

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 103

Short Title: Partisan BoEd. Elections/Henderson. (Local)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to: Rules and Operations of the Senate

February 15, 2023

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR PARTISAN ELECTIONS OF THE HENDERSON COUNTY
BOARD OF PUBLIC EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding subsection B. of Section III of A Plan for Merger of Hendersonville City Schools and Henderson County Schools adopted by the State Board of Education on March 5, 1992, and validated under Chapter 767 of the 1991 Session Laws (the Henderson Merger Plan), beginning in 2024, the Henderson County Board of Public Education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire for four-year terms. Except as otherwise provided by this section, elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes. Candidates for election to the Henderson County Board of Public Education shall be nominated at the same time and manner as other county officers. Members shall take office on the first Monday in December of the year of election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

SECTION 1.(b) Notwithstanding subsection B. of Section III of the Henderson Merger Plan, vacancies on the Henderson County Board of Public Education shall be filled as follows:

- (1) Vacancies for positions elected on a nonpartisan basis in 2020 or 2022 shall be filled by the remaining members of the Board until the next election of the members of the Board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election.
- (2) Vacancies for positions elected on a partisan basis in 2024 and thereafter shall be filled by appointment by the remaining members of the Board in accordance with G.S. 115C-37.1.
- (3) Any person appointed to fill a vacancy shall be a resident of the seat in which the vacancy occurs.

SECTION 1.(c) This section does not affect the terms of office of any person elected in 2020 or 2022 to the Henderson County Board of Public Education. The members of the Henderson County Board of Public Education elected in 2020 or 2022, or any member appointed by the remaining members of the Board to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

SECTION 2.(a) G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Craven, Dare, Davie,



- 1 Graham, Guilford, Harnett, Henderson, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover,
2 Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."
3 **SECTION 2.(b)** This section becomes effective December 1, 2024.
4 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
5 law.