

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 66
Committee Substitute Favorable 2/28/23

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



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1 offices. ~~The notice shall state the name of each candidate, his age candidate's name, age, and~~
 2 ~~place of residence, and which shall be accompanied by a filing fee of ten dollars (\$10.00)."~~

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

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

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

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

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

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

26 **SECTION 1.(g)** This act does not affect the term of office of any member elected in
 27 2020 or 2022 to the Catawba County Board of Education. The members of the Catawba County
 28 Board of Education elected in 2020 and 2022, or any member appointed to fill a vacancy for the
 29 remainder of an unexpired term for a member elected in 2020 or 2022, shall serve until a
 30 successor has been elected and qualified. Any vacancy on the Catawba County Board of
 31 Education for a member elected in 2020 and 2022 shall be filled by appointment by the remaining
 32 members of the Board.

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

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

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

- 42 ~~Ward 1 William L. Cauble, Jr. First Monday in Dec. 1973~~
- 43 ~~Ward 2 C. R. Cagle First Monday in Dec. 1973~~
- 44 ~~Ward 3 Gene D. Smith First Monday in Dec. 1973~~
- 45 ~~Ward 4 Sam Dula First Monday in Dec. 1971~~
- 46 ~~Ward 5 Dr. W. E. Leonard First Monday in Dec. 1973~~
- 47 ~~Ward 6 Mrs. J. E. Barringer First Monday in Dec. 1971~~
- 48 ~~Member-~~
- 49 ~~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, and the election shall be conducted in accordance
11 with G.S. 163-279(a)(2) and G.S. 163-291. Except as provided by this act, the election shall be
12 conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General
13 Statutes. The election shall be held and conducted by the Catawba County Board of Elections
14 and the expense of the election shall be paid by Catawba County. ~~Registration and the election~~
15 ~~shall be held and conducted in accordance with the laws, rules and regulations applicable to~~
16 ~~elections for County offices except as otherwise provided in this act."~~

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

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

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

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

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

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

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

46 **SECTION 2.(g)** This act does not affect the term of office of any member elected in
47 2019 or 2021 to the Hickory City Board of Education. The members of the Hickory City Board
48 of Education elected in 2019 and 2021, or any member appointed to fill a vacancy for the
49 remainder of an unexpired term for a member elected in 2019 or 2021, shall serve until a
50 successor has been elected and qualified. Any vacancy on the Hickory City Board of Education

1 for a member elected in 2019 and 2021 shall be filled by appointment by the remaining members
2 of the Board.

3 **SECTION 2.(h)** This section is effective when it becomes law and applies to
4 elections held in 2023 and thereafter.

5 **SECTION 3.(a)** Chapter 200 of the Private Laws of 1935, as amended by Chapter
6 716 of the 1961 Session Laws and Chapter 81 of the 1967 Session Laws, reads as rewritten:

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

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

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

50 ...

1 "Sec. 2. ~~That the election officials of the Town of Newton, North Carolina, shall conduct said~~
2 ~~election, appoint the registrars, judges, and other poll holders necessary, and do each and~~
3 ~~everything necessary in conducting said election, under the rules governing and controlling~~
4 ~~regular and special municipal elections, of the voting precinct located in the Town of Newton.~~
5 ~~That the election officials of the Town of Conover, North Carolina, shall conduct the election at~~
6 ~~the voting precinct in the Town of Conover in the same manner as herein provided for the Town~~
7 ~~of Newton: *Provided*, that any special election may be called by the election officials of said~~
8 ~~Towns meeting in joint session. Members of the Newton-Conover City Board of Education shall~~
9 ~~be elected on a partisan basis, and the election shall be conducted in accordance with~~
10 ~~G.S. 163-279(a)(2) and G.S. 163-291. Except as provided by this act, the election shall be~~
11 ~~conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General~~
12 ~~Statutes.~~

13 "Sec. 3. ~~That a special book shall be provided in each voting place for the registration of~~
14 ~~voters residing within the limits of each voting place, or precinct, as set out herein, who shall~~
15 ~~register and vote in the precinct in which they reside, and special boxes shall be provided at each~~
16 ~~voting place, to wit, in the Town Hall in Newton, North Carolina, and in the school building or~~
17 ~~Town Hall in Conover, North Carolina, in which shall be deposited the votes for said trustees:~~
18 ~~*Provided*, that all legally qualified voters now registered in the Town of Newton or in the former~~
19 ~~Newton Graded School District shall be deemed legally registered in the said Newton precinct~~
20 ~~and all legally qualified voters now registered in the Town of Conover or in the old Conover~~
21 ~~Special Tax District shall be deemed legally registered in the Conover precinct, and such~~
22 ~~registered voters shall not be required to re-register except and unless a new registration shall be~~
23 ~~ordered in either or both of said precincts by the election officials of the Towns of Newton and~~
24 ~~Conover meeting in joint session. All candidates in any primary or general election held under~~
25 ~~this act shall be qualified voters of Catawba County who reside within the boundaries of the~~
26 ~~Newton-Conover Administrative School Unit and who reside in the district for the seat~~
27 ~~apportioned to that district.~~

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

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

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

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

48"

49 **SECTION 3.(b)** This act does not affect the term of office of any member elected in
50 2019 or 2021 to the Newton-Conover City Board of Education. The members of the
51 Newton-Conover City Board of Education elected in 2019 and 2021, or any member appointed

1 to fill a vacancy for the remainder of an unexpired term for a member elected in 2019 or 2021,
2 shall serve until a successor has been elected and qualified. Any vacancy on the Newton-Conover
3 City Board of Education for a member elected in 2019 and 2021 shall be filled by appointments
4 made by the remaining members of the Board at the time of such vacancy.

5 **SECTION 3.(c)** This section is effective when it becomes law and applies to
6 elections held in 2023 and thereafter.

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

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

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

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

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

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

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