

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 249
HOUSE BILL 689

AN ACT TO REDISTRIBUTE THE MADISON COUNTY BOARD OF EDUCATION, CHANGE THE MANNER OF ELECTION FROM PARTISAN TO NONPARTISAN, CHANGE THE TIME OF TAKING OFFICE FROM APRIL TO DECEMBER, AND PROVIDE FOR THE SEPARATE ELECTION OF THE CHAIRMAN, ALL SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The Board of Education of Madison County consists of four members and a chairman, all of whom have full voting powers.

Sec. 2. (a) For the purpose of electing the four members of the Board of Education, Madison County is divided into two districts. In 1994, each district shall elect two members. In 1994 in each district, the person receiving the highest number of votes is elected to a four-year term, and the person receiving the next highest number of votes is elected to a two-year term. In 1996 and biennially thereafter, one member is elected from each district for a four-year term.

(b) Candidates and members must be residents of the district from which they seek election and serve, and only the qualified voters of the district shall vote on the election of the two members apportioned to the district.

(c) District 1 consists of Township 3 Mars Hill, Township 4 Beech Glenn, Township 7 Ebbs Chapel, and Township 10 Grapevine. District 2 consists of Township 1 Marshall, Township 2 Laurel, Township 5 Walnut, Township 6 Hot Springs, Township 8 Spring Creek, Township 9 Sandy Mush, and Township 11 Revere Rice Cove.

(d) Townships as described in this act are in accordance with the boundaries reported by the 1990 decennial Federal Census.

Sec. 3. The chairman of the Board of Education of Madison County shall be elected in 1994 and quadrennially thereafter for a four-year term at large by all the qualified voters of Madison County. In the case of a vacancy in the office of chairman, the remaining members of the Board shall appoint a person as chairman who resides in the same district that the chairman resided in at the time of his election. If the members do not make an appointment within 30 days of the occurrence of the vacancy, the responsibility of making the appointment shall be that of the Senior Resident Superior Court Judge for Madison County.

Sec. 4. Notwithstanding the provisions of G.S. 115C-37, the Madison County Board of Education shall be elected on a nonpartisan basis at the time of the primary election in 1994 and quadrennially thereafter. The names of the candidates shall be

printed on the ballot without reference to any party affiliations. The nonpartisan election and runoff election method shall be used with the results determined as provided in G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-111(e). 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. 5. The terms of office of the members and chairman of the Madison County Board of Education commence on the first Monday in December of the year of their election.

Sec. 6. Except that their terms shall expire on the first Monday in December of 1994, this act does not affect the terms of office of current members of the Madison County Board of Education.

Sec. 7. The procedure for filling vacancies in membership on the Board of Education for seats elected in 1990 is not affected by this act. The remaining members of the Board shall fill a vacancy in the seat of a Board member elected in or after 1994 by appointing a resident of the same district in which the predecessor resided.

Sec. 8. Chapter 1044, Session Laws of 1967, is repealed.

Sec. 9. Sections 1 through 8 of this act shall become effective only if approved by the qualified voters of Madison County in a referendum to be conducted by the Madison County Board of Elections on the date for the regular statewide general election in November of 1992. The question on the ballot shall be:

FOR nonpartisan election of the Madison County Board of Education from two districts of two members each, separate election of the chairman by all the voters of the county, with those elected taking office in December of the year of their election.

AGAINST nonpartisan election of the Madison County Board of Education from two districts of two members each, separate election of the chairman by all the voters of the county, with those elected taking office in December of the year of their election."

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 10th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives