



# Method of Election

WAKE COUNTY BOARD OF  
EDUCATION

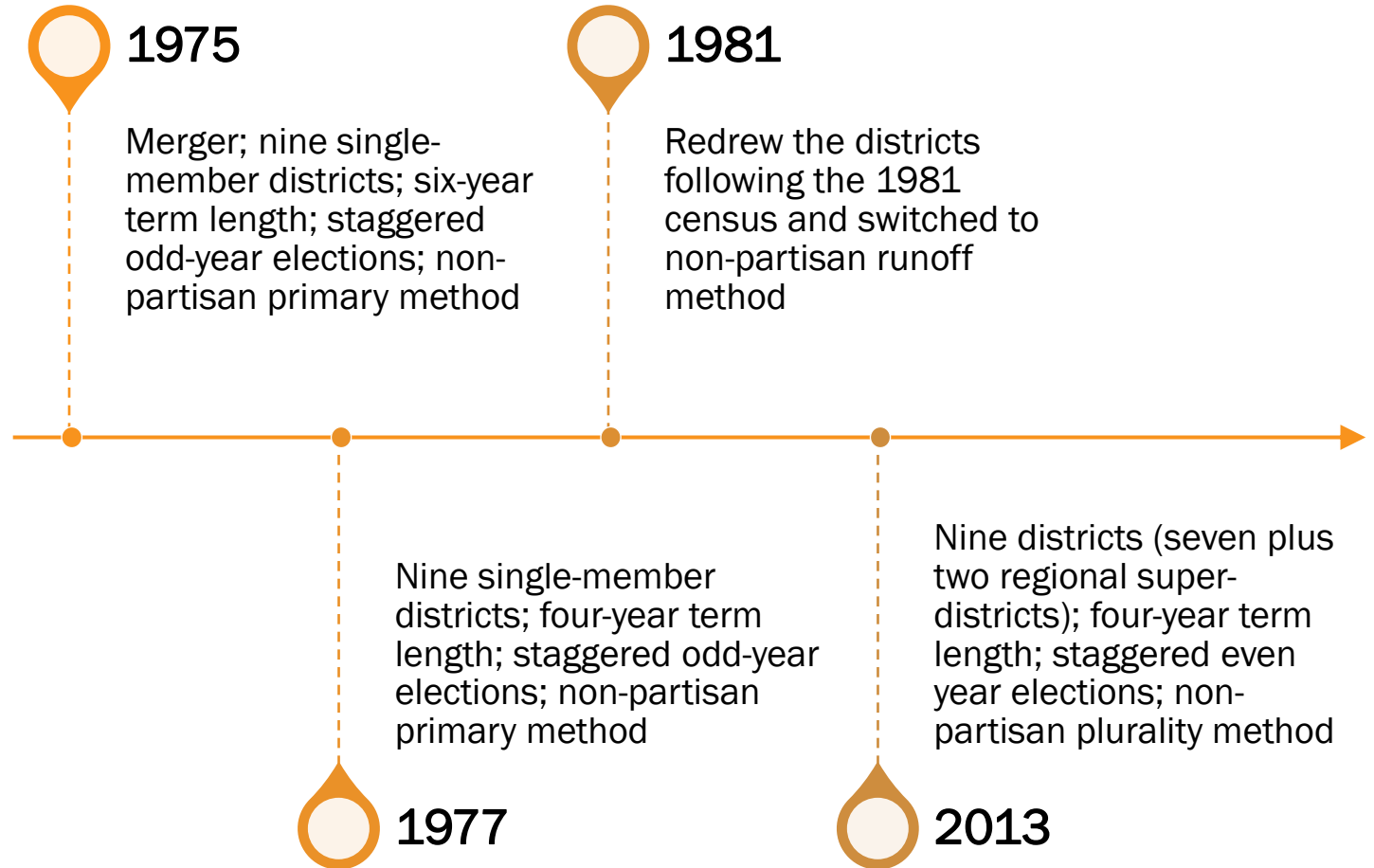
MARCH 1, 2022

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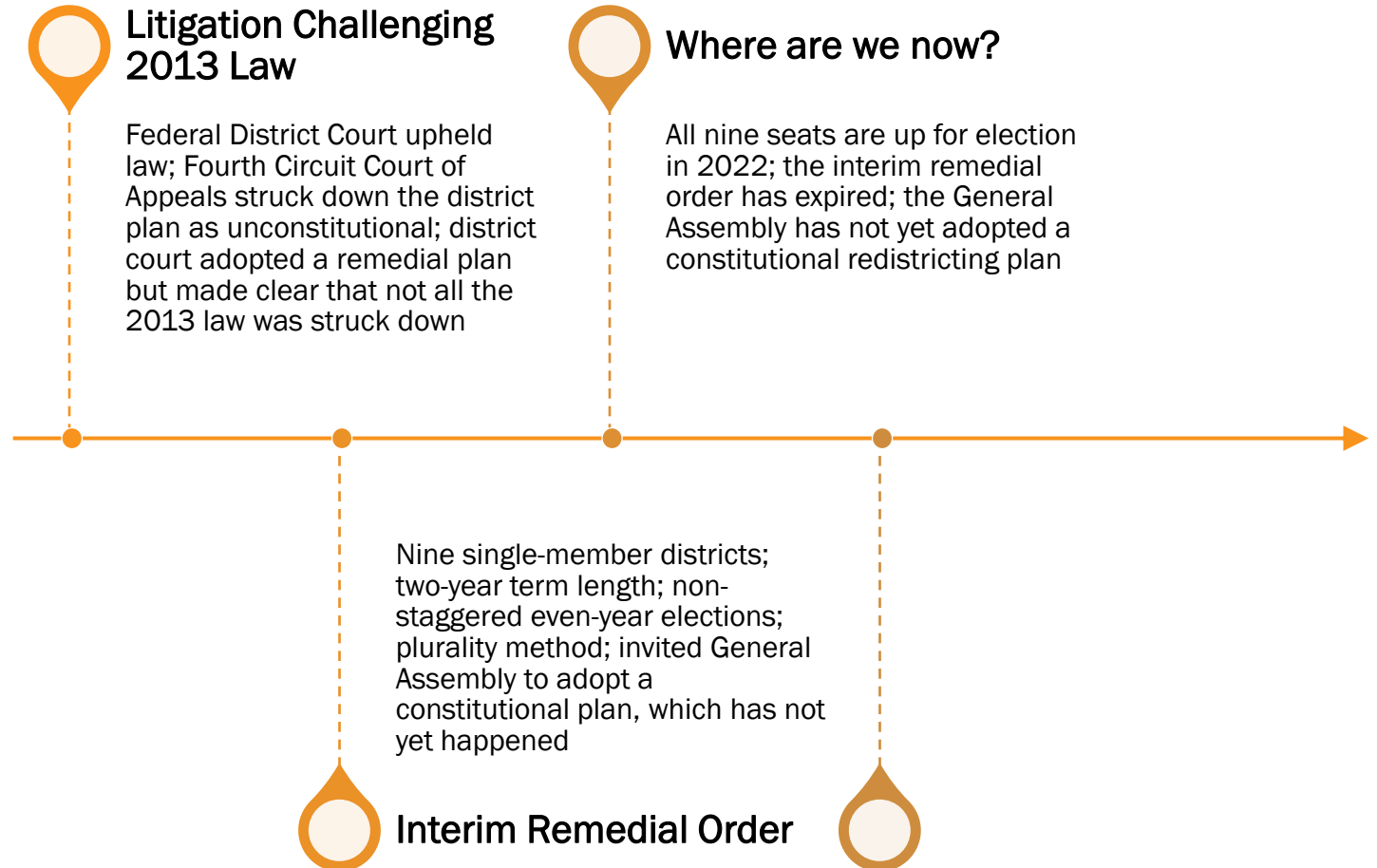
ADAM MITCHELL

THARRINGTON SMITH, LLP

# Timeline



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# Key Legal Principles

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While the Board of Education has the legal authority to re-draw its election districts, the Board does not have independent authority to determine its method of elections.

We are in uncharted waters with the expiration of the interim remedial order and the failure of the General Assembly to adopt a constitutional plan.

Our job is to develop and suggest our best interpretation of the law based on a reading of the statutes and cases.

Our starting point: Session Law 2013-110.

While the districts were struck down, most of the law was not.

The parts of Session Law 2013-110 that were not struck down remain applicable law and govern the method of election for the Board of Education.

We will put forward our best legal analysis, and then the Board can decide whether it wants to make any suggestions to the Wake County Board of Elections.

# Non-Partisan Elections

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Elections for the Wake County Board of Education have always been non-partisan, including in Session Law 2013-110

Best Interpretation: Elections remain non-partisan

# Non-Partisan Primary vs. Non-Partisan Plurality

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Non-partisan primary method was used up until 2013

Session law 2013-110 switched to the plurality method, which has been used ever since

Nothing about the court decisions suggested that the plurality method is unconstitutional

Best Interpretation: Elections remain plurality

# Even vs. Odd Year Elections

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Odd year elections were used from 1975-2013

Session Law 2013-110 changed to even year elections

Nothing about the court decisions suggested that the even year elections are unconstitutional

Interpretation: Elections remain in even years

