

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 144  
PROPOSED COMMITTEE SUBSTITUTE H144-PCS10652-DE-7

Short Title: Elect SBE/Superintendent as SBE Chair.

(Public)

Sponsors:

Referred to:

February 18, 2025

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 BE FILLED AS PROVIDED BY LAW.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

30 "(5) Other exceptions. Every bill:

- 31 (a) In which the General Assembly makes an appointment or appointments to  
32 public office and which contains no other matter;
- 33 (b) Revising the senate districts and the apportionment of Senators among those  
34 districts and containing no other matter;
- 35 (c) Revising the representative districts and the apportionment of Representatives  
36 among those districts and containing no other matter; ~~or~~



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1 (d) Revising the districts for the election of members of the House of  
2 Representatives of the Congress of the United States and the apportionment  
3 of Representatives among those districts and containing no other  
4 ~~matter,matter; or~~

5 (e) Revising the districts for the election of members of the State Board of  
6 Education and the apportionment of Board members among those districts and  
7 containing no other matter,

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

10 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to  
11 the qualified voters of the State at a statewide general election to be held in November 2026,  
12 which election shall be conducted under the laws then governing elections in the State. Ballots,  
13 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The  
14 question to be used in the voting systems and ballots shall be:

15 "[ ] FOR [ ] AGAINST

16 A constitutional amendment providing for the following changes to the State Board  
17 of Education, beginning January 1, 2028:

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

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

32 **SECTION 4.** If the amendment is approved by the qualified voters as provided in  
33 this act, Section 1 of this act becomes effective January 1, 2028, and applies to terms of office  
34 beginning January 1, 2029. Except as otherwise provided, this act is effective when it becomes  
35 law.