

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 874
HOUSE BILL 1125

AN ACT TO PROVIDE FOR A REFERENDUM ON THE QUESTION OF WHETHER OR NOT THE MEMBERS OF THE BOARD OF EDUCATION OF THE ELM CITY SCHOOL DISTRICT SHALL BE ELECTED BY VOTE OF THE PEOPLE AND TO PROVIDE FOR AN ELECTION OF THE MEMBERS OF SAID BOARD OF EDUCATION IF SUCH METHOD IS APPROVED.

The General Assembly of North Carolina do enact:

Section 1. At the primary to be held in the year 1968 for the nomination of county officers, there shall be held at the same time a referendum or election on the question of whether or not the members of the Board of Education of the Elm City School District shall be elected by a vote of the people of said Elm City School District. The election or referendum shall be held at the same time of said primary election and shall be conducted by the election officials holding the primary election under the supervision and administration of the Wilson County Board of Elections. The question to be submitted to the electors of the Elm City School District shall be printed on a separate ballot and shall be voted upon by the electors of said school district regardless of party affiliation and without any reference to party affiliation being designated on said ballot. The question to be submitted to the electors of the Elm City School District shall be substantially as follows:

"FOR: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district.

"AGAINST: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district."

If a majority of the electors voting in said election shall vote in favor of the election of the members of the Board of Education of Elm City School District, then the Act hereinafter set forth in the Sections below shall become operative and shall be in full force and effect. If a majority of those voting shall be against the election of the members of said Board of Education, then this whole Act shall be null and void.

Sec. 2. At the general election to be held in 1968 for the election of county officers, there shall be elected in said general election three members of the Board of Education of the Elm City School District who shall hold office for a term of six years and until their successors are elected and qualified. The three members receiving the highest number of votes in descending order shall be declared to be elected as members of the Board of Education of said Elm City School District, and they shall take office on February 11, 1969. At the general election to be held in Wilson County for the election

of county officers in the year 1970, there shall likewise be elected three members of the Board of Education of the Elm City School District, and the three members receiving the highest number of votes in descending order shall hold office for a term of six years and until their successors are elected and qualified. The three members so elected in 1970 shall take office on February 11, 1971. At the general election to be held for the election of county officers in Wilson County for the year 1972, there shall be elected three members to said Board of Education of the Elm City School District, and the three persons receiving the highest number of votes in descending order shall be declared to be elected as members of said Board of Education and shall hold office for terms of six years each or until their successors are elected and qualified. In all cases in the elections above set forth the candidates for election shall be a qualified voter of the Elm City School District and shall file notice of candidacy with the Wilson County Board of Elections at least 30 days prior to the date of said election and said notice shall be accompanied by a filing fee of five dollars (\$5.00). The said notice shall give the name, age and residence of the candidate filing same. In all cases in said election of the said members of said Board of Education the name of the candidates shall be printed on a separate ballot, and there shall be no reference to party affiliation, and the election of the members of said Board of Education shall be nonpartisan. Thereafter, as the terms of office of said members of the Board of Education of the Elm City School District expire, their successors shall be elected in the appropriate election to the end that such successors so elected may take office on February 11th of the year following such election. In all cases all candidates for such membership shall be voted upon by the eligible electors residing and having their residence in the territory of the Elm City School District.

Sec. 3. In case of a vacancy on the Board of Education of the Elm City School District caused by death, resignation, change of residence, failure to qualify or for any other cause whatsoever, the vacancy shall be filled for the unexpired term by the remaining members of said Board of Education and said vacancy shall be filled within 30 days from the date the vacancy occurs. The said Board of Education shall exercise all the powers and duties authorized by Chapter 115 of the General Statutes, as amended, which pertain to and are conferred upon city boards of education.

Sec. 4. The provisions of Sections 2 and 3 of this Act shall not become operative or have any force and effect unless a majority of the electors of the Elm City School District voting in the referendum provided in Section 1 of this Act shall approve the election of the members of the Elm City School District as set forth in Section 1 of this Act, and if such election is not approved, then this complete Act shall be void and of no effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.