# Term Length

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Term length has been four years since 1977, except during the remedial period

Session Law 2013-110 included four-year terms

Judge Dever adopted a two-year term length during the interim remedial period to allow the General Assembly an opportunity to adopt a constitutional redistricting plan

That interim remedial period has now expired

Best Interpretation: Four-year terms

# Staggered Terms

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Some version of staggered terms has been in effect since 1975, except during the remedial period

Session Law 2013-110 included staggered terms

Nothing about the court decisions suggested that staggered terms are unconstitutional

Best Interpretation: Staggered Terms

# How to get to staggered terms?

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Neither the prior laws nor the court decisions have given specific guidance on how to re-achieve staggered terms.

One possible route is to elect certain districts for two-year terms and the remainder of the districts for four-year terms. All subsequent elections would be for four-year terms.

One way to decide which districts is to use the model from Session Law 2013-110, which held elections for three-year terms in Districts 1, 2, 7, and 9. Districts 3, 4, 5, 6, and 8 were elected for five-year terms.

In 2022, Districts 1, 2, 7, and 9 could be elected for four-year (longer) terms since they receive three-year (shorter) terms under Session Law 2013-110.

In 2022, Districts 3, 4, 5, 6, and 8 could be elected for two-year (shorter) terms since they receive five-year (longer) terms under Session Law 2013-110.

Best Interpretation: There is no clear guidance on how to achieve staggered terms. This model could be offered as a suggestion to the Board of Elections.

# Next Steps?

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We would include our interpretation along with any suggestions/requests in the Resolution adopting the new redistricting plan

That resolution would be forwarded to the Board of Elections along with the new maps

The Board of Elections has the authority to manage and oversee the election pursuant to law