the
15 Catawba County Board of Elections and the expense of the election shall be paid by Catawba
16 County. ~~Registration and the election shall be held and conducted in accordance with the laws,~~
17 ~~rules and regulations applicable to elections for County offices except as otherwise provided in~~
18 ~~this act.~~Elections."

19 **SECTION 2.(c)** Section 4 of Chapter 930 of the 1971 Session Laws, as amended by
20 Chapter 382 of the 1979 Session Laws, reads as rewritten:

21 "Sec. 4. Candidates for membership on the Hickory City Board of Education shall file ~~their~~
22 a notice of candidacy with the Catawba County Board of Elections, on forms prescribed by the
23 Board, not later than 5:00 p.m. on the ninth Friday preceding the election, at the same time as
24 candidates for county officers, and pay a filing fee of five dollars (\$5.00). If more than two (2)
25 candidates file from a ward, or as an at-large candidate, the person receiving a plurality of the
26 votes cast shall be declared elected. All candidates in any primary or general election held under
27 this act shall be qualified voters of Catawba County who reside within the boundaries of the
28 Hickory Administrative School Unit and, if filing for a seat representing a ward, reside within
29 that ward."

30 **SECTION 2.(d)** Section 7 of Chapter 930 of the 1971 Session Laws reads as
31 rewritten:

32 "Sec. 7. ~~Beginning in 1973, except as otherwise specifically provided herein elections under~~
33 ~~this act shall be held on the same date as regular municipal elections in the City of Hickory for~~
34 ~~the purpose of electing members to the Board of Education to take the place of the members~~
35 ~~whose terms next expire. The members elected shall take office and qualify on the first Monday~~
36 ~~in December following their election and shall serve for terms of four (4) years, and until their~~
37 ~~successors are elected and qualified."~~

38 **SECTION 2.(e)** Section 10 of Chapter 930 of the 1971 Session Laws reads as
39 rewritten:

40 "Sec. 10. All vacancies in the membership of the Hickory City Board of Education shall be
41 ~~filled by appointment by the remaining members of the Board. If a vacancy occurs during the~~
42 ~~first two years of a term, such appointment shall be only until the next regular election for seats~~
43 ~~on the Board, at which time such vacancy shall be filled by election for the remaining two years~~
44 ~~of the term. If a vacancy occurs during the last two years of a term, such appointment shall be~~
45 ~~for the remainder of the term in accordance with G.S. 115C-37.1. For the purposes of that section,~~
46 the Hickory City Board of Education shall be considered a county board of education."

47 **SECTION 2.(f)** Sections 5 and 6 of Chapter 930 of the 1971 Session Laws are
48 repealed.

49 **SECTION 2.(g)** No election for the Hickory City Board of Education would occur
50 in 2023. The terms of office for the three members of the Hickory City Board of Education
51 serving on the effective date of this section whose terms are set to expire in 2023 shall be

extended by one year. The terms of office for the four members of the Hickory City Board of Education serving on the effective date of this section whose terms are set to expire in 2025 shall be extended by one year. Regular elections for the Hickory City Board of Education shall be conducted in even-numbered years beginning in 2024.

SECTION 2.(h) The members of the Hickory City Board of Education elected in 2019 and 2021, or any member appointed to fill a vacancy for the remainder of an unexpired term for a member elected in 2019 or 2021, shall serve until a successor has been elected and qualified. Any vacancy on the Hickory City Board of Education for a member elected in 2019 and 2021 shall be filled by appointment by the remaining members of the Hickory City Board of Education.

SECTION 2.(i) This section is effective when it becomes law and applies to elections held on or after that date.

