

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 85  
Committee Substitute Favorable 5/5/21**

Short Title: Cleveland Cty Bd of Ed Vacancies.

(Local)

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Sponsors:

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Referred to:

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February 17, 2021

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE CLEVELAND COUNTY BOARD OF EDUCATION  
2 SHALL FILL A VACANCY ON THE BOARD BY APPOINTING THE  
3 RECOMMENDATION OF THE COUNTY EXECUTIVE COMMITTEE OF THE  
4 RELEVANT POLITICAL PARTY.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 3.1 of S.L. 2017-78, as amended by S.L. 2017-200 and S.L.  
8 2018-140, reads as rewritten:

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

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

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

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

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



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