

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-107
HOUSE BILL 1055**

AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 349 of the 1973 Session Laws is amended by adding a new section to read:

"Section 3.1. (a) If a vacancy occurs on the board of education, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the superintendent shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported, fill the vacancy.

(b) If the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

(c) If a vacancy occurs on the board, and subsection (b) of this section requires that a person shall be elected to the seat vacated for the remainder of the unexpired term and the vacancy occurs:

- (1) Beginning on the tenth day before the filing period ends under G.S. 163-106(c), a nomination shall be made by the county executive committee of each political party, and the names of the nominees shall be printed on the general election ballots.

(2) Prior to the tenth day before the filing period ends under G.S. 163-106(c), nominations shall be made by primary election as provided by Chapter 163 of the General Statutes.

(d) To be eligible for appointment to fill a vacancy, a person must be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party. The board of education or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of June, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives