

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**SENATE BILL 388**

Short Title: Edgecombe School Vacancies.

(Local)

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Sponsors: Senator Martin of Pitt.

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Referred to: State and Local Government.

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March 16, 1999

**A BILL TO BE ENTITLED**

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2 **AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE**  
3 **EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT**  
4 **FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL**  
5 **THE NEXT REGULARLY SCHEDULED ELECTION FOR THE BOARD**  
6 **RATHER THAN FOR THE REMAINDER OF THE TERM.**

7 The General Assembly of North Carolina enacts:

8       Section 1.(a) There currently exists a vacancy on the Edgecombe County  
9 Board of Education for the member to represent District 4 as provided in Chapter 809 of  
10 the Session Laws of 1991. The term for which the vacancy exists expires in 2000.  
11 Notwithstanding the provisions of Section 6 of Chapter 809 of the Session Laws of 1991  
12 concerning the filling of vacancies on the board, the Edgecombe County Board of  
13 Elections shall schedule and conduct an election to fill the vacancy for the remainder of  
14 the unexpired term of that office.

15       Section 1.(b) The election shall be nonpartisan and shall be determined by a  
16 substantial plurality and by a runoff, if needed, as provided in Section 2 of Chapter 809 of  
17 the Session Laws of 1991. A person must reside in District 4 at the time of filing the  
18 notice of candidacy to be eligible to be a candidate in the election.

19       Section 1.(c) Upon preclearance under Section 5 of the Voting Rights Act of  
20 1965 the portion of this act authorizing the special election, the Edgecombe County

1 Board of Elections, in consultation with the State Board of Elections and the Edgecombe  
2 County Board of Education, shall set and publicize a schedule for the special election at  
3 the earliest convenient date. The schedule shall include a filing period of two weeks.

4 Section 1.(d) The person elected to fill the vacancy in District 4 at the special  
5 election shall take office at the first regular meeting of the Board of Education following  
6 the certification of the results of the election and shall serve the remainder of the  
7 unexpired term of that office.

8 Section 2. Section 6 of Chapter 809 of the 1991 Session Laws reads as  
9 rewritten:

10 "Sec. 6. (a) Any vacancy on the board shall be filled by appointment by the  
11 remaining members of the board. The person appointed to fill the vacancy must reside in  
12 the district in which the vacancy occurs. The person appointed to fill the vacancy shall  
13 serve the remainder of the unexpired term of the vacating ~~member.~~ member if, (i) the term  
14 of office expires the same year as the next election for members of the board of  
15 education, or (ii) the vacancy occurs after the tenth day before the filing period ends  
16 under G.S. 163-106(c) preceding the next election. Otherwise, an election shall be held  
17 to fill the office for the remainder of the unexpired term, and the person appointed shall  
18 serve only until the person elected at that time qualifies and takes office.

19 (b) If the vacancy occurs after the filing period opens, and an election is to be held  
20 that year to elect a person to serve the remainder of the unexpired term under subsection  
21 (a) of this section, then filing shall open at 12:00 noon on the next business day, and shall  
22 close seven days after it would have closed under G.S. 163-106."

23 Section 3. This act is effective when it becomes law.