

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-41
HOUSE BILL 1484**

**AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED
SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY
THE STATE BOARD OF ELECTIONS.**

The General Assembly of North Carolina enacts:

SECTION 1. The Cleveland County Board of Education consists of nine members elected at large in nonpartisan, plurality elections.

SECTION 2. The composition, terms and method of electing the Board of Education is set by the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools adopted by the Cleveland County Board of Commissioners on April 18, 2000, amended by the Board of Commissioners on May 2, 2000, and adopted by the State Board of Education on September 13, 2000. Although the merger of the three school units was scheduled to take effect on July 1, 2000, it was delayed by litigation and preclearance under Section 5 of the federal Voting Rights Act, and the merger did not occur until January 13, 2004.

SECTION 3. Of the nine members originally appointed to the Board of Education, two each were members of the former Cleveland County, Kings Mountain and Shelby school boards, and three were selected without regard to former board membership, as provided in the merger plan. The merger plan provided for successors to those initial appointed members to be elected in November 2001 and November 2003. In 2001 successors were to be elected for those three at-large members appointed without regard to membership on the previous school boards, and in 2003 successors were to be elected for the six members appointed from the previous school boards. All members elected in 2001 and 2003 were to serve four-year terms.

SECTION 4. Because of the postponement of the merger from 2000 to 2004, the elections scheduled for 2001 and 2003 were not held, and the merged board did not take office until January 2004. During that time, the previous boards for Cleveland County, Kings Mountain and Shelby continued to function and conducted elections.

SECTION 5. Having considered the merger plan and the rescheduling of the postponed elections, the State Board of Elections has recommended that the election originally scheduled for November 2001 be rescheduled for November 2005, and that the election originally scheduled for November 2003 be rescheduled for November 2007. Such a schedule is consistent with the intent of the merger plan and recognizes the four-year delay in the implementation of merger.

SECTION 6. Three members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2005, and every four years thereafter. The three members elected in November 2005 shall replace the three members of the board originally appointed at large without regard to membership on the previous boards for the Cleveland County, Kings Mountain and Shelby school units.

SECTION 7. Six members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2007, and every four years thereafter. The six members elected in November 2007 shall replace the six members of the board, or their successors, originally appointed from the previous boards for the Cleveland County, Kings Mountain and Shelby school units.

SECTION 8. Pursuant to Sections 4.B.5. and 6.A.4. of the merger plan, an election also shall be held in November 2005 to elect a successor to any board member who has been appointed to fill a vacancy in one of the six seats designated for members of the former boards for the Cleveland County, Kings Mountain and Shelby school units. The election in November 2005 shall be to fill the remaining two years of the unexpired term for that seat.

SECTION 9. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of June, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives