

February 12, 2009

**H 154. APPOINT STATE SUPERINTENDENT.** Filed 2/12/09. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES.*

*Constitutional amendments.* Subject to approval by the voters at the November 3, 2010 statewide general election, amends Section 4(2) of Article IX of the North Carolina Constitution (Constitution) to provide that the Superintendent of Public Instruction (Superintendent) be appointed by the Governor, and makes a conforming change to Section 7(1) of Article III of the Constitution. If approved, the amendments are effective January 1, 2013, but directs that there is to be no election for the office of Superintendent in 2012.

*Corresponding statutory changes.* Makes conforming and technical changes to the following statutes regarding the proposed change of the office of Superintendent from an elected to an appointed position.

The following changes are effective January 1, 2013, if the voters approve the proposed constitutional amendments: (1) GS 115C-18, deletes all references to the election of the Superintendent and identifies the position as appointed by the Governor; (2) GS 147-3(c), deletes the office of Superintendent from the list of general civil executive officers of the state; (3) GS 147-4, deletes the office of Superintendent from the list of executive officers; (4) GS 147-11.1, deletes the Superintendent from the list of eligible state officers with regards to succession to the office of Governor as prescribed by law; and (5) GS 163-8, deletes the office of Superintendent from offices subject to the stated provisions regarding filling vacancies in state executive offices.

The following changes are effective beginning with the 2012 election, if the voters approve the constitutional amendments: (1) GS 163-1, deletes entries in the table for Superintendent; (2) GS 163-278.27(b), removes the Superintendent from the list of state officers to be subject to reporting of criminal violations by the State Board of Elections; (3) GS 163-278.95, deletes reference to Superintendent under the Voter-Owned Elections Act; and (4) GS 163-278.96(12), removes Superintendent from the definitions list for the Voter-Owned Elections Act.

**Intro. by Daughtry.**

GS 115C, 147, 163, CONST