



HYPOTHETICAL

In the fall of 2020, Hurricane Bob made landfall in Winston County and destroyed much of the community, including the County Building that is used as the voting site during elections.

Next to the County Building is the newly constructed Public Works and School Administration Building. This building was not damaged in the hurricane. It has offices for the county's streets and stormwater engineers and also the county's school principal and her executive assistant. The building also has a large auditorium that was built to accommodate presentations by the public works engineers but also is available for use by school administrators. The auditorium has never been used.

With the November election approaching, the elections board decided to move the voting site to the empty auditorium in the Public Works and School Administration Building.

The School Board brought a lawsuit seeking an injunction to stop the relocation of the voting site. The School Board pointed to a state statute providing that "No voting site may be located within any school building." Statute 1000-1(4). The trial court entered a preliminary injunction prohibiting a voting site anywhere in the Public Works and School Administration Building. The County appealed to the Court of Appeals.

Review the enclosed materials and consider what arguments could be made for and against the injunction.





CHAPTER 1000

SCHOOLS

Article 1

General Provisions

1000-1. Schools.

- (1) It shall be the responsibility of each County in the State to establish and maintain all school buildings.
- (2) Counties shall construct and maintain separate school facilities for elementary school students, middle school students, and high school students.
- (3) Counties also may construct or lease separate school facilities to house administrators not actively engaged in teaching roles.
- (4) No voting site may be located within any school building.

Enacted January 1, 2000, House Bill 15. Amended December 15, 2016, adding subsection 4, House Bill 100.



HOUSE BILL 100

A BILL TO BE ENTITLED

**AN ACT TO LIMIT DISRUPTION OF
SCHOOL ACTIVITIES DURING VOTING**

The General Assembly enacts:

SECTION 1. Every student in North Carolina is entitled to a sound basic education. The General Assembly enacts this provision to ensure that students receive a learning environment free from disruption during election season.

SECTION 2. Statute 1000-1 is amended as follows:

(4) No voting site may be located within any school building.

SECTION 3. This act is effective when it becomes law.



HOUSE DEBATE ON HOUSE BILL 100

SPEAKER: House Bill 100. The clerk will read.

CLERK: Representative Jackson. House Bill 100. A bill to be entitled an act to limit disruption of school activities during voting.

SPEAKER: The representative is recognized to speak on the bill.

REPRESENTATIVE JACKSON: Thank you Madame Speaker. In November, when the people of my district went to the polls, the elections board put an early voting site in Lincoln Elementary. I heard from lots of angry parents about that. There were lines of people stretching down all the hallways. People were loud. Some said inappropriate things the students could hear. Folks were marching, clapping, chanting, handing out flyers. It was a disaster. Kids couldn't focus. They lost two weeks of time.

There's plenty of other places for early voting sites in my district. There's the old post office. The community center down on South Street. I'd be fine with them using the pavilions down at the park if they have to.

I sponsored this bill to make sure this disruption won't happen again. We don't need voting sites in places where our kids are trying to learn.

SPEAKER: Thank you. For what purpose does the member rise?

REPRESENTATIVE GUPTA: To speak briefly on the bill.

SPEAKER: You have the floor.

REPRESENTATIVE GUPTA: This makes sense to me. Education is my number one priority as a legislator. I don't want anything that could disrupt the vital work of our wonderful teachers and school administrators.

SPEAKER: Thank you. Any further discussion? Hearing none, the question before the House is the passage of House Bill 100 . . .