

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 105

Short Title: Gaston Co. Bd. of Ed. Elect. Partisan. (Local)

Sponsors: Representative Loftis.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government, if favorable, Election Law, if favorable, Rules, Calendar, and Operations of the House

February 13, 2025

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE GASTON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 633 of the 1977 Session Laws reads as rewritten:

"Sec. 2. Composition of board of education. Notwithstanding ~~Section 115-18 of the General Statutes of North Carolina, G.S. 115C-35,~~ the board of education shall consist of nine members. Two members shall be elected by the duly qualified voters of Gaston County without regard to residence in any particular township and seven district. Seven members shall be elected by the duly qualified voters of Gaston County from the following townships: residency districts. All candidates shall be voted on by all eligible voters in the county. Members shall be elected from districts as follows:

- (1) Cherryville Township shall be entitled to one member.
- (2) Crowders Mountain Township shall be entitled to one member.
- (3) Dallas Township shall be entitled to one member.
- (4) Gastonia Township shall be entitled to two members.
- (5) Riverbend Township shall be entitled to one member.
- (6) Southpoint Township shall be entitled to one member."

SECTION 2. Section 3 of Chapter 633 of the 1977 Session Laws reads as rewritten:

"Sec. 3. Elections. ~~Notwithstanding Section 115-19 of the General Statutes of North Carolina, at the general election to be held in the year 1978, there shall be elected by the duly qualified voters of Gaston County three members of the board of education, with one member from Cherryville Township, one member from Crowders Mountain Township and one member at large. The term for these three members shall commence on the first Monday in December 1978, and expire at the end of two years thereafter, or on the first Monday in December 1980.~~

~~At the general election to be held in the year 1980, there shall be elected by the duly qualified voters of Gaston County six members of the board of education, with one member from Cherryville Township, one member from Crowders Mountain Township, one member from Gastonia Township, one member from Riverbend Township, one member from Southpoint Township and one member at large. Those members elected from Cherryville Township, Crowders Mountain Township, Gastonia Township and the member elected at large shall compose one class, whose term of office shall commence on the first Monday in December 1980, and expire at the end of four years thereafter, or on the first Monday in December 1984. The term of office for those members elected from Riverbend Township and Southpoint Township shall~~



1 commence on the First Monday in December 1980, and expire at the end of two years thereafter,
2 or on the first Monday in December 1982.

3 ~~At the general election to be held in the year 1982, there shall be elected by the duly qualified~~
4 ~~voters of Gaston County five members of the board of education, with one member from Dallas~~
5 ~~Township, one member from Gastonia Township, one member from Riverbend Township, one~~
6 ~~member from Southpoint Township and one member at large. These five members shall compose~~
7 ~~another class, whose terms of office shall commence on the first Monday in December 1982, and~~
8 ~~expire at the end of four years thereafter, or on the first Monday in December 1986.~~

9 ~~Upon the expiration of the term of office of each class of members of the board of education~~
10 ~~(the term class shall exclude the members elected for a term of two years) their successors shall~~
11 ~~be elected to hold office for four years and until their successors are elected and~~
12 ~~qualified. Notwithstanding G.S. 115C-37, the board of education shall be elected on a partisan~~
13 ~~basis at the time of the general election in each even-numbered year as terms expire. Members~~
14 ~~shall be elected for four-year terms. Candidates for election to the board of education shall be~~
15 ~~nominated at the same time and manner as other county officers. Members shall take office on~~
16 ~~the first Monday in December of the year of election, and the terms of their predecessors shall~~
17 ~~expire at that same time. Members shall serve until a successor has been elected and qualified.~~

18 The election of members of the board of education shall be held, conducted and supervised
19 by the board of elections; and except as herein provided, the general election laws and regulations
20 for the nomination and election of county officers, which are set forth in ~~Chapter~~ Chapters 115C
21 and 163 of the General Statutes of North Carolina, as amended, shall apply and govern as to the
22 holding of any election for members of the board of education."

23 **SECTION 3.** Section 4 of Chapter 633 of the 1977 Session Laws, as amended by
24 Chapter 331 of the 1979 Session Laws, as amended by Chapter 73 of the 1993 Session Laws,
25 reads as rewritten:

26 "**Sec. 4.** Ballot; notice of candidacy and residence requirements. ~~The names of the candidates~~
27 ~~shall be placed on a separate ballot bearing no party designation, and no party affiliation need be~~
28 ~~indicated at the time of filing. Each candidate shall file a notice of candidacy with the board of~~
29 ~~elections indicating whether he the candidate is running as a member at large or from a particular~~
30 ~~township at any time after 12:00 noon on the Friday preceding the eighteenth Saturday and before~~
31 ~~12:00 noon on the Friday preceding the fourteenth Saturday before the general election. A~~
32 ~~candidate seeking to represent a particular township shall be a resident and qualified voter of said~~
33 ~~township-district at a time consistent with deadlines for other county officers. For the district~~
34 ~~seats, no person shall be eligible to file for, be elected to, or serve on the board of education~~
35 ~~unless the person is a qualified voter and resident of the district in which the person seeks to be~~
36 ~~elected.~~"

37 **SECTION 4.(a)** Section 7 of Chapter 633 of the 1977 Session Laws reads as
38 rewritten:

39 "**Sec. 7.** Vacancy. ~~Notwithstanding Section 115-24 of the General Statutes of North Carolina,~~
40 ~~all All vacancies in the membership of the board of education by death, resignation, or other~~
41 ~~causes shall be filled by the remaining members of the board of education by the appointment of~~
42 ~~a person to serve until the next election of members of such board at which time the remaining~~
43 ~~unexpired term of the office in which the vacancy occurs shall be filled by election. In the event~~
44 ~~that the replacement is not selected by the board of education within a period of 90 days after the~~
45 ~~vacancy occurs, such vacancy shall be filled by the board of commissioners. When one who has~~
46 ~~been elected at large vacates his office, the successor may be selected without regard to the~~
47 ~~location of his residence in the county. When one who has been elected from a township vacates~~
48 ~~his office, the successor shall be selected from that same township in accordance with~~
49 ~~G.S. 115C-37.1. Any person appointed to fill a vacancy for a district seat shall reside in the~~
50 ~~district in which the vacating member was elected to serve.~~"

51 **SECTION 4.(b)** This section becomes effective December 1, 2026.

1 **SECTION 5.** This act does not affect the term of any person elected in 2022 or 2024
2 to the Gaston County Board of Education. Each member of the Gaston County Board of
3 Education elected in 2022 or 2024, or any member appointed to fill a vacancy for a member
4 elected in 2022 or 2024, shall serve until a successor has been elected and qualified.

5 **SECTION 6.(a)** G.S. 115C-37.1(d) reads as rewritten:

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

12 **SECTION 6.(b)** This section becomes effective December 1, 2026.

13 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes law
14 and applies to elections held on or after that date.