

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 1173
PROPOSED COMMITTEE SUBSTITUTE H1173-PCS10665-TCy-70

Short Title: Elect SBE Members/Super as Chair of SBE.

(Public)

Sponsors:

Referred to:

June 20, 2022

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ELECT
3 MEMBERS OF THE STATE BOARD OF EDUCATION, TO MAKE THE
4 SUPERINTENDENT OF PUBLIC INSTRUCTION THE CHAIR OF THE STATE BOARD
5 OF EDUCATION AS AN EX OFFICIO MEMBER, AND TO REQUIRE THAT
6 VACANCY APPOINTMENTS BY THE GOVERNOR SHALL BE SUBJECT TO
7 CONFIRMATION BY THE GENERAL ASSEMBLY.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Section 4 of Article IX of the Constitution of North Carolina reads as
10 rewritten:

11 "**Sec. 4. State Board of Education.**

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

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

24 (3) Elected Members. Members elected to the State Board of Education shall be elected
25 from the districts established for members of the House of Representatives of the Congress of
26 the United States by the voters of those districts in the manner prescribed by law. Elected
27 members shall serve staggered four-year terms in the manner prescribed by law. Appointments
28 to fill vacancies shall be made by the Governor for the remainder of the unexpired term and shall
29 be subject to confirmation by the General Assembly in the manner prescribed by law."

30 SECTION 2.(a) The amendment set out in Section 1 of this act shall be submitted
31 to the qualified voters of the State at a statewide general election to be held in November 2022,
32 which election shall be conducted under the laws then governing elections in the State. Ballots,
33 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
34 question to be used in the voting systems and ballots shall be:

35 "[] FOR [] AGAINST



* H 1 1 7 3 - P C S 1 0 6 6 5 - T C Y - 7 0 *

1 A constitutional amendment providing for the following changes to the State Board
2 of Education, beginning January 1, 2024:

3 (1) The Superintendent of Public Instruction will serve as a member and chair of
4 the State Board of Education.

5 (2) All non-ex officio members of the State Board of Education will be elected to
6 four-year terms from the State Congressional Districts.

7 (3) All vacancies for elected positions on the State Board will be appointed by the
8 Governor, subject to confirmation by the General Assembly in joint session."

9 **SECTION 2.(b)** If a majority of the votes cast on the question are in favor of the
10 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
11 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so
12 certified among the permanent records of that office.

13 **SECTION 3.** If the amendment is approved by the qualified voters as provided in
14 this section, Section 1 of this act becomes effective January 1, 2024, and applies to terms of office
15 beginning January 1, 2025. Except as otherwise provided, this act is effective when it becomes
16 law.