

1 (a) An election for the purpose of electing members of the
2 county board of education shall be held on the same date as the
3 general elections, as provided by law, but upon a nonpartisan
4 ballot printed for the purpose.

5 (b) No more than two members may be elected or serve from the
6 same magisterial district. The eligibility of candidates to be
7 declared elected for full terms of four years and for unexpired
8 terms of two or more years based on this limitation shall be
9 determined at the time of certification of the election.

10 (1) The eligibility shall be based on the magisterial district
11 residence of incumbent members of the board whose terms will
12 continue beyond December 1, following the general election.

13 (A) No person is eligible to be declared elected who resides
14 in a district that has two incumbent members.

15 (B) No more than one candidate is eligible to be declared
16 elected who resides in a district that has one incumbent member.

17 (C) A person with the highest number of votes may be declared
18 elected to an unexpired term notwithstanding the fact that the
19 person's magisterial district has two representatives serving on
20 the board at the time of the election: *Provided*, That the number
21 of representatives from that magisterial district will be less than
22 two as of December 1, following the general election.

23 (2) The person declared elected to an unexpired term shall
24 assume the duties of a member of the board of education according

1 to section two, article five, chapter eighteen of this code.

2 (c) In each nonpartisan election for board of education the
3 board of canvassers shall:

4 (1) Declare and certify the election of the required number of
5 eligible candidates receiving the highest numbers of votes to fill
6 any full terms;

7 (2) Declare and certify the election of the required number of
8 eligible candidates receiving the next highest numbers of votes,
9 after all full terms are filled, to fill any unexpired terms.

10 (d) It is the intent of this section that any person declared
11 to be elected pursuant to this section shall take office as a duly
12 elected member or members, even though the person may not have
13 received a majority or plurality of all votes cast at such
14 election.

15 (e) In case of a tie vote for a seat on a county board of
16 education in any general election, section twelve, article six of
17 this chapter shall control in breaking the tie.

18 (f) Members of county boards of education who were previously
19 elected in primary elections shall continue to serve until the time
20 when any new members elected in general elections take office.

NOTE: The purpose of this bill is to elect members of county school boards on a nonpartisan basis only in general elections. The bill provides that members elected in primary elections shall continue on the boards until any new members take office.

The bill repeals §3-5-6.

§3-6-13 is new; therefore, it has been completely underscored.