

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

3

HOUSE BILL 17
Committee Substitute Favorable 2/7/23
Committee Substitute #2 Favorable 2/15/23

Short Title: Elect the SBE/SPI as SBE Chair.

(Public)

Sponsors:

Referred to:

January 26, 2023

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ELECT MEMBERS OF THE STATE BOARD OF EDUCATION, TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE CHAIR OF THE STATE BOARD OF EDUCATION AS AN EX OFFICIO MEMBER, AND TO REQUIRE THAT VACANCY APPOINTMENTS BE FILLED AS PROVIDED BY LAW.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 4 of Article IX of the Constitution of North Carolina reads as rewritten:

"Sec. 4. State Board of Education.

(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, ~~and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.~~ the Superintendent of Public Instruction, and a number of elected members equal to the membership of the House of Representatives of the Congress of the United States apportioned to the State by federal law.

(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the ~~secretary chair~~ and chief administrative officer of the State Board of Education.

(3) Elected members. Elected members of the State Board of Education shall be elected to overlapping four-year terms of office. Elected members shall be elected from districts established by the General Assembly by the voters of each district in the manner prescribed by law. Vacancies for elected members shall be filled for the remainder of the term of office in the manner prescribed by law by the General Assembly."

SECTION 1.(b) Subsection (5) of Section 22 of Article II of the Constitution of North Carolina reads as rewritten:

"(5) Other exceptions. Every bill:

- (a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;
- (b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;



* H 1 7 - V - 3 *

- 1 (c) Revising the representative districts and the apportionment of Representatives
- 2 among those districts and containing no other matter;~~or~~
- 3 (d) Revising the districts for the election of members of the House of
- 4 Representatives of the Congress of the United States and the apportionment
- 5 of Representatives among those districts and containing no other
- 6 ~~matter, matter; or~~
- 7 (e) Revising the districts for the election of members of the State Board of
- 8 Education and the apportionment of Board members among those districts and
- 9 containing no other matter.

10 shall be read three times in each house before it becomes law and shall be signed by the presiding
11 officers of both houses."

12 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
13 the qualified voters of the State at a statewide general election to be held in November 2024,
14 which election shall be conducted under the laws then governing elections in the State. Ballots,
15 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
16 question to be used in the voting systems and ballots shall be:

17 "[] FOR [] AGAINST

18 A constitutional amendment providing for the following changes to the State Board
19 of Education, beginning January 1, 2026:

- 20 (1) The Superintendent of Public Instruction will serve as a member and chair of
- 21 the State Board of Education.
- 22 (2) Except for the Council of State members serving on the State Board of
- 23 Education, the voters of the district will elect all members of the State Board
- 24 of Education to four-year terms.
- 25 (3) State Board of Education members will be elected from districts established
- 26 by the General Assembly. Bills revising those districts will become law upon
- 27 ratification.
- 28 (4) All vacancies for elected positions on the State Board of Education will be
- 29 filled in a manner provided by law."

30 **SECTION 3.** If a majority of the votes cast on the question are in favor of the
31 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
32 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so
33 certified among the permanent records of that office.

34 **SECTION 4.** If the amendment is approved by the qualified voters as provided in
35 this act, Section 1 of this act becomes effective January 1, 2026, and applies to terms of office
36 beginning January 1, 2027. Except as otherwise provided, this act is effective when it becomes
37 law.