SECTION 3.(a) Chapter 200 of the Private Laws of 1935, as amended by Chapter 716 of the 1961 Session Laws and Chapter 81 of the 1967 Session Laws, reads as rewritten:

"Section 1. ~~That at the next municipal election to be held on the first Monday in May, one thousand nine hundred thirty five, there shall be elected by the qualified voters residing in the Newton-Conover City Administrative Unit four members to serve on the Board of Trustees of said administrative unit, the election to be held under and subject to the same rules and regulations governing the nominating and electing of municipal officers of the Town of Newton. Said election to be held by having two voting places, one in the Town Hall in the Town of Newton, and all qualified voters residing in the old Newton Graded School District, viz: within the boundary lines of the Newton Graded School District as of January first, one thousand nine hundred and thirty one, shall be allowed to vote at such an election at the Newton voting precinct, and the other voting precinct shall be in the school building, or in the Town hall, in the Town of Conover, North Carolina, and all qualified voters residing in the old Conover Special Tax School District, viz: within the boundary lines of said old Conover Special Tax School District as of January first, one thousand nine hundred and thirty one, shall be allowed to vote at such an election at the Conover voting precinct. The Board of Trustees for said administrative unit shall consist of six members, four of whom shall reside within the limits of the old Newton Graded School District, and the remaining two shall reside in that territory formerly known as the Conover Special Tax School District. The terms of office for said trustees shall be as follows: D. B. Gaither and O. R. Cline shall continue as members of the Newton-Conover City Administrative Unit until their present term of office expires on the first Monday in May, one thousand nine hundred and thirty six. Two members, one from Newton and one from Conover District, shall be elected on the first Monday in May, one thousand nine hundred and thirty five, for a term of two years. Two members, one from Newton and one from Conover District, shall be elected on the first Monday in May, one thousand nine hundred and thirty five, for a term of three years. On the first Monday in May in each year thereafter there shall be elected two trustees who shall hold office for a period of three years to succeed those whose terms expire.~~The Newton-Conover City Board of Education shall consist of six members. Members shall serve staggered four-year terms. Three members shall represent the Newton district. Three members shall represent the Conover district.

"Sec. 1½. (a) Qualified voters residing in the area ~~hereinbefore~~ defined as "Old Conover Special School Tax District" shall vote for the ~~Trustees~~ members of the Newton-Conover City Board of Education residing in that district only and the qualified voters residing in the area ~~hereinbefore~~ defined as the "Old Newton Graded School District" shall vote for the ~~Trustees~~ members of the Newton-Conover City Board of Education residing in that district only, so that the Conover representatives shall be elected exclusively by voters and residents of the Conover district and the Newton representatives shall be elected exclusively by voters and residents of the Newton district. ~~At each election herein provided for, the Town of Conover shall provide a separate ballot to be used in the election of Trustees of the School Unit containing the names of~~

the Conover candidates only and the City of Newton shall provide a separate ballot to be used in the election of Trustees of the School Unit containing the names of the Newton candidates only.

(b) For the purpose of conducting the elections herein provided for, for members of the Newton-Conover City Board of Education, the division and boundary line separating the said Old Conover Special School Tax District and the Old Newton Graded School District is hereby established and re-defined as follows:

...

"Sec. 2. That the election officials of the Town of Newton, North Carolina, shall conduct said election, appoint the registrars, judges, and other poll holders necessary, and do each and everything necessary in conducting said election, under the rules governing and controlling regular and special municipal elections, of the voting precinct located in the Town of Newton. That the election officials of the Town of Conover, North Carolina, shall conduct the election at the voting precinct in the Town of Conover in the same manner as herein provided for the Town of Newton: *Provided*, that any special election may be called by the election officials of said Towns meeting in joint session. Members of the Newton-Conover City Board of Education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Newton-Conover City Board of Education shall be nominated at the same time and manner as county officers. 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.

"Sec. 3. That a special book shall be provided in each voting place for the registration of voters residing within the limits of each voting place, or precinct, as set out herein, who shall register and vote in the precinct in which they reside, and special boxes shall be provided at each voting place, to wit, in the Town Hall in Newton, North Carolina, and in the school building or Town Hall in Conover, North Carolina, in which shall be deposited the votes for said trustees: *Provided*, that all legally qualified voters now registered in the Town of Newton or in the former Newton Graded School District shall be deemed legally registered in the said Newton precinct and all legally qualified voters now registered in the Town of Conover or in the old Conover Special Tax District shall be deemed legally registered in the Conover precinct, and such registered voters shall not be required to re-register except and unless a new registration shall be ordered in either or both of said precincts by the election officials of the Towns of Newton and Conover meeting in joint session. Candidates for membership on the Newton-Conover City Board of Education shall file a notice of candidacy with the Catawba County Board of Elections, on forms prescribed by the Catawba County Board of Elections, at the same time as candidates for county officers. All candidates in any primary or general election held under this act shall be qualified voters of Catawba County who reside within the boundaries of the Newton-Conover Administrative School Unit and who reside in the district for the seat apportioned to that district.

