

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 145
RATIFIED BILL

AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL THE NEXT REGULARLY SCHEDULED ELECTION FOR THE BOARD RATHER THAN FOR THE REMAINDER OF THE TERM.

The General Assembly of North Carolina enacts:

Section 1.(a) There currently exists a vacancy on the Edgecombe County Board of Education for the member to represent District 4 as provided in Chapter 809 of the Session Laws of 1991. The term for which the vacancy exists expires in 2000. Notwithstanding the provisions of Section 6 of Chapter 809 of the Session Laws of 1991 concerning the filling of vacancies on the board, the Edgecombe County Board of Elections shall schedule and conduct an election to fill the vacancy for the remainder of the unexpired term of that office.

Section 1.(b) The election shall be nonpartisan and shall be determined by a substantial plurality and by a runoff, if needed, as provided in Section 3 of Chapter 809 of the Session Laws of 1991. A person must reside in District 4 at the time of filing the notice of candidacy to be eligible to be a candidate in the election.

Section 1.(c) Upon preclearance under section 5 of the Voting Rights Act of 1965 of the portion of this act authorizing the special election, the Edgecombe County Board of Elections, in consultation with the State Board of Elections and the Edgecombe County Board of Education, shall set and publicize a schedule for the special election at the earliest convenient date. The schedule shall include a filing period of two weeks.

Section 1.(d) The person elected to fill the vacancy in District 4 at the special election shall take office at the first regular meeting of the Board of Education following the certification of the results of the election and shall serve the remainder of the unexpired term of that office.

Section 2. Section 6 of Chapter 809 of the 1991 Session Laws reads as rewritten:

"Sec. 6. (a) Any vacancy on the board shall be filled by appointment by the remaining members of the board. The person appointed to fill the vacancy must reside in the district in which the vacancy occurs. The person appointed to fill the vacancy shall serve the remainder of the unexpired term of the vacating ~~member~~-~~member~~ if, (i) the term of office expires the same year as the next election for members of the board of education, or (ii) the vacancy occurs after the tenth day before the filing period ends under G.S. 163-106(c) preceding the next election. Otherwise, an election shall be held to fill the office for the remainder of the unexpired term, and the person appointed shall serve only until the person elected at that time qualifies and takes office.

(b) If the vacancy occurs after the filing period opens, and an election is to be held that year to elect a person to serve the remainder of the unexpired term under subsection (a) of this section, then filing shall open at 12:00 noon on the next business day and shall close seven days after it would have closed under G.S. 163-106.

(c) The provisions of G.S. 115C-37(f) do not apply to the Edgecombe County Board of Education."

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this 31st day of March, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives