GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

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HOUSE BILL 118 Committee Substitute Favorable 3/2/21 Senate State and Local Government Committee Substitute Adopted 10/6/21

Short Title: Buncombe School Bd. Election. (Local)

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Sponsors: Referred to:

February 23, 2021

A BILL TO BE ENTITLED

- 2 AN ACT TO PROVIDE THAT SIX MEMBERS OF THE BUNCOMBE COUNTY BOARD OF EDUCATION BE ELECTED BY ELIGIBLE VOTERS FROM THE DISTRICT 3 4
 - THOSE MEMBERS REPRESENT.
- 5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 4 of Chapter 532 of the Session Laws of 1975, as amended by 7 Chapter 178 of the Session Laws of 1981 and Chapter 93 of the Session Laws of 1995, reads as 8 rewritten:

9 "Sec. 4. The members representing the various districts on the Buncombe County Board of Education shall be residents of these said those districts and shall file with the County Board of 10 Elections of Buncombe County a notice of candidacy no earlier than 12:00 noon on the first 11 Friday in July, and not later than 12:00 noon on the first Friday in August in the year of the 12 election which shall give the candidate's name, address, place of residence and a statement that 13 he or she desires to be a candidate for membership on the said-Buncombe County Board of 14 Education for the district in which he or she resides. The election of said members of said board 15 16 of education shall be by nonpartisan election. The Board of Elections of Buncombe County shall 17 prepare a separate ballot for the election of said-members which shall, among other things, contain the name of the candidate, the school district that he or she desires to represent and shall 18 19 not contain any reference to party affiliation in any manner or form. The candidates for 20 membership on the Buncombe County Board of Education representing districts shall be voted 21 on by the eligible voters residing in that district. The candidate representing the Buncombe 22 County School Administrative Unit at large shall be voted on at large by the eligible voters resident residing in the Buncombe County School Administrative Unit, and the Unit. The Board 23 24 of Elections of Buncombe County shall canvass and judicially determine the results of said the 25 election and declare the members so elected. All persons so-elected shall serve until their successors are elected and qualified, and any qualified. Any vacancy occurring on the Buncombe 26 County Board of Education by death, resignation or by change of residency from the district from 27 which any such person was elected, or otherwise shall be filled by the appointment by the 28 29 remaining members of the Board for the unexpired term, but the person appointed to fill such vacancy must be from the same district as the person whose death, resignation or removal created 30 31 the vacancy on the said-Buncombe County Board of Education, provided that if the vacancy has 32 not been filled within 60 days of its occurrence, and the term has not yet expired, then the vacancy shall be filled by the Senior Resident Superior Court Judge of Buncombe County for the 33 remainder of the unexpired term, but the person appointed to fill such vacancy must be from the 34



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General Assem	bly Of North Carolina	Session 2021
1 same district as the person whose death, resignation, or removal created the vacancy on the said		
2 Buncombe County Board of Education."		
3 SECTION 2. In establishing or revising electoral districts, the Buncombe County		
 Board of Education shall comply with all of the following: (1) Equal Population. The most recent federal decennial census data shall be used 		
(1)	Equal Population. The most recent federal decennial census of	lata shall be used
	as the sole basis of population for the establishment of distr	icts. The number
	of persons in each district shall be within plus or minus five	e percent (5%) of
	the ideal district population, as determined under the mo	st recent federal
	decennial census.	
(2)	Contiguity. No point contiguity shall be permitted in any dis	
(3)		
	in the construction or consideration of districts, and the	districts should
	comply with the Voting Rights Act, as applicable.	
(4)	Compactness. Reasonable efforts to draw districts that are a	compact shall be
	made.	
(5)	Municipal Boundaries. Municipal boundaries may be c	considered when
	drawing districts.	
(6)	Election Data. Partisan considerations and election results	data shall not be
	used in the drawing of districts.	
(7)	Member Residence. The residence of current members	of the Board of
	Education may be considered in the formation of districts.	
(8)	Community Consideration. So long as a plan complies wi	th the foregoing
	criteria, local knowledge of the character of communities	and connections
	between communities may be considered in the formation of	f districts.
SEC	FION 3. The Buncombe County Board of Education sh	all establish the
boundaries of the electoral districts required by this act on or before January 1, 2023, and revise		
28 the districts thereafter in accordance with G.S. 115C-37(i) and this act.		
29 SECTION 4. Except as otherwise provided, this act is effective with elections		
30 conducted on or after January 1, 2024.		
	same district as to Buncombe Count SEC Board of Educat (1) (2) (3) (4) (5) (6) (7) (8) SEC boundaries of the the districts there SEC	 Buncombe County Board of Education." SECTION 2. In establishing or revising electoral districts, the Bu Board of Education shall comply with all of the following: Equal Population. The most recent federal decennial census of as the sole basis of population for the establishment of distric of persons in each district shall be within plus or minus five the ideal district population, as determined under the modecennial census. Contiguity. No point contiguity shall be permitted in any distributes be compromised of contiguous territory. Contiguity by wate: Racial Data. Data identifying the race of individuals or voters in the construction or consideration of districts, and the comply with the Voting Rights Act, as applicable. Compactness. Reasonable efforts to draw districts that are made. Municipal Boundaries. Municipal boundaries may be condrawing districts. Election Data. Partisan considerations and election results used in the drawing of districts. Member Residence. The residence of current members electron may be considered in the formation of districts. Community Consideration. So long as a plan complies with criteria, local knowledge of the character of communities between communities may be considered in the formation of SECTION 3. The Buncombe County Board of Education sh boundaries of the electoral districts required by this act on or before January 1, the districts thereafter in accordance with G.S. 115C-37(i) and this act.