"Sec. 4. ~~That the said trustees~~ Elected members of the Newton-Conover City Board of Education shall take office and qualify and enter upon their duties as such officers on the first Monday next in December following the election as herein provided, and shall have all the powers, authorities and duties conferred and imposed upon the trustees now acting as trustees of the said Newton-Conover City Administrative Unit and the said trustees now serving, with the exception of D. B. Gaither and O. R. Cline, shall, when the four trustees herein provided for have been elected and qualified, be relieved of all further duties powers and authorities as such trustees. Members shall serve until their successors are elected and qualified.

"Sec. 5. ~~That the said trustees, as herein provided for,~~ Each year, the members of the Newton-Conover City Board of Education shall at their first meeting elect from their number a chairman, who shall a chair to serve for one year, and that thereafter at the first meeting after each election they shall elect a chairman to serve for one year.

"Sec. 6. ~~That the expense of the election herein provided for as held in the Town of Newton shall be paid by the Town of Newton from the general funds of said Town. That the expense of~~

1 the election herein provided for as held in the Town of Conover shall be paid by the Town of
2 Conover from the general funds of said Town. The election shall be held and conducted by the
3 Catawba County Board of Elections.

4 "Sec. 7. ~~That vacancies occurring~~ Vacancies on the Newton-Conover City Board of trustees
5 Education shall be filled by appointments made by the remaining members of said Board at the
6 time of such vacancy in accordance with G.S. 115C-37.1. For the purposes of that section, the
7 Newton-Conover City Board of Education shall be considered a county board of education.

8"

9 **SECTION 3.(b)** No election for the Newton-Conover City Board of Education
10 would occur in 2023. The terms of office for the three members of the Newton-Conover City
11 Board of Education serving on the effective date of this section whose terms are set to expire in
12 2023 shall be extended by one year. The terms of office for the three members of the
13 Newton-Conover City Board of Education serving on the effective date of this section whose
14 terms are set to expire in 2025 shall be extended by one year. Regular elections for the
15 Newton-Conover City Board of Education shall be conducted in even-numbered years beginning
16 in 2024.

17 **SECTION 3.(c)** The members of the Newton-Conover City Board of Education
18 elected in 2019 and 2021, or any member appointed to fill a vacancy for the remainder of an
19 unexpired term for a member elected in 2019 or 2021, shall serve until a successor has been
20 elected and qualified. Any vacancy on the Newton-Conover City Board of Education for a
21 member elected in 2019 and 2021 shall be filled by appointment by the remaining members of
22 the Newton-Conover City Board of Education.

23 **SECTION 3.(d)** This section is effective when it becomes law and applies to
24 elections held on or after that date.

25 **SECTION 4.(a)** G.S. 115C-37.1(d) reads as rewritten:

26 "(d) This section shall apply only to the Hickory City Board of Education and the
27 Newton-Conover City Board of Education and in the following counties: Alleghany, Beaufort,
28 Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, Guilford,
29 Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow, Pender, Rutherford,
30 Stanly, Stokes, Surry, Vance, Washington, and Yancey."

31 **SECTION 4.(b)** This section becomes effective December 1, 2023.

32 **SECTION 5.(a)** G.S. 115C-37.1(d), as amended by Section 4 of this act, reads as
33 rewritten:

34 "(d) This section shall apply only to the Hickory City Board of Education and the
35 Newton-Conover City Board of Education and in the following counties: Alleghany, Beaufort,
36 Brunswick, Burke, Caldwell, Carteret, Catawba, Cherokee, Clay, Cleveland, Craven, Dare,
37 Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow,
38 Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

39 **SECTION 5.(b)** This section becomes effective December 1, 2024.

40 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
41 law.