

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-28
HOUSE BILL 85**

AN ACT TO PROVIDE THAT THE CLEVELAND COUNTY BOARD OF EDUCATION SHALL FILL A VACANCY ON THE BOARD BY APPOINTING THE RECOMMENDATION OF THE COUNTY EXECUTIVE COMMITTEE OF THE RELEVANT POLITICAL PARTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.1 of S.L. 2017-78, as amended by S.L. 2017-200 and S.L. 2018-140, reads as rewritten:

"SECTION 3.1. Notwithstanding the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools and S.L. 2004-41, as amended by S.L. 2007-49, beginning with the 2020 elections, members of the Cleveland County Board of Education shall be elected in elections conducted on a partisan basis at the time of the general election for four-year terms in each even-numbered year as terms expire. The primary and election shall be held and conducted in accordance with general laws governing primaries and elections for county officers, except as otherwise provided herein. Unaffiliated candidates shall be nominated by petition as provided in G.S. 163A-1005(a)(3). ~~Vacancies for members elected in 2017 and thereafter shall be filled as provided in G.S. 115C-37.1.~~ G.S. 163-122(a)(3). In the event of a vacancy occurring where a vacating member was elected as the nominee of a political party, or the vacating member was appointed to replace such a nominee, the Cleveland County Board of Education shall consult with the county executive committee of that political party in filling the vacancy. The party's county executive committee shall make a recommendation to fill the vacancy within 30 days of the occurrence of the vacancy. The Cleveland County Board of Education shall appoint the person recommended by the county executive committee to fill the remainder of the unexpired term within seven days of the county executive committee's recommendation.

Notwithstanding the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools, in 2020, five members of the Board shall be elected on the date of the general election, and every four years thereafter, and in 2022, four members of the Board shall be elected on the date of the general election, and every four years thereafter.

Elected members of the Board shall take office and qualify on the first Monday in December of the year of their election and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified."

SECTION 2. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Carteret, Cherokee, Clay, ~~Cleveland~~, Dare, Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."



SECTION 3. This act is effective when it becomes law and applies to vacancies existing on or after that date.

In the General Assembly read three times and ratified this the 9th day of June, 2021.

s/ W. Ted Alexander
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives