

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

**SESSION LAW 2023-32  
HOUSE BILL 66**

AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE MEMBERS OF THE CATAWBA COUNTY BOARD OF EDUCATION, HICKORY CITY BOARD OF EDUCATION, NEWTON-CONOVER CITY BOARD OF EDUCATION, AND POLK COUNTY BOARD OF EDUCATION; AND TO REQUIRE THE BUNCOMBE COUNTY BOARD OF EDUCATION TO ESTABLISH ELECTORAL DISTRICTS FOR ELECTING MEMBERS BEGINNING IN 2024; AND TO PROVIDE THAT MEMBERS OF THE BUNCOMBE BOARD OF EDUCATION ARE ELECTED IN A NONPARTISAN PRIMARY AND ELECTION BEGINNING IN 2026.

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 Hunsueker 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:~~

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

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

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

"Sec. 3. One ~~(4)~~ member of the Hickory City Board of Education shall be elected from each ward by the qualified voters of the ward, and the member must be a resident of the ward. One ~~(4)~~ member of the Hickory City Board of Education shall be elected at large by the qualified voters of the entire unit. ~~The election shall be nonpartisan and no primary election shall be held. Members 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 Hickory 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. The election shall be held and conducted by the Catawba County Board of Elections and the expense of the election shall be paid by Catawba County. Registration and the election shall be held and conducted in accordance with the laws, rules and regulations applicable to elections for County offices except as otherwise provided in this act.~~Elections."

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

"Sec. 4. Candidates for membership on the Hickory City Board of Education shall file ~~their~~ a notice of candidacy with the Catawba County Board of Elections, on forms prescribed by the Board, not later than 5:00 p.m. on the ninth Friday preceding the election, at the same time as candidates for county officers, and pay a filing fee of five dollars (\$5.00). If more than two (2) candidates file from a ward, or as an at-large candidate, the person receiving a plurality of the votes cast shall be declared elected. 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 Hickory Administrative School Unit and, if filing for a seat representing a ward, reside within that ward."

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

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

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

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

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

**SECTION 2.(g)** No election for the Hickory City Board of Education shall occur in 2023. The terms of office for the three members of the Hickory City Board of Education 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. election. 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~~

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

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

...."

**SECTION 3.(b)** No election for the Newton-Conover City Board of Education shall occur in 2023. The terms of office for the three members of the Newton-Conover City Board of Education 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 three members of the Newton-Conover 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 Newton-Conover City Board of Education shall be conducted in even-numbered years beginning in 2024.

**SECTION 3.(c)** The members of the Newton-Conover 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 Newton-Conover City Board of Education for a member elected in 2019 and 2021 shall be filled by appointment by the remaining members of the Newton-Conover City Board of Education.

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

**SECTION 4.(a)** Notwithstanding Section 4(i) of the Plan for Merging the Tryon City School Administrative Unit and the Polk County School Administrative Unit adopted by the State Board of Education on June 2, 1988, and validated under Chapter 767 of the 1991 Session Laws (the Polk Merger Plan), the Polk County Board of Education shall consist of seven members, elected on a partisan basis for staggered four-year terms at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Polk County Board of 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. Except as otherwise provided by this section, elections shall be conducted in accordance with Chapters 115C and 163 of the General Statutes. Vacancies on the Polk County Board of Education shall be filled in accordance with G.S. 115C-37.1. Any person appointed to fill a vacancy shall be a resident of the district in which the vacancy occurs.

**SECTION 4.(b)** For the purpose of conducting elections for the Polk County Board of Education, the county is divided into six residency districts. No person shall be eligible to file for, be elected to, or serve on the Polk County Board of Education unless the person is a qualified voter and resident of the district in which the person seeks to be elected. All candidates shall be voted on by all eligible voters in the county. The Township of Tryon shall be a two-member district; all other districts shall be single-member districts. The districts are as follows:

- (1) The Township of Cooper's Gap.
- (2) The Township of Columbus.
- (3) The Township of Green Creek.
- (4) The Township of Saluda.
- (5) The Township of Tryon.
- (6) The Township of White Oak.

**SECTION 4.(c)** Chapter 230 of the 1965 Session Laws and Chapter 845 of the 1973 Session Laws, as amended by Chapter 584 of the 1985 Session Laws, are repealed.

**SECTION 4.(d)** This section does not affect the terms of office of any person elected in 2020 or 2022 to the Polk County Board of Education. Any vacancy on the Polk County Board of Education for a member elected in 2020 or 2022 shall be filled by the remaining members of the Polk County Board of Education until the next election of the members of the Polk County Board of Education, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election. Any person appointed to fill a vacancy shall be a resident of the district in which the vacancy occurs. The members of the Polk County Board of Education elected in 2020 or 2022, or any member appointed by the remaining members of the Polk County Board of Education to fill a vacancy of a member elected in 2020 or 2022, shall serve until a successor has been elected and qualified.

**SECTION 4.(e)** To maintain the staggering of terms, members of the Polk County Board of Education shall be elected as follows:

- (1) In 2024 and quadrennially thereafter, one member shall be elected from the Township of Saluda, the Township of Tryon, and the Township of White Oak to serve four-year terms.
- (2) In 2026 and quadrennially thereafter, one member shall be elected from the Township of Cooper's Gap, the Township of Columbus, the Township of Green Creek, and the Township of Tryon to serve four-year terms.

**SECTION 4.(f)** This section is effective when it becomes law and applies to elections held in 2024 and thereafter.

**SECTION 5.(a)** G.S. 115C-37.1(d) reads as rewritten:

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

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

**SECTION 6.(a)** Section 1 of Chapter 532 of the 1975 Session Laws reads as rewritten:

"Section 1. The Buncombe County Board of Education shall consist of seven members who shall serve for staggered terms of four years each, and, for each. Six members shall be elected from six single-member electoral districts and one member shall be elected at large. For the district seats, the qualified voters of each district shall nominate candidates and elect members who reside in that district. For the at-large seat, the qualified voters of the entire Buncombe County School Administrative Unit shall nominate candidates and elect a member who resides within the Buncombe County School Administrative Unit. For the purposes of electing members of said to the board, the Buncombe County School Administrative Unit shall consist of all of Buncombe County outside of and excluding the City of Asheville School Administrative Unit and shall include and is divided into seven districts bounded and described as follows:

District #1, A.C. Reynolds School Attendance Zone

District #2, T.C. Roberson School Attendance Zone

District #3, Enka School Attendance Zone

District #4, Clyde Erwin School Attendance Zone

District #5, North Buncombe School Attendance Zone

District #6, Charles D. Owen School Attendance Zone

District #7, Buncombe County School Administrative Unit at large. Unit."

**SECTION 6.(b)** Section 1.1 of Chapter 532 of the 1975 Session Laws, as amended by Chapter 178 of the 1981 Session Laws and Chapter 93 of the 1995 Session Laws, reads as rewritten:

~~"Sec. 1.1(a) Beginning with the 1982 primary election and biennially thereafter through 1994 each candidate elected in the primary election as herein provided for shall be elected for a term~~

~~of four years. Notwithstanding the provisions of G.S. 115C 37, the~~ The members of the Buncombe County Board of Education shall be elected on a nonpartisan basis at the time of the general election as set by G.S. 163-1 in 1996 and biennially thereafter in each even-numbered year as terms of office expire. The nonpartisan plurality election method shall be used with the results determined as provided in G.S. 163-292. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294. The primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Candidates shall file the notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106.2."

**SECTION 6.(c)** Section 4 of Chapter 532 of the 1975 Session Laws, as amended by Chapter 178 of the 1981 Session Laws and Chapter 93 of the 1995 Session Laws, reads as rewritten:

~~"Sec. 4. The members representing the various districts on the Buncombe County Board of Education shall be residents of these said districts and shall file with the County Board of Elections of Buncombe County a notice of candidacy earlier than 12:00 noon on the first Friday in July, and not later than 12:00 noon on the first Friday in August in the year of the election which shall give the candidate's name, address, place of residence and a statement that he desires to be a candidate for membership on the said Buncombe County Board of Education for the district in which he resides. The election of said members of said board of education shall be by nonpartisan election. The Board of Elections of Buncombe County shall 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 desires to represent and shall not contain any reference to party affiliation in any manner or form. The candidates for membership on the Buncombe County Board of Education shall be voted on at large by the eligible voters resident in the Buncombe County School Administrative Unit, and the Board of Elections of Buncombe County shall canvass and judicially determine the results of said election and declare the members so elected. All persons so elected to the Buncombe County Board of Education shall serve until their successors are elected and qualified, and any qualified. Any vacancy occurring on the Buncombe County Board of Education by death, resignation or by change of residency from the district from which any such person was elected, or otherwise shall be filled by the appointment by the 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 the vacancy on the said Buncombe County Board of Education, provided that if the vacancy has 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 remainder of 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 the vacancy on the said Buncombe County Board of Education."~~

**SECTION 6.(d)** 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 as the sole basis of population for the establishment of districts. The number of persons in each district shall be within plus or minus five percent (5%) of the ideal district population, as determined under the most recent federal decennial census.
- (2) Contiguity. No point contiguity shall be permitted in any district, which shall be compromised of contiguous territory. Contiguity by water is sufficient.
- (3) Racial Data. Data identifying the race of individuals or voters shall not be used 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 compact shall be made.
- (5) Municipal Boundaries. Municipal boundaries may be 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 Buncombe County Board of Education may be considered in the formation of districts.
- (8) Current Districts. The current residency districts for the Buncombe County Board of Education should be considered communities of interest and only changed the minimum amount needed to conform to the foregoing criteria.
- (9) Community Consideration. So long as a plan complies with the foregoing criteria, local knowledge of the character of communities and connections between communities may be considered in the formation of districts.

**SECTION 6.(e)** No later than February 1, 2024, the Buncombe County Board of Education shall establish the boundaries of the six electoral districts required by this section, to be used in the 2024 elections and until revised again, in accordance with G.S. 115C-37(i) and this act.

**SECTION 6.(f)** If the Buncombe County Board of Education fails to redistrict as required by this section, the North Carolina General Assembly shall establish the boundaries of the six electoral districts for the Buncombe County Board of Education.

**SECTION 6.(g)** Section 6(b) and Section 6(c) of this act become effective the first Monday in December in 2026, with elections in 2026 and thereafter held accordingly. The remainder of this section is effective when it becomes law and applies to elections held on or after that date.

**SECTION 7.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8<sup>th</sup> day of June, 2023.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives